

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional)
LOCATION	Approximately 0.47 acres located on the west side of Derita Avenue between Maple Street and Hewitt Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to reuse the existing residential structure as a child care center for up to 40 children.
PROPERTY OWNER	Bukola Olasimbo
PETITIONER	Bukola Olasimbo
AGENT/REPRESENTATIVE	Harold Jordan
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends single family land uses in this location. • Area plans typically do not provide recommendations for institutional uses, which are considered on a case-by-case basis. <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed request:</p> <ul style="list-style-type: none"> • Will serve the surrounding neighborhoods and maintain the residential character of the area by reusing the existing residential structure. • Limits the proposed use to serving a maximum of 30 children. • Provides a commitment that 50 percent of students will be dropped off and picked up via a van/bus. • Is located one lot from a post office facility. • The proposed addition will be residential in character. <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ul style="list-style-type: none"> • Limited the child care center to a maximum of 30 children. • Added a note requiring a minimum of 50 percent of students to arrive and depart by van/bus. • Provided a commitment that the petitioner will be responsible for hiring an off-duty police officer to direct traffic should the driveway become congested and cause queuing into the public right-of-way. • Added a specified child drop-off area. • Provided a designated space for van/bus parking.
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VOTE	<p>Motion/Second: Nelson/Labovitz</p> <p>Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan and Wiggins</p> <p>Nays: None</p> <p>Absent: None</p> <p>Recused: None</p>
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ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and explained that, due to additional changes made by the petitioner, neither CDOT nor Planning staff have issues with the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Use of a maximum 2,800-square foot residential structure consisting of an existing 1,146-square foot, one story residential structure and a 1,654-square foot addition as a child care center, for up to 30 children.
- The proposed addition will be residential in character.
- Building height limited to 40 feet.
- A minimum 50 percent of students are to arrive and depart by van/bus.
- Petitioner agrees to be responsible for hiring an off-duty police officer to direct traffic should the driveway become congested and cause queuing into the public right-of-way.
- Identifies a specified area for child drop-off.
- Identifies a designated space for van parking.
- A 12-foot "Class C" buffer, with possible use of a maximum eight-foot wooden fence abutting residential zoning and land use. The finished side of the fence will face the abutting property.
- Play area located behind the building and enclosed with a chain link fence.
- Detached lighting will be limited to 15 feet in height and all lighting will utilize full cut-off fixtures.
- An eight-foot planting strip and six-foot sidewalk along the project frontage on Derita Avenue, with a six-foot walkway from the building to the public sidewalk.
- Parking as required by the zoning ordinance will be provided between the building and Derita Avenue.
- An enclosed wooden privacy fence for roll-out trash cans.
- Existing shed to be removed from the site.
- Notes stating that the site will be inspected for water supply wells and septic tanks.
- Tree save areas shown.
- **Public Plans and Policies**
 - The *Northeast District Plan* (1996) recommends single family land uses in this location. Area plans typically do not provide recommendations for institutional uses, which are considered on a case-by-case basis.
 - The subject property is inconsistent with the *Northeast District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:**
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by reusing an existing building.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Strayhorn Sanders (704) 336-8327