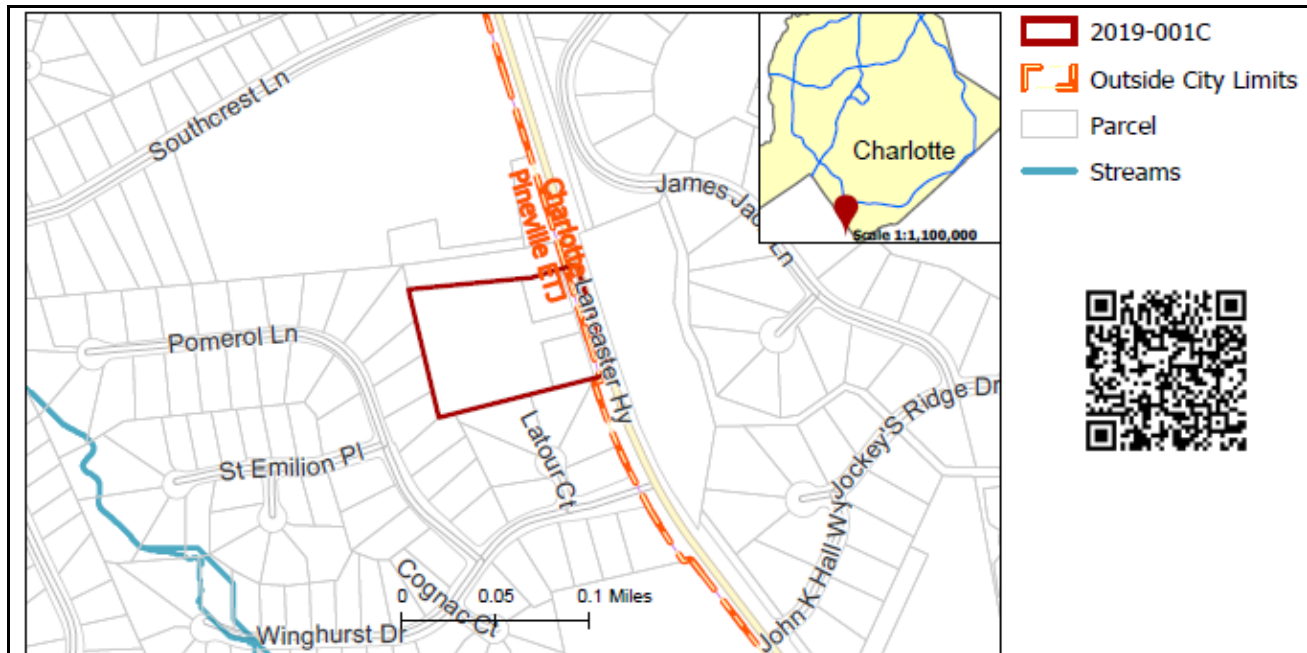


**REQUEST**

Current Zoning: NS (neighborhood services)  
Proposed Zoning: NS SPA (neighborhood services, site plan amendment)

**LOCATION**

Approximately 3.42 acres located on the west side of Lancaster Highway, north Providence Road West.  
Rodriguez-McDowell (6)



**SUMMARY OF PETITION**

The petition proposes to amend a previously approved plan to change one of the allowed uses from multi-family to a daycare and reduce the amount of allowed office space for vacant land in southwest Mecklenburg County.

**PROPERTY OWNER**

Notion Properties, LLC

**PETITIONER**

Ascent Real Estate Capital, LLC

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 4.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The property is within a portion of the unincorporated area of Mecklenburg County and was previously designated as in the Sphere of Influence of the Town of Pineville. Neither Pineville or Charlotte have accepted extraterritorial zoning jurisdiction for the property. Therefore, no adopted plans specifically addressing future land use recommendations exist. The petition is inconsistent with the adjacent single family detached and attached residential uses; however, the proposal with an institutional use is more compatible with the surrounding uses and zoning than the previously approved petition.

Rationale for Recommendation

- The building heights are limited to 1 story and 35 feet, five feet less than base height in the surrounding residential zoning.
- The buffer abutting the single family neighborhoods has been increased providing more transition between the uses.
- The proposed daycare, an institutional use, will provide a service to people living in the area.
- The proposed office square footage has been reduced and commits to architectural standards that ensure building design is more consistent with the predominately residential character of the area.
- The site is not part of an existing residential subdivision and is located on Lancaster Highway, a major thoroughfare not conducive to single family detached development.
- The site provides a mixture of uses; and the proposed uses are reasonable and similar to existing uses in either direction along Lancaster Highway.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

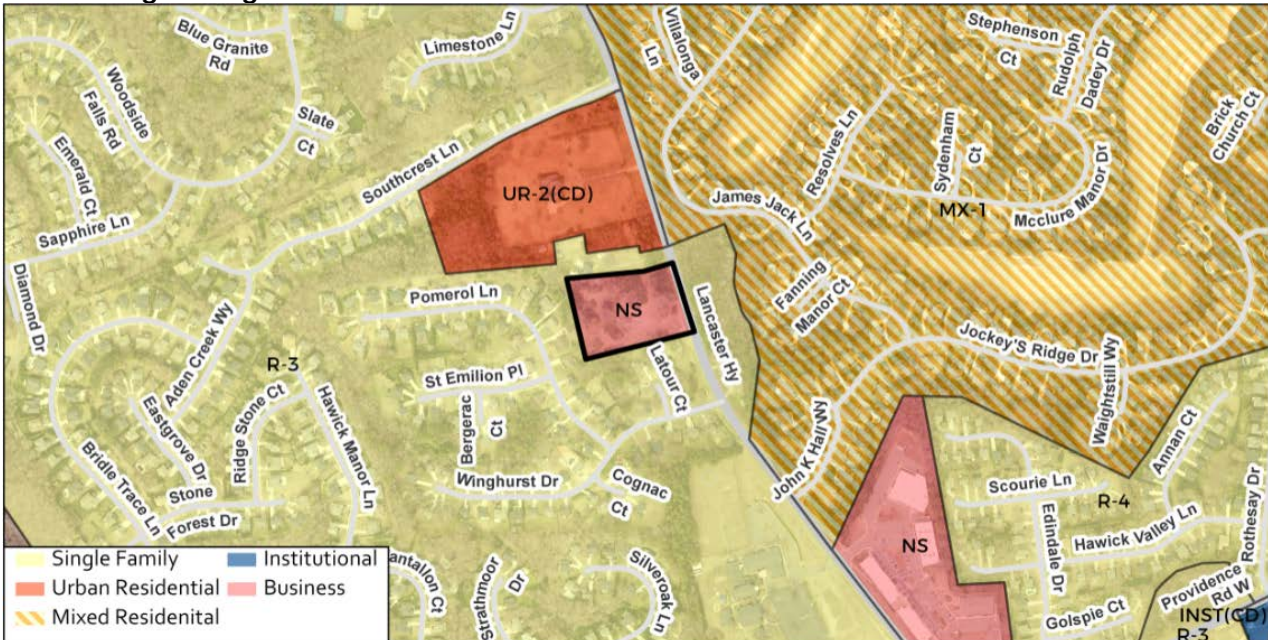
The site plan amendment contains the following changes:

- Eliminates previously approved entitlement for 24 multi-family residential units in a 3-story building.
- Proposes a 16,500 square-foot day care center serving a maximum of 260 children.
- Reduces previously approved 10,000 square feet of office use to 8,500 square feet of office use.
- Reduces the maximum number of principal buildings allowed from 4 to 2.
- Changes the allowed building height from previously approved 3 stories and 40 feet for the multi-family building to 1 story and 35 feet for the day care center. Increased the allowed building height for the office building from 1 story and 30 feet to 1 story and 35 feet.
- Increases the buffer provided abutting single family homes to the west and south from previously approved 10 feet with 6-foot fence to 19.5 feet with 6-foot fence.

The site plan accompanying this petition contains the following provisions:

- Provides left and right turn lanes on Lancaster Highway into the site.
- Established a 25-foot setback measured from the future back of curb along Lancaster Highway. Constructs curb, gutter, 8-foot planting strip and 6-foot sidewalk along the Lancaster Highway frontage prior to first certificate of occupancy.
- Commits to architectural standards for the office building related to building orientation, minimum percentage of the façade with windows and operable doors, minimum percentage of masonry materials and limits on expanses of blank walls.
- Specifies that HVAC and mechanical equipment will be screened from view at grade from adjacent properties and street, and the dumpster enclosure will be constructed of a wall or fence with decorative gate.

• **Existing Zoning and Land Use**



- The subject property was first rezoned via Petition 2008-001C from R-3 (single family, residential) to R-8MF (CD) (multi-family residential, conditional) to allow 22 residential townhome units for sale, at a density of six dwelling units per acre. The site was rezoned again with petition 2014-001C from R-8MF(CD) to NS to allow a mixture of office and residential uses, consisting of 10,000 square feet of office uses and up to 24 multi-family residential dwelling units, at a density of 10 dwelling units per acre. The site is vacant.



The parcel north of the site is developed with a single family home. Further north at Southcrest Lane is a single family home on a large site recently rezoned to allow up to multi-family development.



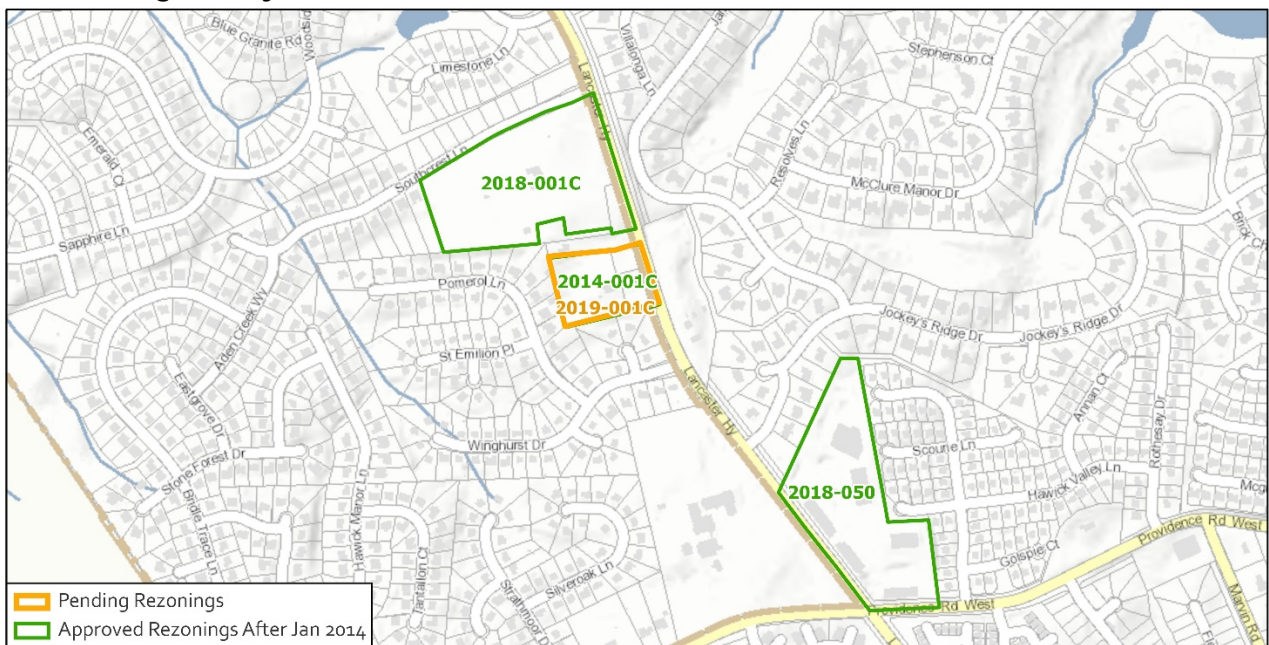


Properties to the south and west along Winghurst Drive, Pomerol Lane, and Latour Court are developed as a single family neighborhood.



Properties to the east across Lancaster Highway, in the Ballantyne Country Club area, are developed as a single family neighborhood.

- Rezoning History in Area**

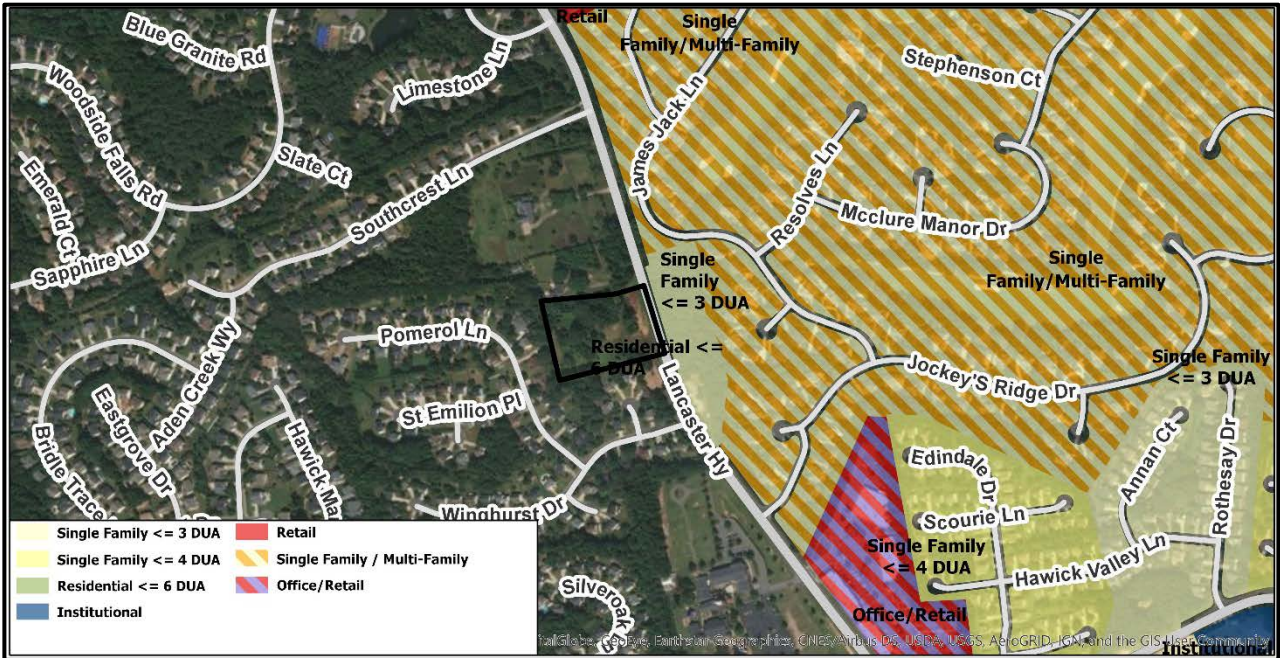


Petition Number	Summary of Petition	Status
2014-001C	Rezoned subject site from R-8MF(CD) to NS to allow a mixture of multi-family and office uses.	Approved



2018-001C	Rezoned 12 acres north of site from R-3 to UR-2(CD) (urban residential, conditional) to allow up to 110 multi-family units in a townhome style layout.	Approved
2018-050	Rezoning site plan amendment for 10.63 acres south of the site amending the previously approved site plan to allow indoor pet services and personal service uses.	Approved

#### • Public Plans and Policies



- The subject property is located within a portion of unincorporated Mecklenburg County that was previously designated as in the Sphere of Influence of the Town of Pineville. Neither Pineville or Charlotte has extended extraterritorial zoning jurisdiction over this area. Therefore, no adopted plans specifically addressing future land use recommendations exist. The existing zoning is NS. This is a conditional zoning which specifies multi-family and office use for the site.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is on Lancaster Highway (major thoroughfare) and is located in an unincorporated area. The petitioner has committed to 50 feet of right-of-way from the centerline of Lancaster Highway. CDOT is requesting the petitioner dedicate an additional 2 feet of right-of-way to ensure the entire width of the sidewalk is within the public right-of-way.
  - See Outstanding Issues, Note 2-4: Addressed.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 480 trips per day (based on 24 dwellings and 10,000 square feet of medical office per petition 2014-001C).
    - Proposed Zoning: 1,080 trips per day (based on 16,500 square foot day care center and 8,500 square feet of medical office).

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** In parking lot and all driveway loops maintain continuous 24-foot width for Fire access. No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 24-inch water transmission main located along Lancaster Highway. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 500 feet north of the rezoning boundary on James Jack Lane. A developer donated project will be required in cases there is not direct service. The applicant should contact Charlotte Water's New Services for more information regarding accessibility to sewer system connections. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Site and Building Design

1. ~~Provide a note committing to minimum 5,000 square feet of active/passive open space as identified on the site plan, outside of the daycare play yard. Specify that open space areas will include combination of landscaping and hardscape and improved with seating or other pedestrian amenities.~~ Addressed.

### Transportation

2. ~~Amend the site plan to provide the required minimum 100-foot stem length for proper internal circulation.~~ Addressed.
3. ~~CDOT requests the petitioner dedicate 2-foot of right-of-way to include the entire width of the proposed 6-foot sidewalk in the required 50-foot right-of-way.~~ Addressed.
4. ~~Add a note specifying dedication and fee simple conveyance of all rights of way to the City before issuance of the site's first building certificate of occupancy.~~ Addressed.

## Requested Technical Revisions

### Site and Building Design

5. ~~Label the proposed sidewalk and planting strip and corresponding width of each on the site plan.~~ Addressed.
6. ~~Amend Note 3.E under Transportation to include construction of the planting strip.~~ Addressed.

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Department Comments
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** John Kinley (704) 336-8311