

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

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**Rezoning Petition No. 2008-080**

**Property Owner:** Don R. Reynolds and Carolyn O. Reynolds

**Petitioner:** Lorenzo J. Cavaliere

**Location:** Approximately 2.34 acres located on the southwest corner of Providence Road West and Marvin Road

**Center, Corridor, or Wedge:** Wedge

**Request:** R-3, single family residential to INST (CD), institutional conditional district

**Action:** The Zoning Committee voted 5-1 to recommend **DENIAL** of this petition.

**Vote:** Yeas (to deny): Allen, Griffith, Lipton, Randolph, and Rosenburgh

Nays: Howard

Absent: Johnson

**Summary of Petition**

This petition proposes the development of up to a 13,000 square-foot childcare center with a maximum of 210 children. The maximum building height is shown as 45 feet. The site plan shows a playground of 10,567 square feet, closed with a PVC fence that is 6 feet in height. A total of 51 parking spaces are provided, and a Class C buffer of 20 feet in width is proposed along the sides of the property that abut single family districts and uses.

**Zoning Committee Discussion/Rationale**

Tom Drake summarized the petition and noted that since the public hearing, the site plan has been revised to address all the site plan issues, plus the maximum number of children has increased from 191 to 210. The reason for this increase that after the site plan was revised to address staff comments, a recalculation of the maximum number of children that could be accommodated on the site, based on the size of the playground area, parking, and building size, increased.

With the revised site plan, the petitioner has addressed the following concerns:

- Class C buffer of 20 feet in width is provided along the west and south sides of the property, along single-family districts and uses.
- The playground is not located in the buffer or side yard.
- A woodland buffer will be provided along Marvin Road and Providence Road West, to preserve existing trees in the front and side yards.
- The petitioner has agreed to use hardiplank and brick materials for the building.
- Construction traffic will enter from Providence Road West.

Mr. Drake that tree save area is not shown on the site plan and that no calculations of the size of the woodland buffer are provided. In addition, Stormwater's requested that the petitioner add the contact information for the wetlands permit to the site plan and this has not been added. While CDOT did not request a conveyance of the right-of-way along Marvin Road and Providence Road West, this could be added as a modification. The Zoning Committee should consider if the increase in the maximum number of children is significant enough to call for a new public hearing. This would be a Zoning Committee recommendation to Council. A discussion of this ensued, and the increase was not considered to be significant enough to warrant such a recommendation.

The Committee suspended the rules to ask the petitioner if there are concerns about the traffic access to the site and the impact on traffic from the school located behind the site. Brian Upton, who prepared the site plan, noted that this site would not generate more traffic during the same times that there is traffic at the school. Parker Volmer, the agent, stated that the day care would be open from 7:30 am to 6:30 pm. Children would be dropped off at various times during the day. In addition, parents may choose to combine trips to drop one child off at the school, and another at the childcare facility.

The Committee asked Ms. Volmer why the site was arranged so that the playground area was right next to the single-family districts/uses? Ms. Volmer noted that the footprint of the building has been reduced from 1,500 square feet to 1,250 square feet. A seven-acre single-family site lies to the south of the site, and 20-foot buffers have been provided along the residential adjoining property lines.

The Committee asked if the petitioner would agree to dedicate the right-of-way along both public streets. The petitioner agreed to this.

Another question was asked about the additional trips generated from this childcare facility. Will the distance from the access point to the intersection and the left turn lanes negatively impact the safety of drivers? Scott Putnam, CDOT stated that the petitioner will be providing the left turn lane at the entrance. Based on thresholds for traffic impact, this is considered to be a low traffic generator. Most of the people that will use this facility most likely are already on the roads taking their children to other childcare facilities. Mr. Putnam said that he is not concerned about the safety of motorists at the driveway entrance or to the intersection.

The Committee noted that at the public hearing, there were neighbors who asked that the area remain residential in nature. Mr. Drake noted that district plans do not identify specific locations for institutional uses, because they are considered to be generally compatible with residential areas.

There was further discussion about the safety of motorists at the driveway entrance. Mr. Putnam stated that the driveway entrance does align with the street across Providence Road West, which has a stop sign. There is no nearby bus stop.

The Committee was concerned about the buffers: why is the buffer wider along the public streets than along the property lines abutting residential districts? Mr. Drake noted that the petitioner has agreed to dedicate the right-of-way along Providence Road West and Marvin, and the buffer is outside of this area, making the area look wider. The petitioner has also identified a Woodland buffer in these areas to preserve trees. The setback width along Marvin Road is 40 feet, while the Class C buffer to the south is 20 feet.

A Commissioner asked why the parking lot, playground area, and storm water detention pond are all located near the single-family property lines, with only a 20-foot buffer width. Mr. Drake noted the petitioner is proposing to construct the full, required 20-foot buffer, and will not reduce the size of the buffer.

Another question was raised by the Committee about the height of the lighting. Note #2 on the site plan stated that all lighting will be full cut-off and shielded so as not to cast light directly on the public rights-of-way or adjacent residentially used/zoned property. There is no information on the height of the lighting.

### **Statement of Consistency**

Upon a motion made by Commissioner Randolph and seconded by Commissioner Rosenburgh, the Zoning Committee voted 4:2 and found this petition to be inconsistent with the *South District Plan* and not reasonable or in the public interest.

### **Vote**

**Upon a motion made by Commissioner Randolph and seconded by Commissioner Rosenburgh, the Zoning Committee voted 5-1 to recommend denial of this petition.**

### **Staff Opinion**

Staff disagrees with the recommendation of the Zoning Committee.