

**ZONING COMMITTEE
RECOMMENDATION
September 24, 2003**

Rezoning Petition No. 2003-83

Property Owner:	Various owners
Petitioner:	Charlotte-Mecklenburg Planning Commission
Location:	Approximately 70.5 acres located on the east and west sides of Sharon Amity Road, south of Milton Road
Request:	I-2, general industrial to I-1, light industrial
Action:	The Zoning Committee voted to recommend DENIAL by a vote of 5-2
Vote:	Yeas: Chandler, Chiu, B. Johnson, Loflin, Ratcliffe
	Nays: Broome and B. Johnson
	Absent: None

Summary of Petition

This petition implements a rezoning recommendation set forth in the Eastside Strategy Plan, adopted in 2001. The plan states that heavy industry uses, as allowed under the current I-2 zoning, are not compatible with the nearby residential neighborhood. The proposed zoning of I-1 is more appropriate for the subject property, as there are existing light industrial and business park land uses in the area

Zoning Committee Discussion/Rationale

Mr. MacVean provided an overview of the petition and explained that the petitioned sites constitute a small area in relation to other truly industrial sites. Light industrial zoning and uses would partially bound the site. Other portions of the site are surrounded by residential zoning and land uses. Because of the proximity of the site to surrounding residential uses, the heavy industrial uses permitted in the I-2 zoning district are not appropriate. However, the existing light industrial and business park land uses are appropriate. In most cases, the subject properties only need the I-2 zoning category in order to facilitate outdoor storage of materials. To date, staff has met with representatives of five properties included in the proposed rezone area that are opposed to the I-1 designation. Most feel their properties would be negatively impacted by the legal non-conforming status, which would prohibit further expansion of outdoor storage areas. As a compromise, staff has recommended a proposed zoning classification of I-2(CD), which would retain the zoning required for outdoor storage, while the more obnoxious heavy industrial uses would be eliminated via the conditional plan. Committee member Ratcliffe stated that

since the problem appears to be the types of uses that are permitted in the I-2 district, staff should be working on amending the zoning ordinance by removing the more objectionable uses from the I-2 district and adding more development standards and distance requirements, or creating an I-3 district or an Overlay District. He added that the existing I-1 zoning that surrounds the site serves as a buffer for the more centrally located I-2 zoning and the properties are within a rail corridor. Keith MacVean responded that the impacts of potential I-2 uses that could locate in the I-2 zoning would extend beyond the buffer provided by the I-1 zoning. Committee member Wayne Johnson suggested the rezoning be deferred until the ordinance has been amended. Staff person Debra Campbell stated that there is uncertainty with that process and the outcome could create even more nonconformities. A motion was made by Chiu and seconded by Ratcliffe to recommend denial of the petition. A substitute motion was made by Broome and seconded by B. Johnson to defer the recommendation for 30-days until the staff has acquired direction from the City Council on how to proceed with amending the I-2 district. The motion was defeated by a vote of 2-5, with Broome and W. Johnson voting in the affirmative. Ratcliffe stated that he is concerned about carving out parcels without detailed information. The original motion recommending denial of the petition was approved by a vote of 5-2. The majority felt rezoning the properties would create nonconformities, which would severely impact the usability and value of the properties. The majority also noted that: 1) staff is working on a text amendment to modify the I-2 district to lessen the impact of undesirable uses on nearby residential areas, and 2) several of the sites are buffered by I-1 zoning.

Minority Opinion of the Zoning Committee

A minority of the Zoning Committee feels that a recommendation should be deferred until the Planning Commission staff has received direction from the City Council on how to best proceed with amending the ordinance to address the issue of undesirable land uses permitted within the I-2 district.

Staff Opinion

Staff feels that the best option would be to impose a zoning of I-2 (CD) on the property that would serve to allow the existing uses and outdoor storage to remain, while eliminating the less desirable uses permitted in the I-2 zoning classification. Otherwise, the zoning should be changed to I-1 to reflect the nature of the existing industrial uses, while implementing non-conforming status on the outdoor storage uses.