

Note: Council is required to vote to whether or not to send back to Zoning Committee, due to changes to this petition.

Note: There was one protest petition filed and found not sufficient. A second protest petition was filed and found sufficient, but subsequently withdrawn.

REQUEST	Current Zoning: R-4, single family residential Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 0.50 acres located on the north side of Central Avenue between Lansdale Drive and Rosehaven Drive.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to reuse the existing single family structure for general office uses.
Property Owner	Rosalia and Jorge Benito
Petitioner	Rosalia and Jorge Benito
Agent/Representative	Collin Brown
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The maneuvering within the setback has been removed. 2. The existing two-story accessory structure located within the buffer is to be demolished. 3. Uses will be limited to general office only with accessory uses and structures clearly incidental to the permitted principal use or structures. They include dumpsters, trash handling areas and service entrances subject to the regulation of Section 12.403; fences and walls; outdoor lighting, subject to the regulation of Section 12.402; and vending machines for cigarettes, candy, and soft drinks located within an enclosed building as an accessory to the principal office uses. Adult businesses, tattoo parlors, palmistry studios, daycare facilities, or adult video businesses will NOT be permitted. 4. Office uses may be open to the public only between 8:00 a.m. and 8:00 p.m., Monday through Saturday. Use by the business owners and employees shall not be restricted. 5. No more than three individual office uses may be operated on the site at one time. 6. No further additions or expansions to the existing structure are permitted and the residential character shall be maintained to the extent possible. 7. The petitioners will install and maintain a masonry wall instead of a wood fence along the rear property line of the site and along the western property boundary. 8. The maximum height of any new freestanding light fixtures will not exceed fifteen feet and will be shielded with full cut-off fixtures, capped, and downwardly directed. No wall-pak lighting will be permitted. 9. Signs will not exceed five feet in height or 20 square feet in area.
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	10. A new six foot sidewalk meandering around the existing utility poles will be provided along Central Avenue.
	11. The existing planting strip will be increased to eight feet, except where the sidewalk meanders around the existing utility poles.
	12. The petitioners will add a note that beauty salons are prohibited.

VOTE

Motion/Second:	Allen/Zoutewelle
Yeas:	Allen, Rosenburgh, Randolph, Simmons and Zoutewelle
Nays:	None
Absent:	Griffith, Walker and Dodson
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition noting that the petitioner’s agent, Collin Brown, added multiple conditions to the site plan at the public hearing. Since the public hearing, the petitioner has eliminated beauty salons from the list of permitted uses and agreed to construct and maintain a masonry wall along the rear and western property boundaries. Staff noted that the petition is inconsistent with the adopted plan.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *Eastland Area Plan* but reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Allen).

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:

- The existing two-story accessory structure in the rear yard to be removed when any portion of the site is used for purposes not allowed in the R-4 district.
- Uses will be limited to general office only with accessory uses and structures clearly incidental to the permitted principal use or structures. They include dumpsters, trash handling areas and service entrances subject to the regulation of Section 12.403; fences and walls; outdoor lighting, subject to the regulation of Section 12.402; and vending machines for cigarettes, candy, and soft drinks located within an enclosed building as an accessory to the principal office uses. Adult businesses, tattoo parlors, palmistry studios, daycare facilities, or adult video businesses and beauty salons will NOT be permitted.
- Office uses may be open to the public only between 8:00 a.m. and 8:00 p.m. Monday through Saturday. Use by the business owners and employees shall not be restricted.
- No more than three (3) individual office uses may be operated on the site at one time.
- No further additions or expansions to the existing structure are permitted and the residential character shall be maintained to the extent possible.
- The petitioners will install and maintain a masonry wall instead of a wood fence along the rear property line of the Site and along the western property boundary. The existing one-story structure to remain.
- The maximum height of any new freestanding light fixtures will not exceed fifteen (15) feet and will be shielded with full cut-off fixtures, capped and downwardly directed. No wall-pak lighting will be permitted.
- Free standing signs not to exceed five feet in height and 20 square feet in area.
- A new six (6) foot sidewalk meandering around the existing utility poles will be provided along Central Avenue.
- The existing planting strip will be increased to eight feet, except where the sidewalk meanders around the existing utility poles.
- Parking in the rear with one handicapped space in front of the existing structure.

- **Public Plans and Policies**

- The *Eastland Area Plan* (2003) recommends residential up to eight dwelling units per acre.
- This petition is inconsistent with the *Eastland Area Plan*; however the property is located on a major thoroughfare and surrounded by a mix of uses and zoning classifications. Rezoning the property will allow reinvestment in the site to be feasible with minimum impact to the surrounding area.

- **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Schools:** No issues.
 - **Park and Recreation:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **Site Design:** No issues.
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OUTSTANDING ISSUES

- There are no outstanding issues.
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Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- Community Meeting Report
- LUESA Review
- Park and Recreation Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

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