



<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: O-1(CD), office, conditional
<b>LOCATION</b>	Approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to expand an existing single family structure to allow office and residential uses.
<b>Property Owner Petitioner Agent/Representative</b>	Stacy M. Mitchell and Janet Samantha McMillen Stacy M. Mitchell and Janet Samantha McMillen Kenneth T. Davies
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted to recommend <b>DENIAL</b> of this petition.</p> <p>The following outstanding issues have been addressed:</p> <ol style="list-style-type: none"> <li>1. Elevations have been provided and labeled for new and existing structure.</li> <li>2. 20-foot rear yard has been labeled on site plan.</li> <li>3. 10-foot side yards have been labeled on site plan.</li> <li>4. 30-foot setback as been labeled and shown on site plan from right-of-way.</li> <li>5. The total square footage of the new expansion and existing structure has been listed on the site plan.</li> <li>6. Parking counts have been listed on the site plan for the residential and office use.</li> <li>7. The 14-foot back of curb setback has been removed from site plan.</li> <li>8. The buffer has been shown continuing to property line along South Tryon Street.</li> <li>9. Zoning on abutting properties has been labeled on the site plan.</li> <li>10. An eight-foot planting strip and six-foot sidewalk along South Tryon Street have been shown and labeled.</li> <li>11. A note has been added that the existing detached structure will be removed from the buffer prior to obtaining building permits.</li> <li>12. A note has been added committing to the extension of five-foot sidewalk from the proposed addition to tie into the sidewalk along South Tryon Street.</li> <li>13. A note has been added that all lighting fixtures will be fully shielded with full cut-off fixtures.</li> </ol>
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<b>VOTE</b>	Motion/Second:	Allen/Dodson
	Yeas:	Allen, Dodson, Randolph, Walker
	Nays:	Griffith
	Absent:	Rosenburgh and Simmons
	Recused:	N/A

<b>ZONING COMMITTEE DISCUSSION</b>	Staff reviewed the petition, noted that only two issues remained in regard to the correct allowable square footage on the site plan listing 600 square feet or 30 percent of the structure and listing the allowed uses. However, staff still recommended denial of the petition due to the inconsistency with the adopted plan. A Committee member expressed that they were going to support the petition because the proposed building was still residential in character and had sufficient buffers. They also felt that this was a proper place for an office use.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>Southwest District Plan</i> and not reasonable and in the public interest, by a 4-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Dodson).
<b>MINORITY OPINION</b>	A minority of the Committee felt they could support this petition due to; the proposed building has a residential in look and feel that is in scale with the surrounding properties. The site had sufficient buffers to shield the structure from the abutting properties. This location was a proper place for an office use.
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the majority of the Zoning Committee.

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### FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

  - A new office addition to an existing residential structure.
  - A 14-foot Class C buffer along three sides of the site.
  - Four parking spaces provided between the building and the street.
  - Elevations have been provided and labeled for new and existing structure.
  - 20-foot rear yard has been labeled on site plan.
  - 10-foot side yards have been labeled on site plan.
  - 30-foot setback as been labeled and shown on site plan from right-of-way.
  - The total square footage of the new expansion and existing structure has been listed on the site plan.
  - Parking counts have been listed on the site plan for the residential and office use.
  - The 14-foot back of curb setback has been removed from site plan.
  - The buffer has been shown continuing to property line along South Tryon Street.
  - Zoning on abutting properties has been labeled on the site plan.
  - An eight-foot planting strip and six-foot sidewalk along South Tryon Street have been shown and labeled.
  - A note has been added that the existing detached structure will be removed from the buffer prior to obtaining building permits.
  - A note has been added committing to the extension of five-foot sidewalk from the proposed addition to tie into the sidewalk along South Tryon Street.
  - A note has been added that all lighting fixtures will be fully shielded with full cut-off fixtures.
- **Public Plans and Policies**
  - The *Southwest District Plan* (1991) recommends residential use for the subject property. The petition meets the *General Development Policies* for up to 17 units per acre.
  - This petition is inconsistent with the *Southwest District Plan*.
- **STAFF RECOMMENDATION (Updated)**
  - Staff agrees with the recommendation of the Zoning Committee.

**PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

- **CDOT:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **CATS:** No issues.
  - **Connectivity:** No issues.
  - **Neighborhood and Business Services:** No comments received.
  - **Schools:** There will be no increase in students.
  - **Park and Recreation:** No comments received.
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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**

- The petitioner should:
    1. Add a note listing the allowed uses. "Astrological Services" is not a listed use in the Zoning Ordinance.
    2. Clarify the square footage that will be used for office space. Note 19 indicates 30% of the property will be used for office but the "Project Information" indicates 600 square feet.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** Solomon Fortune (704) 336-8326