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<b>REQUEST</b>	Current Zoning: R-8, single family residential Proposed Zoning: O-2(CD), office, conditional
<b>LOCATION</b>	Approximately 0.64 acres located on the west side of Cherry Street between Baxter Street and Luther Street.
<b>CENTER, CORRIDOR OR WEDGE</b>	Corridor
<b>SUMMARY OF PETITION</b>	This petition proposes a parking lot for an abutting office use.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of this petition. The petition is inconsistent with the <i>Cherry Small Area Plan</i> , which recommends mixed residential uses at a density of up to eight (8) dwelling units per acre. In addition, it impacts the residential character of the area by introducing nonresidential uses in this block of Cherry Street, which is both zoned for and developed with residential dwellings.
<b>Property Owner</b>	The Asian (Korean ) Herald
<b>Petitioner</b>	The Asian (Korean ) Herald
<b>Agent/Representative</b>	R. L. Brandon, Planning and Zoning Consultants
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

    - An off-street parking lot containing 29 spaces.
    - A concrete pad at the existing bus stop.
    - An eight-foot planting strip and six-foot sidewalk along Cherry Street.
  - **Existing Zoning and Land Use**

The subject property is zoned R-8 and partially developed with a parking lot that is in violation of the Zoning Ordinance. The remainder of the site contains three residential structures. Abutting properties between Cecil Avenue and Cherry Street are zoned O-2(CD), B-1 and R-8 and are developed with office uses or are vacant.
  - **Rezoning History in Area**

Recent rezonings in the area include Petition 2009-076, which rezoned approximately 6.76 acres located on both sides of Main Street between Baxter Street and Baldwin Avenue from R-8 to UR-2(CD) to allow for 74 multi-family dwellings. Petition 2005-060 rezoned the Metropolitan Development site to MUDD-O and UR-C(CD) for 737,000 square feet of nonresidential and up to 250 residential units.
  - **Public Plans and Policies**
    - The *Cherry Small Area Plan* (1993) recommends mixed residential at a density of eight (8) dwelling units per acre.
    - This petition is inconsistent with the *Cherry Small Area Plan*.
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#### **PUBLIC INFRASTRUCTURE** (see full department reports online)

##### **Vehicle Trip Generation:**

Current Zoning: 50 trips per day

Proposed Zoning: 200 trips per day

**CDOT:** Provide an 8-foot planting strip and 6-foot sidewalk along the frontage on Baxter Street.

- **Charlotte Fire Department:** No issues.
  - **CATS:** No issues.
  - **Connectivity:** No issues.
  - **Neighborhood & Business Services:** No comments received.
  - **Schools:** Charlotte-Mecklenburg School System does not comment on nonresidential rezoning petitions.
  - **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:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
    - The site meets minimum ordinance standards.
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#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Remove the maximum building square footage and all other references to a building as one is not shown on the site plan.
    2. Specify site acreage as 0.64 acres.
    3. Clearly delineate the area to be rezoned.
    4. Specify which streets are referred to in Note 5 (meandering of sidewalk and varying of planting strip width).
    5. Delete Note 3 as dumpsters are not permitted on the site if it is used solely as a parking lot.
    6. Eliminate all parking within five feet of exterior property lines.
    7. Amend Note 19 to indicate whether the existing houses are to remain. If existing houses will remain the lot must be subdivided to eliminate two principal uses on one lot. Any proposed subdivision of tax parcel 12522101 must be completed prior to a decision on the petition.
    8. Show a 14-foot Class C buffer between the parking lot and the existing homes if they are to remain.
    9. Properly reflect the zoning, tax parcel numbers, and owners on abutting properties.
    10. Specify proposed location of the fence referenced in the legend.
    11. Address CDOT comments.
    12. Amend Note 19 to either specify an on-site principal institutional use or delete accessory uses for an institutional use as a permitted use.
    13. Show and label the 20-foot required setback off Baxter Street. No parking or maneuvering is permitted in the required setback.
    14. Show and label the 10-foot required side yard off Cherry Street. No parking or maneuvering is permitted in the required side yard abutting a street.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- Community Meeting Report
- LUESA Review
- Site Plan
- Storm Water Review