

REQUEST	Current Zoning: R-4 (HD-O), single family residential, historic district overlay Proposed Zoning: UR-C(CD) (HD-O), urban residential-commercial, conditional, historic district overlay
LOCATION	Approximately .324 acres located on the north side of Arosa Avenue between East Morehead Street and Dilworth Road.
SUMMARY OF PETITION	This petition proposes to convert a single family residential structure to accommodate office and related accessory uses. In addition, the subject property is adjacent to Covenant Presbyterian Church which is zoned for office use.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Covenant Presbyterian Church Covenant Presbyterian Church c/o Wayne Harrison John Carmichael/K&L Gates, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the note reserving the right to pursue a variance from the requirements of Section 12.216(2) of the Zoning Ordinance in order to eliminate the vehicular turn around area as depicted on the site plan and to allow vehicles to back directly onto Arosa Avenue from the driveway serving the site. Note VIII(A) stating that vehicular access to the site shall be as generally depicted shall remain on the site plan. 2. A parking agreement has been submitted by the petitioner and approved by the Zoning Administrator. 3. Note VI(C) has been amended to state that the petitioner shall submit to the Zoning Administrator for review and approval of a letter demonstrating that Covenant Presbyterian Church's hours of demand for the two parking spaces located on the church parking lot do not substantially overlap with the hours of demand of the office uses to be located on the site. 4. The language in the site plan notes pertaining to the proposed number of shared parking spaces has been clarified by removing Note VI(D). 5. Reference to "Section 12.203(1)" has been modified to read "Section 12.203". 6. Note VII (B) has been removed from site plan.
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VOTE	Motion/Second:	Walker /Dodson
	Yeas:	Dodson, Fallon, Firestone, Phipps, Rosenburgh and Walker
	Nays:	Lipton
	Absent:	None
	Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting the location of the site within the Dilworth Local Historic District and the proposal to convert the existing residential structure owned by Covenant Presbyterian Church for office purposes (except medical offices). Staff stated the petitioner had addressed all comments provided by the Historic District Commission, and that the parking agreement for two off-site parking spaces to be accommodated on the church parking lot was reviewed and approved by the Zoning Administrator. Staff noted that all outstanding items had been addressed by the petitioner.

Staff said that while the request was inconsistent with the *Central District Plan's* recommendation for residential, the structure would maintain its residential character.

A Commissioner expressed concern that the proposed UR-C district was inappropriate for this location. The Commissioner also noted that Arosa Avenue is a small street and was concerned about the impact of requiring a planting strip and a sidewalk that would need to meander around existing trees. Staff responded by stating that those concerns were understood and the *Urban Street Design Guidelines* were being developed in part to acknowledge and address such issues. Another Commissioner expressed concern regarding inconsistencies with policy plans and the fact that the 17 year old plan does not reflect what is going on in the area. Staff responded that the subject site is in the study boundary for the *Cherry/Midtown Area Plan*, which will update the Central District Plan for this property is starting next week.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *Central District Plan* and to be reasonable and in the public interest, by a 6-1 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Dodson).

MINORITY OPINION

The minority of the Zoning Committee stated that although supportive of the intent of the request, the use of the UR-C district was inappropriate for this property. The UR-C district is being used to assist with buffers and, while required, the installation of a six-foot sidewalk and eight-foot planting strip at this location is not in character with the existing streetscape. There needs to be a better way to deal with infill development and reuse of existing structures than using inappropriate zoning districts which create additional issues.

STAFF OPINION

Staff agrees with the recommendation of the majority 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:

- Conversion of an existing 3,894 square-foot single family residential structure to office and related accessory uses.
- Medical office uses not permitted.
- Extension of existing driveway to accommodate installation of two new parking spaces (including one handicapped) behind the principal structure.
- Two parking spaces to be provided on the adjacent Covenant Presbyterian Church parking lot pursuant to a shared parking agreement with the church.
- Existing garage to remain for accessory storage.
- No additions to or expansions of the existing buildings permitted.
- Proposed six-foot sidewalk and eight-foot planting strip along Arosa Avenue, with provision to meander in order to preserve existing trees.

- Note acknowledging site location within the Dilworth Local Historic District and exterior site improvements being subject to review and approval by the Charlotte Historic District Commission.
 - **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends single family land uses on the property.
 - The petition is inconsistent with the *Central District Plan*. However, the existing structures will remain undisturbed and their residential character maintained.
 - **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** No issues.
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OUTSTANDING ISSUES

- None.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Pre-Hearing Staff Analysis

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