

<b>REQUEST</b>	Current Zoning: B-D, distributive business Proposed Zoning: I-1(CD), light industrial, conditional
<b>LOCATION</b>	Approximately 2.37 acres located on the north side of Pence Road and across from Holly Hill Road.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the operation of two separate religious institutions within existing buildings on two adjacent properties.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Randall Benderson 1993-I Trust and Master Plumbing Company David H. Baldauf and G.T. Godwin Sarah Kupiec and Timothy Tucker
<b>COMMUNITY MEETING STATEMENT OF CONSISTENCY</b>	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>Eastside Strategy Plan</i> but to be reasonable and in the public interest, by a unanimous 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Griffith).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The language under "Parcel Data" has been revised to state the proposed zoning is I-1 (CD).</li> <li>2. The headings "CATS", "CDOT", "Fire", "LUESA", and "NBS" have been removed from the site plan.</li> <li>3. New heading "Transportation" has been added to the site plan and the language under "Vehicular Access" moved to this section.</li> <li>4. The required buffer (7-foot Class "C" buffer) is now shown along the entire length of the property line to the east (Parcel 10817106).</li> <li>5. The note requesting that the site plan be revised to eliminate any parking shown within five feet of exterior lot lines has been removed as the parking areas are grandfathered existing conditions. A minimum five-foot walkway has been provided from the front of each building to the public sidewalk along Pence Road.</li> <li>6. All CDOT and Solid Waste Services comments have been addressed as follows:             <ol style="list-style-type: none"> <li>a. The site plan now shows proposed curb and gutter, a minimum eight-foot planting strip and six-foot sidewalk from the proposed Pence Road future curb line and a concrete driveway through the setback line associated with tax parcel 10817105.</li> <li>b. A note has been added indicating that the type of intended garbage service is City pick up.</li> </ol> </li> <li>7. A portion of an existing concrete slab on tax parcel 10817106 will be saw cut and removed to allow for continuation of the required Class "C" buffer.</li> </ol>
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<b>VOTE</b>	Motion/Second:	Zoutewelle/Phipps
	Yeas:	Allen, Fallon, Griffith, Johnson, Phipps and Zoutewelle
	Nays:	None
	Absent:	None
	Recused:	None
<b>ZONING COMMITTEE DISCUSSION</b>		Staff presented the petition to the Zoning Committee, stating that all outstanding issues had been addressed and identifying the addition of one new note necessary in order to accomplish one of the outstanding items. There was no discussion of this petition.
<b>STAFF OPINION</b>		Staff agrees with the recommendation 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**

- **Background**
    - The property owners of the subject parcels were cited for illegally operating religious institutions within the B-D district. The purpose of this request is to rezone the parcels to a zoning district that allows religious institutions.
  - **Proposed Request Details**
    - The site plan accompanying this petition contains the following provisions:
      - Allow the operation of two separate religious institutions in two existing structures on two separate parcels.
      - Existing structures consist of approximately 2,280 square feet (up to 131 seats) and approximately 11,400 square feet (up to 229 seats), with existing gravel parking areas.
      - No building expansions are proposed with this request.
      - Allow all uses (including any accessory use) permitted in the I-1 district, except for the following: restaurants with drive-through facilities, convenience stores with gasoline sales, automobile service stations, car sales, and contractor's office and storage.
      - Dedication of 35 feet of right-of-way from centerline of Pence Road.
      - Installation of new six-foot sidewalk and eight-foot planting strip along a portion of Pence Road.
  - **Public Plans and Policies**
    - The *Eastside Strategy Plan* (2001) confirms the recommended future land use within the *East District Plan* (1990) for heavy industrial land uses for the subject property.
    - This petition is inconsistent with the *Eastside Strategy Plan*.
  - **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 Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** No issues.

- **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - This site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services 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

**Planner:** Claire Lyte-Graham (704) 336-3782