

REQUEST	Text amendment to Section 12.103 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to eliminate the transitional setback along identified sections of U.S. 74 (Independence Boulevard) upon completion of the North Carolina Department of Transportation (NCDOT) right-of-way acquisition.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Lipton).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second:	Walker/Phipps
	Yeas:	Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
	Nays:	None
	Absent:	None
	Recused:	None

ZONING COMMITTEE DISCUSSION	Staff summarized the purpose of the text amendment and reviewed the required right-of-way modifications made to various portions of U.S. 74 (Independence Boulevard). There were no questions.
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

- **Background**
 - Petition 2009-038 approved changes to the Zoning Ordinance that reduced the transitional setback for portions of U.S. 74.
 - The North Carolina Department of Transportation's (NCDOT) right-of-way acquisition and construction for the segment of U.S. 74 from I-277 to Albemarle Road is complete.
 - NCDOT's right-of-way acquisition for the segment of U. S. 74 from Albemarle Road to Sharon Forest Drive (Transportation Improvement Project U-209B) is underway.
- **Proposed Request Details**
 - The text amendment contains the following provisions:
 - Eliminates the transitional setback along U.S. 74 between I-277 and Albemarle Road.
 - Retains the transitional setback of 125 feet (measured from the centerline) along U.S. 74 between Albemarle Road and W.T. Harris Boulevard and the transitional setback of 140 feet between W.T. Harris Boulevard and Sharon Forest Drive until NCDOT completes the right-of-way acquisition portion of the construction project for Transportation Improvement Project U-209B. Once NCDOT completes right-of-way acquisition, the transitional setback will no longer apply to this section.

- Retains the transitional setback of 140 feet along U.S. 74 from Sharon Forest Drive to the southeastern City limits until NCDOT completes the right-of-way acquisition portion of the construction project for Transportation Improvement Project U-2509. Once NCDOT completes right-of-way acquisition, the transitional setback will no longer apply to this section.
 - **Public Plans and Policies**
 - The proposed text amendment is consistent with adopted policies and the recommendations in the draft *Independence Boulevard Area Plan*.
 - **Staff Recommendation (Updated)**
 - Staff recommends approval of this text amendment.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No comments received.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** Not applicable.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Sandra Montgomery (704) 336-5722