

REQUEST	Current Zoning: O-1(CD), office, conditional Proposed Zoning: O-1(CD) SPA, office, conditional, site plan amendment
LOCATION	Approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court. (Council District 2 - Mitchell)
SUMMARY OF PETITION	The petition proposes to reuse the existing 2,800 square foot single family residential structure for civic, social service and fraternal facilities, general office, and medical, dental and optical clinics.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Derita American Legion Post 345 Derita American Legion Post 345 Sean Reymann
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has included development notes that specify a scenario involving use of existing structure, and a scenario involving redevelopment of the site with construction of a new building and associated site improvements as provided below: <ol style="list-style-type: none"> a. The scenario involving use of existing structure notes that the existing 2,800 square foot structure will remain with a maximum 1,000 square-foot expansion permitted. The maximum height of lighting will be 25 feet. The appearance of the building expansion will blend with existing structure. b. The scenario proposing redevelopment of the site states the new building will not exceed 7,765 square feet, with a maximum 40-foot building height and no more than two stories. The maximum height of lighting will be 25 feet. The appearance of the building will be residential in character and scale, with a minimum 50 percent masonry material along each building elevation. 2. The site plan is correctly labeled "Rezoning Petition 2012-082". 3. The site plan is in the proper format. 4. CDOT requests that the petitioner not label the width (proposed 15'-5") of the new driveway, and that it be removed from the site plan (new issue).
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VOTE	Motion/Second:	Eschert/Walker
	Yeas:	Allen, Eschert, Johnson, Labovitz, Lathrop, and Walker
	Nays:	None
	Absent:	Nealon
	Recused:	None

ZONING COMMITTEE DISCUSSION	Staff presented this request to the Committee, stating that the petitioner had worked very hard to provide a site plan in the proper format and addressing outstanding issues. Staff pointed out two remaining issues, including a new item. Staff stated that a building envelope showing a proposed building location in the event of redevelopment of the site needed to be provided on the site plan. Staff also identified a new request from CDOT to have the width of the
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new driveway removed from the site plan so there would be no issues at the permitting stage. Staff also noted a 26-foot wide Class C buffer shown on the site plan was being provided along the property line abutting residential development. A Commissioner voiced concern over setting a precedent with respect to the different scenarios proposed with regard to the option to expand the existing building and the option to redevelop the site with a new structure and associated improvements. Staff responded by identifying another rezoning that involved similar characteristics, including options to expand an existing structure and redevelop the site. Staff explained that even without the provision of a building envelope, the redevelopment of the site would be limited by the requirements of the zoning ordinance. A Committee member asked if there was a protest petition on this request, and staff responded that none had been submitted. There was no further discussion of this petition.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Background**

The rezoning site is part of a larger 3.4-acre parcel rezoned in 2003 (rezoning petition 2003-059) to allow the construction of up 22,000 square feet of office condominiums to be used for medical, dental and/or optical clinic uses (prohibiting veterinary clinics and drive-thru windows). The approval required that the proposed buildings be designed with a residential character and scale, with a height not to exceed 40 feet or two stories. However, the property was never developed.

• **Proposed Request Details**

- The site plan amendment contains the following changes:
 - Reuse of the existing 2,800 square-foot single family residential structure for civic, social service and fraternal facilities, general office, clinics, (medical, dental and optical).
 - Relocation of existing parking out of the setback and to the side of the existing structure.
 - Installation of a new driveway to access existing gravel parking area.
 - Retention of an existing ADA improved driveway that connects to a handicap parking space, new walkway and ramp.
 - New 5-foot wide walkway connecting building to new sidewalk along Baucom Road.
 - New driveway providing access to gravel parking area.
 - Proposed 6-foot sidewalk and 8-foot planting strip along Baucom Road (sidewalk may meander to preserve existing tree).
 - Note stating that any new structures will be designed with a residential character and scale, with minimum 50 percent masonry material along each building elevation.
 - Note permitting a maximum 1,000 square-foot addition to the existing house.
 - Redevelopment scenario permitting the construction of a new building not to exceed 7,765 square feet.
 - Any new structure to have a maximum 40-foot building height and up to two stories.
 - Limit height of freestanding lighting to 25 feet, with full cutoff fixtures.

• **Public Plans and Policies**

- The *Northeast District Plan* (1996) recommends office land uses for this parcel.
 - This petition is consistent with the *Northeast District Plan*.
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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.
- **Transportation:** CDOT requests that the petitioner remove the dimension of the new driveway from the site plan.

- **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 Department:** No issues.
 - **Urban Forestry:** 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*.
 - Minimizes impacts to the natural environment by reuse of an existing building and possible redevelopment on an infill lot.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Show a building footprint reflecting the proposed redevelopment scenario.
 2. Address CDOT issue.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- 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
- Urban Forestry Review

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