

REQUEST	Current Zoning: R-17MF, multi-family residential, up to 17 dwelling units per acre Proposed Zoning: O-1(CD), office, conditional
LOCATION	Approximately 1.93 acres located on the east side and west side of Eastway Drive between Springway Drive and Hillard Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the conversion of existing single family residential structures (with necessary modifications) for general and/or medical office uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various Nasr N. Basily Fred Gore
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>Eastland Area Plan</i> but to be reasonable and in the public interest, by a 6-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Griffith).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. The transitional setback has been removed from the site plan. 2. The required 10' buffer has been provided along new zoning lines as indicated for lot associated with the address 1634 Eastway Drive. 3. The petitioner has added a note to the site plan stating that the proposed driveway to serve 1641 Eastway Drive will encroach onto the property located at 1637 Eastway Drive and require an access easement to accommodate its construction. <p>The Zoning Committee requested the following modification:</p> <ol style="list-style-type: none"> 1. That the site plan be amended to prohibit the establishment of tattoo, check cashing, and electronic gaming uses.
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VOTE	Motion/Second: Allen/Griffith
	Yeas: Allen, Eschert, Griffith, Johnson, Labovitz and Lathrop
	Nays: Phipps
	Absent: None
	Recused: None

ZONING COMMITTEE DISCUSSION	<p>Planning staff presented this item to the Committee, noting that all outstanding issues had been addressed. Staff stated that while not consistent with the <i>Eastland Area Plan</i>, staff nonetheless supported the request because of existing land use pattern that included nearby business and office activities (including abutting properties previously rezoned to allow residential structures to be converted to allow office uses); that the structures would retain their residential character; and that the permitted uses would be limited to general and medical office uses.</p> <p>Committee members expressed concerns pertaining to the adequacy of the proposed buffers and certain uses--specifically tattoo, check cashing, and electronic gaming uses. Staff responded that the buffer is allowed to be reduced by 25% if accompanied by a fence and that any building expansion would be limited due to required parking. Staff further explained that the reduction in the buffer is necessary</p>
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due to some of the buildings' proximity to property lines. Regarding uses of concern, staff stated that a request could be made to the petitioner to revise the site plan to prohibit those uses of concern, and that the Zoning Committee should feel free to identify any other uses not appropriate to be operated in those structures.

A Committee member also asked CDOT why there were no transportation issues with converting the residences to offices. CDOT staff responded that while the conversion of the structures to office would result in an increase in traffic, the increase would not have a significant impact on the surrounding network. CDOT also noted the petitioner had provided cross access easements for possible future cross access between the rear parking areas. Planning staff further clarified that some of the existing driveways would be consolidated in an effort mitigate traffic impacts.

A Commissioner asked why staff was supporting this request. Staff again noted the existing business and office uses, reviewing the zoning map with a focus on the intersection of Shamrock Drive and Eastway Drive and surrounding properties. Staff stated the residential character would be retained with the prohibition of parking in the front, and the uses would be limited to general and medical office. A Committee member noted that the location of an existing church helped to consolidate the area. Another Commissioner stated that the existing creek/greenway would serve as a buffer between the converted residential homes and single family development to the south and along Eastway Drive.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

MINORITY OPINION

A Commissioner expressed his lack of support for this petition because it would not benefit to a fragile corridor, and the request is inconsistent with the policy plan.

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 seven (7) single family homes on the east and west sides of Eastway Drive to allow general and/or medical offices.
- Future additions to existing structures to be located in the rear and not exceed 25 percent of the existing square footage.
- Provision of parking areas in the rear of structures to accommodate new office uses.
- Existing driveways will be closed, modified, or relocated to accommodate new parking areas.
- Replacement of curb and gutter where driveways are closed/removed.
- Consolidation of certain driveways to accommodate shared access between certain structures and provision of a 20-foot access easement in the rear for possible drive connections in the future.
- The petitioner has added a note to the site plan stating that the proposed driveway to serve 1641 Eastway Drive will encroach onto the property located at 1637 Eastway Drive and require an access easement to accommodate its construction.
- Installation of new five-foot wide sidewalks connecting each structure to sidewalks along Eastway Drive.
- Installation of a reduced Class "C" Buffer along property lines abutting residential use and/or zoning.
- Preservation of all existing trees within established front yards.
- Dedication of right-of-way (50 feet from centerline).
- Signage to be limited to nine (9) square feet on each lot.
- Detached lighting will not exceed eight (8) feet in height and will be aimed internal to the site and away from adjoining properties and the public street.

- **Public Plans and Policies**
 - The petition is inconsistent with the *Eastland Area Plan (2003)*. However, the land use in the area has changed and the rezoning site is in close proximity to other office and business uses. The request will allow limited office uses in structures that will maintain their residential character. In addition, a similar rezoning was approved on an abutting property, also allowing the conversion of two single family homes for office uses (rezoning petition 2004-084).
 - **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.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **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 existing buildings on infill lots.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at 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
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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