

REQUEST	Current Zoning: R-3 (LWPA), single family residential, Lake Wylie watershed overlay, protected area Proposed Zoning: MUDD-O (LWPA), mixed use development district, optional, Lake Wylie watershed overlay, protected area
LOCATION	Approximately 4.99 acres located on the eastern side of Gum Branch Road at the intersection of Gum Branch Road and Old Gum Branch Road. (Council District 2 - Mitchell)
SUMMARY OF PETITION	The petition proposes an indoor/outdoor pet services facility along with a single family dwelling.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ralph and Gail Wood Ralph Wood Collin W. Brown, K&L Gates, LLP
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>Northwest District Plan</i> ; however, to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modification: 1. Addressed Neighborhood and Business Services, Code Enforcement Division's comment by removing the tractor trailer parking identified on the site plan and replacing it with short-term parking and customer parking.
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VOTE	Motion/Second: Allen/Labovitz Yeas: Allen, Johnson, Labovitz, Lathrop, Nealon, and Walker Nays: None Absent: None Recused: None
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ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted the outstanding site plan issue had been addressed. The Committee members questioned if a variance could be requested, if there was another zoning district that would be more appropriate, or if there were other options to allow the proposed uses. Staff indicated that there were various scenarios discussed with the petitioner. It was agreed by staff and the petitioner that the best option would be to request a rezoning to the MUDD-O district. This would provide a one-step process to allow the proposed uses and also provide an optional provision to reduce the 300-foot separation requirement between residential zoning and an outdoor pet services facility. Otherwise, a two-step process would be needed. First, to request a variance to reduce the separation requirement and then second, to request a rezoning to a typical commercial zoning district that would allow the proposed uses.
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Staff indicated that in either case the Planning staff would not be able to support a rezoning to any nonresidential district due to inconsistency with the adopted plan. Staff also stated that the Zoning Board of Adjustment did not have the authority to grant use variances to allow the proposed uses under the existing zoning.

A Committee member indicated that based on the information provided at the public hearing and the support of area residents, the existing facility is well run and the request makes sense. In order to justify approval of the rezoning, the Committee members stated it is important to have very specific language on the conditional site plan to help prevent a future property owner from having a use or facility not considered acceptable by the community. Staff indicated that zoning runs with the land but in this case there are specific notes on the plan that limits the uses.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee as the petition is inconsistent with the *Northwest District Plan* recommendation for single family residential.

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

PLANNING STAFF REVIEW

- **Background**

The subject site is in violation of the Zoning Ordinance. The property is currently being utilized as an indoor/outdoor pet services facility, which is not a permitted use in the existing R-3 zoning district.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- An indoor/outdoor pet services facility not to exceed 15,000 square feet and one single family dwelling unit.
- Maximum building height of 40 feet and two stories.
- Minimum of 70 percent of the site to be maintained as open space.
- Detached lighting limited to 25 feet in height.
- All new lighting shall utilize full cut-off type lighting fixtures.
- Optional provisions include:
 - Reduce the separation requirement between outdoor pet services and residential zoning districts from 300 feet to 100 feet.
 - Eliminate the requirement for a five-foot wide sidewalk connection from the building/use out to the public sidewalk along Gum Branch Road.
 - Allow parking and maneuvering between the building/use and the setback along Gum Branch Road.

- **Public Plans and Policies**

- The *Northwest District Plan* (1990) recommends single family residential with a density not to exceed four dwelling units per acre.
 - The petition is inconsistent with the *Northwest 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:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **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*.
 - This site meets minimum ordinance standards.
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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 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 Parks and Recreation Review
- Urban Forestry Review

Planner: Shad Spencer (704) 353-1132