

REQUEST	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes a site plan amendment to allow the addition of a cell tower up to 210 feet in height on the site, along with other minor changes.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	SIM USA, Inc. SIM USA Jonathan L. Yates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2.
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>Steele Creek Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Plan</i> recommends institutional uses for the subject property, and communication towers are a permitted use in the institutional zoning district. <p>Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed communication tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes" and replaced with the following: "...upon future development of said Tracts (excluding the communications tower installation)." 2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch and Steele Creek on this property for future greenway development. 3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that the sidewalk and planting strip would be constructed within six months of the approval of this rezoning. 4. Amended Transportation Note 4. to remove the words "contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council" and replaced with language requiring construction plans for the sidewalk and planting strip to
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be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.

5. Removed all references to Tract II. Grayed the area of Tract II and labeled "Not included in rezoning." Amended the application and site plan data to reflect the reduced acreage.
6. Provided a note that prohibits all buffers from being reduced.
7. Amended Note 2 under Permitted Development within the Site by replacing "a 200-foot monopole communications tower" with "up to a 210-foot monopole communications tower."
8. Amended the definition of the term "Petitioners" to reflect a singular petitioner.

VOTE

Motion/Second:	Labovitz/Sullivan
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Planning staff provided a summary of the rezoning request. Several commissioners asked staff to clarify the distance to the nearest single family homes. Staff responded that the nearest homes along Choate Circle and the neighboring subdivision are 1/3 of a mile or greater from the proposed communications tower location. Other commissioners noted that the site was a good choice for a communications tower because the property is very large, there are no residential uses nearby, and the property is wooded. Planning staff pointed out that at the public hearing the petitioner said the height of the tower would be 199 feet. The Zoning Committee mutually agreed that due to the site and tower location there was not a need to ask the petitioner to reduce the proposed height from 210 feet to 199 feet.

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**
 - Rezoning petition 1996-027C rezoned the subject property from INST(CD) (institutional, conditional) and R-3 (single family residential) to INST(CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment) for the Gordon-Conwell Theological Seminary. The property included approximately 108 acres which was divided into two tracts with the following conditions:
 - Uses limited to corporate headquarters, training facilities, service facilities and housing facilities, a seminary and associated accessory uses.
 - Limits nonresidential buildings to 275,000 square feet on Tract I and limits buildings on Tract II to 31,000 square feet.
 - Allows up to 150 independent residential living units in the form of multi-family units as an integral part of the missionary headquarters and not owned by a third party.
 - Specifies transportation commitments related to right-of-way dedication, widening, left-turn lane, and sidewalk and planting strip along Choate Circle.
 - Specifies that buffer areas are to remain as open space, except to accommodate walls, fences, drainage, utilities, pedestrian pathways, and bicycle pathways.
 - Commits to the maintenance of existing natural vegetation within the setback along Choate Circle.
 - Prohibits buildings from being constructed within the floodplain except those depicted on the site plan.
 - Limits lighting to a maximum height of 20 feet.
 - Limits the maximum building height to two stories or 40 feet in height.

- In 2006, Tract II, approximately 19 acres, was subsequently rezoned by petition 2006-142 to increase the maximum building square footage from 31,000 square feet to 121,000 square feet and to prohibit the reduction of buffers on Tract II.
 - **Proposed Request Details**

The site plan amendment contains the following changes:

 1. Adds a 210-foot tall monopole communications tower to the allowed uses for Tract I. This use is in addition to the corporate headquarters, training facilities, services facilities and housing facilities.
 2. Specifies that buildings in Tract I may not exceed an aggregate of 275,000 square feet including any proposed equipment shelters in the communications tower compound.
 3. Adds a note specifying that the communication tower will only be illuminated as required by the Federal Communications Commission or other agency of jurisdiction.
 4. Adds a note specifying that the tower will be constructed of painted or unpainted galvanized steel according to the applicable standards of the Federal Aviation Authority or other agencies. No advertising shall be attached to the tower.
 5. Adds a note limiting the maximum height of the tower to 210 feet.
 6. Amends Transportation Note 4 to increase the required sidewalk from four feet to six feet.
 7. Commits to the submission of construction plans for the sidewalk and planting strip along Choate Circle prior to the issuance of final approvals for the communications tower and construction of the planting strip and sidewalk to be completed within six months of the approval of this rezoning petition.
 8. Removes references to Tract II because it was rezoned with another petition.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan (2012)* recommends institutional uses. Communication towers are a permitted use in the institutional district. The proposed communications tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street.
 - The petition is consistent with the *Steele Creek Area Plan*.
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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 comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** 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 preserving areas within the floodplain.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- 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
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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