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<b>REQUEST</b>	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow the addition of a cell tower up to 210-foot on the site along with other minor changes.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Steele Creek Area Plan.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	SIM USA, Inc. SIM USA Jonathan L. Yates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2.

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## **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. Removes a note specifying that no buffers, except the buffer area to be established along the western margin of Tract II may be reduced in width.
- **Existing Zoning and Land Use**
    - The site is currently used for a corporate headquarters, with training facilities and associated accessory uses.
    - Property to the south is located in South Carolina, zoned commercial and is vacant. Property to the north and east is zoned I-1 (light industrial) and I-2 (general industrial) and developed with industrial uses. Properties to the west are zoned R-3 (single family) and developed with single family uses.
  - **Rezoning History in Area**
    - There have been no rezonings in the immediate area in recent years.
  - **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:** Amend 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 replace with the following: "...upon future development of said Tracts (excluding the communications tower installation)."
  - **Vehicle Trip Generation:** The proposed communications tower will result in less than 10 daily generated trips.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** Provide greenway easements for Polk Ditch, Walker Branch and Steele Creek on this property per the attached preliminary surveys dated 07.26.06 that need to be recorded and remain undisturbed for future greenway development.

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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.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Address the CDOT issue.

2. Address the Park and Recreation issue.
  3. Provide the six-foot sidewalk and eight-foot planting strip along Choate Circle as specified in the previously approved plan.
  4. Amend 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 replace with "prior to the issuance of a certificate of occupancy for the telecommunications tower".
  5. Remove all references to Tract II. Gray the area of Tract II and label "Not included in rezoning." Amend the application and site plan data to reflect the reduced acreage. Tract II was amended by rezoning petition 2006-142.
  6. Provide a note that prohibits all buffers from being reduced.
  7. Amend 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. Amend the definition of the term "Petitioners" to reflect a singular petitioner.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** John Kinley (704) 336-8311