

REQUEST	Current Zoning: R-3 (single family residential) and INST(CD) (institutional, conditional) Proposed Zoning: INST(CD) (institutional, conditional) and INST(CD) SPA (institutional, conditional, site plan amendment)
LOCATION	Approximately 34.47 acres located on the west side of Beatties Ford Road near the intersection of Kidd Lane and Beatties Ford Road. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to allow expansion of the existing Shining Hope Farms therapeutic riding farm, located in a low density residential area in the City of Charlotte's extraterritorial jurisdiction.
PROPERTY OWNER	Grange Properties, LLC and Timothy Wayne Kisse and Brenda Q. Kisse
PETITIONER AGENT/REPRESENTATIVE	Shining Hope Farms/Milinda Kirkpatrick Jeff Brown, Bridget Dixon, and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found the portion of the site currently used for a therapeutic riding farm to be consistent with the <i>Northwest District Plan</i> and the expansion of the use on the remaining portion of the site to be inconsistent with the adopted plan based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the Northwest District Plan, as amended by rezoning petition 2003-046; and • The expansion of the therapeutic riding farm use on the remaining portion of the petition (Tract 2) is inconsistent with the Northwest District Plan recommendation for single family residential uses. • However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The request is for the expansion of an existing use on the subject rezoning site; and • Although a portion of the proposed institutional use is inconsistent with the residential land use recommended by the area plan, locations for institutional uses are not typically identified within adopted plans; and • Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development; and • In this case, the proposed changes to and the expansion of the existing therapeutic riding farm will preserve the existing rural character of the area and are complimentary to the nearby Hornets Nest Park; <p>By a 5-0 vote of the Zoning Committee (motion by Spencer seconded by Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Petitioner has clarified hours of operation by adding Lighting Note c that states: "Lighting associated with outdoor riding ring may be utilized during the hours of 6:00 a.m. and 9:00 p.m. The outdoor
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lighting may also be used beyond these hours when required to administer to livestock located on the Site (e.g. to attend to sick horses).”

2. Petitioner has added Permitted Uses and Development Area Limitation Note 2b that states: “The existing residential structure on tract #2 may be used as a caretaker’s residence or for any other use associated with the therapeutic riding farm and allowed on the Site.”

VOTE

Motion/Second: Spencer / Eschert
 Yeas: Eschert, Labovitz, Majeed, Spencer and Wiggins
 Nays: None
 Absent: Watkins
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that the petitioner had addressed the outstanding issues pertaining to hours of operation and the proposed uses on Tract 2. Staff also noted that the existing facility is consistent with the *Northwest District Plan*, and Tract 2 is inconsistent with the adopted plan.

A Committee member inquired about the impacts of the lighting on abutting residential properties. The Committee suspended the rules to allow Mr. Keith MacVean, agent, to respond that there is language on the site plan that states lighting will be fully capped and directed downward and away from neighboring properties. Committee members also inquired about the hours of operation, indicating that 9:00 p.m. is rather late for persons with disabilities to be riding horses outside. Ms. Linda Kirkpatrick, the operator of the facility, responded that the later hours allow staff to be able to finish barn work and address other issues that are unable to be handled during regular hours. There was no further discussion of this request.

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

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes to expand an existing therapeutic riding farm located on Tract 1 to permit the following uses (but are not limited to): hippotherapy (the use of horseback riding as a therapeutic or rehabilitative treatment); caretakers residence; animal interaction; farming; hay production; forestry; volunteer events such as but not limited to clean up days, corporate work days and training; summer camps for participants of the therapeutic farm; riding clinics/lessons; and gardening.
- Adds approximately 12 acres (Tract 2) to the existing therapeutic farm site (Tract 1). Tract 2 is currently developed with an existing house to remain and a pond. The site plan indicates that the existing residential structure on Tract 2 may be used as a caretaker’s residence or for any other use associated with the therapeutic riding farm and allowed on the Site.
- Notes that lighting associated with the outdoor riding ring may be utilized between the hours of 6:00 a.m. and 9:00 p.m. The outdoor lighting may also be used beyond these hours when required to administer to livestock located on the Site (e.g. to attend to sick horses).
- Proposes the following improvements and structures on Tract 1:
 - Horse/pony barn;
 - Parking lot and parking area adjacent to the existing stable/indoor riding arena;
 - Vehicular access drive with gate;
 - Grooming station;
 - Shavings shed;
 - Grass arena;
 - Covered equipment storage to be connected to existing stable/indoor riding arena; and
 - Horse run-in.
- Conveys an easement, equal to 100-foot SWIM (Surface Water Improvement Program) buffer

on each side of the portion of McIntyre Creek located on the site, to Mecklenburg County Park and Recreation prior to the issuance of the next certificate of occupancy.

- Increases a 25-foot planted buffer to 37.5 feet with an existing wood privacy fence along a western property line.
- Provides a 15-foot access easement along a portion of the western boundary of Tract 2.
- Limits freestanding lighting to 34 feet in height.
- **Public Plans and Policies**
 - The portion of the site zoned INST(CD) (institutional, conditional) is recommended for institutional land uses as a result of rezoning petitions 2003-046 and 2002-105, which rezoned the property from R-3 (single family residential) to INST(CD) (institutional, conditional).
 - The *Northwest District Plan* (1990) recommends single family up to four (4) dwelling units per acre (DUA) for Tract 2 of this petition. The portion of the petition that is within the FEMA Floodplain is recommended for Park / Open Space.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the end of a state-maintained street. Charlotte Department of Transportation (CDOT) has not identified any concerns with the proposed petition.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located on Kidd Lane. Sewer System availability for the rezoning boundary is via an existing 15-inch gravity sewer main located on the southern end of the petition boundary.
- **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.

OUTSTANDING ISSUES

- None.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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