

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. Number of people attending the Community Meeting: 8

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to access and proposed use on Tract 2.</p> <p><u>Plan Consistency</u> The portion of the site currently used for a therapeutic riding farm (Tract 1) is consistent with the institutional land use recommendation per the <i>Northwest District Plan</i>, as amended by rezoning petition 2003-046. The expansion of the therapeutic riding farm use on the remaining portion of the petition (Tract 2) is inconsistent with the <i>Northwest District Plan</i> recommendation for single family residential uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The request is for the expansion of an existing use on the subject rezoning site. • 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. • Instead, these uses are considered on a case-by-case basis, taking into account the compatibility of the specific use with the surrounding development. • 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.
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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.
- 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.
- **Existing Zoning and Land Use**
 - Approximately 21.47 acres of the rezoning site (majority of Tract 1) is currently developed as a therapeutic riding farm, approximately 0.5 acres is access to an adjacent parcel, and the remaining 12 acres (Tract 2) is developed with a single family home and a pond. The properties are located in the City of Charlotte extraterritorial zoning jurisdiction, and are immediately surrounded by low density residential development that is rural in nature.
 - The following represents City Council and Board of Adjustment actions on the subject property:
 - Approval of rezoning petition 2002-105 (approved on October 23, 2002) rezoned 21.56 acres of the subject site from R-3 (single family residential) to INST(CD) (institutional, conditional) in order to allow a therapeutic farm (Joshua's Farm) with a barn, parking and a green house.
 - At its meeting on September 24, 2002, the Zoning Board of Adjustment granted a 50-foot variance from the required 50-foot "Class C" buffer and a 64-foot variance from the required 100-foot setback to allow the existing barn to remain as constructed. The variances were granted upon the conditions that if the rezoning petition from R-3 (single family residential) to INST(CD) (institutional, conditional) was approved by City Council and if a change of use of the approved INST(CD) (institutional, conditional) occurred, the variance would become null and void.
 - Approval of rezoning petition 2003-046 (approved on July 21, 2003) amended the INST(CD) (institutional, conditional) site plan for approximately 21 acres of the subject site, and rezoned approximately 1.17 acres from R-4 (single family residential) to INST(CD) (institutional, conditional) in order to incorporate the additional acreage into the overall site plan for Joshua's Farm, a therapeutic farm.
 - To the north are low density residential development, undeveloped acreage and a religious institution zoned R-3 (single family residential).
 - To the east are low density residential development and single family neighborhoods, a child care facility, Long Creek Volunteer Fire Department, a religious institution, a funeral home, and Hornets Nest Elementary zoned R-3 (single family residential), R-4 (single family residential), INST(CD) (institutional, conditional), and B-2 (general business).
 - South and west of the subject site are undeveloped acreage, low density residential homes, single family neighborhoods, a religious institution and Hornets Nest Regional Park zoned R-3 (single family residential).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.
- **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.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 20 trips per day (based on two single family dwellings. Trip generation for a therapeutic horse farm is unknown).

Entitlement: 390 trips per day (based on 34 single family residential dwellings).

Proposed Zoning: Trip generation for a therapeutic horse farm is unknown.

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

Site and Building Design

1. "Access and Transportation" Note.b states the gates located at the entrance to the site from Kidd Lane will be kept open during operating hours. Hours of operation are not specified in the notes and need to be added.
2. Confirm if the existing house on Tract 2 is proposed to be used as the caretakers residence.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Department of Solid Waste 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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