

REQUEST	Current Zoning: O-1(CD) (office, conditional) Proposed Zoning: O-1(CD) SPA (office, conditional, site plan amendment)
LOCATION	Approximately 3.62 acres located on the east side of Shopton Road between Pleasant Way Lane and Lebanon Drive. (Outside City Limits)
SUMMARY OF PETITION	The site plan amendment proposes to allow the reuse of the historically designated James Morrow Coffey House located in the Shopton Road area for general and professional office uses, and to accommodate the conversion of the existing open air pole barn constructed on the site to an enclosed (i.e. walled) storage building.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	C.O. Ackerman, Jr. C.O. Ackerman, Jr. Ty Shaffer/Robinson, Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Westside Strategic Plan</i>, as amended by petition 2005-040, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The petition is consistent with the adopted office land use for this site per the <i>Westside Strategic Plan</i>. • Therefore, 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"> • This is a designated historic site and structure located in a traditionally rural area; and • The request will allow general and professional office uses instead of limiting the uses to only a law office, and the request will not increase the square footage on the site; and • The proposed modifications related to uses are minor and are consistent with the adopted land use for this site; and • The proposal will maintain the historic character of the house and grounds and will preserve several large trees on the site; <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Watkins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 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 modified "Architectural and Design Standards" Note 5A to state as follows: <u>"The approved future office building shall be compatible with the historic nature of the 2 story home, using residential materials (masonry foundation, siding, shingle or 'tin' roof, residential windows and garage doors). Prior to the issuance of a building permit or other approvals authorizing the construction of the approved future office building, the petitioner shall apply to the Charlotte-Mecklenburg Historic Landmarks Commission for its review and, if necessary, approval of such plans."</u> 2. Petitioner has added the language from the previous rezoning prohibiting detached pole lighting other than typical single family residential style low pole lighting or residential style lighting attached to the structure. 3. The square footage of the proposed enclosed "pole barn" is now
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noted as 3,200 square feet.

4. Added the 3,500-square foot four-car garage and office, which have not been constructed, to the permitted uses in Note B under "General Provisions". Also, see "Site and Building Design" **REQUESTED TECHNICAL REVISIONS**
5. Petitioner has modified last sentence in "General Provisions" Note 1B to read as follows: "Pursuant to this rezoning petition, the petitioner is requesting an amendment of the original plan to accommodate use of the historically designated residence and the approved future office building for general and professional office uses and any incidental or accessory uses allowed in the O-1 zoning district, and also to accommodate the conversion and use of the existing open air pole barn constructed on the site by petitioner to an enclosed (i.e. walled) storage building, which will be an accessory use to the principal offices on the site."

The following items have been added since the public hearing:

6. Added "Transportation" Note 4.D that states: "Because the enclosed storage building may be used only for storage accessory to the permitted principal uses on the site, parking for its use will not be provided."
7. Added "Architectural and Design Standards" Note 5.D that reads: "To the extent any changes are to be made to the existing structures on the site, the petitioner shall apply to the Charlotte-Mecklenburg Historic Landmarks Commission for its review and, if necessary, approval of such plans prior to issuance of a building permit or other approvals authorizing the construction of the improvements."
8. Petitioner added a note specifying all transportation improvements will be constructed and approved before the site's first building certificate is issued or phased per the site's development plan.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that all outstanding issues were addressed by the petitioner and that this petition is consistent with the Westside Strategic Plan as amended by rezoning petition 2005-040.

A Commissioner commented that it is understandable why a business operator would need to modify uses. 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 amendment contains the following changes:

- Modifies the uses as follows:
 - Currently entitled: Uses within the historic residence are limited to the operation of a law office and a future garage/office addition.
 - Proposed: Uses within the historic residence are limited to general and professional offices and any incidental or accessory uses associated allowed in the O-1 (office) zoning district.
- Identifies on site plan existing open air storage building (3,200-square foot pole barn) in the rear of the property to be converted to an enclosed storage building.
- Adds note committing to dedication and conveyance of right-of-way totaling 35 feet from the centerline of Shopton Road to CDOT.

- Modifies sidewalk width along Shopton Road from previously labeled five-foot width to six feet.
- Modifies “Architectural and Design Standards” Note 5A to state as follows: “The approved future office building shall be compatible with the historic nature of the 2 story home, using residential materials (masonry foundation, siding, shingle or ‘tin’ roof, residential windows and garage doors). Prior to the issuance of a building permit or other approvals authorizing the construction of the approved future office building, the petitioner shall apply to the Charlotte-Mecklenburg Historic Landmarks Commission for its review and, if necessary, approval of such plans.”
- Modifies last sentence in “General Provisions” Note 1B to read as follows: “Pursuant to this rezoning petition, the petitioner is requesting an amendment of the original plan to accommodate use of the historically designated residence and the approved future office building for general and professional office uses and any incidental or accessory uses allowed in the O-1 zoning district, and also to accommodate the conversion and use of the existing open air pole barn constructed on the site by petitioner to an enclosed (i.e. walled) storage building, which will be an accessory use to the principal offices on the site.”
- Adds the language from the previous rezoning prohibiting detached pole lighting other than typical single family residential style low pole lighting or residential style lighting attached to the structure.
- Adds language clarifying that because the enclosed storage building may be used only for storage accessory to the permitted principal uses on the site, parking for its use will not be provided.
- Adds a note specifying all transportation improvements will be constructed and approved before the site’s first building certificate is issued or phased per the site’s development plan.
- Petitioner will request a “parking reduction” from staff to reduce parking by 25 percent to save existing trees.
- **Public Plans and Policies**
 - The adopted future land use for this site is office, as per rezoning petition 2005-040, which amended the *Westside Strategic Plan* (adopted 2000) recommendation for business, office park and industrial uses for this site.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on Shopton Road, a two-lane undivided minor thoroughfare, and the site plan identifies dedication and conveyance of a 35-foot right-of-way per the Thoroughfare Plan.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 80 trips per day (based on existing use as a 2,578 square foot office).
 - Entitlement: 140 trips per day (based on maximum 5,340 square feet of office).
 - Proposed Zoning: 140 trips per day (based maximum 5,340 square feet of office).

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 Historic Landmarks:** The interior and exterior of the house, known as the James Coffey House, the outbuildings, and the entire tax parcel are locally designated historic landmarks. As such, approval of any material alterations to the property and the addition of an office building must be reviewed and approved by the Historic Landmarks Commission (HCL) before building permits are issued.
- **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 12-inch water distribution. Charlotte Water currently does not have sewer system availability for the parcels under review. The closest available sewer main is approximately 1,000 feet southeast of parcel 141-07-105 on Lebanon Drive. The applicant should contact Charlotte Water’s New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.
- **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.
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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 Historic Landmarks 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
 - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782