

**REQUEST** Current Zoning: R-3 (single family residential) and I-2(CD) (general industrial, conditional)  
Proposed Zoning: I-1 (light industrial)

**LOCATION** Approximately 17.2 acres located on the north side of Ed Brown Road and the west side of Steele Creek Road.  
(Council District 3 - Mayfield)

**SUMMARY OF PETITION** The petition proposes to rezone one vacant parcel fronting Ed Brown Road and two residential parcels fronting Steele Creek Road in the Westinghouse/Steele Creek industrial corridor.

**PROPERTY OWNER** Fredrick and Patricia Smith, et al  
**PETITIONER** Foundry Commercial  
**AGENT/REPRESENTATIVE** Collin Brown and Bailey Patrick, Jr.

**COMMUNITY MEETING** Meeting is not required

**STATEMENT OF CONSISTENCY**

- The Zoning Committee found this petition to be consistent with the *Steele Creek Area Plan* for most of the site except for the two parcels fronting Steele Creek Road based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial use for the majority of the site; and
  - The plan recommends residential use for the two parcels fronting Steele Creek Road.
- 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:
  - The majority of the site is zoned I-2(CD) (general industrial, conditional) and had been zoned I-1 (light industrial) prior to rezoning petition 2015-033, consistent with the area plan's recommendation for industrial use; and
  - The two residential parcels zoned R-3 (single family residential) and fronting Steele Creek Road are not part of, nor do they relate to, the single family neighborhood north of the site; and
  - These residential parcels are adjacent to industrial zoning on three sides, to the west, south and east across Steele Creek Road; and
  - The adjacent industrial uses and lot frontages on Steele Creek Road are not conducive to single family residential continuing to oriente to this street, and converting the residential parcels to industrial use is an appropriate change.

By a 6-1 vote of the Zoning Committee (motion by Spencer seconded by Watkins).

**ZONING COMMITTEE ACTION** The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition.

**VOTE**

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

**ZONING COMMITTEE** Staff provided a summary of the petition and noted that the majority of the site is consistent with the adopted area plan recommendation. The

**DISCUSSION**

petition is inconsistent with the plan recommendation for the two single family parcels fronting Steele Creek Road.

A commission member stated they had a concern with losing I-2 zoned property. Planning staff explained that the plan recommended industrial use and the existing and proposed zoning allows for industrial uses. Staff also noted that the rezoning for the majority of the site in 2015 was a conditional rezoning with a specific use for a warehouse and tractor trailer parking and the zoning of the site prior to 2015 was I-1 and this request would take that portion of the site back to the original zoning.

A commissioner asked if the staff had heard any concerns from the residents abutting the two single family parcels included in the rezoning. The staff stated they had not received any calls or correspondence from the residents and the residents were notified by mail and a sign was posted on the property. The Zoning Ordinance would require buffers abutting single family use and zoning.

There was no further discussion.

**MINORITY OPINION**

The City should preserve I-2 zoned property.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends industrial land use for the majority of the site already zoned for industrial uses. This portion of the site is also located within the Westinghouse Boulevard Industrial Activity Center, per the *Centers, Corridors and Wedges Growth Framework*.
- The two parcels currently zoned residential are recommended for residential land use up to 17 dwelling units per acre.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a local street (Ed Brown Road) connecting a minor thoroughfare (Westinghouse Boulevard) and a major thoroughfare (Steele Creek Road) at unsignalized intersections. Rezoning this site to a conventional district removes commitments made in the prior rezoning for a planting strip with a sidewalk on Ed Brown Road and turn lanes on Steele Creek Road at Ed Brown Road.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **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 along Ed Brown Road. Charlotte Water has determined to have limited sanitary sewer system capacity. It is recommended that the applicant contact the Charlotte Water New Services group at (704) 432-5801 for further information and to discuss options regarding sanitary sewer system capacity.
- **Engineering and Property Management:** No trees can be planted in the right-of-way on Steele Creek Road without the permission of the NC Department of Transportation and the City Arborist's

office. Contact Lewis Hatfield (704-336-4265) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way. Trees in the right-of-way on Ed Brown Road are protected by the Tree Ordinance. No trees can be removed from or planted in the right-of-way on Ed Brown Road without permission of the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a permit before removing trees in the rights-of-way. The petitioner must submit a tree survey for all trees two inches or larger located in the right-of-way. In addition, the survey shall include all trees eight inches or larger in the setback of all roads.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
  - Charlotte Area Transit System 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
  - Transportation Review
  - Urban Forestry

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