

<b>REQUEST</b>	Current Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area) Proposed Zoning: I-2(CD) SPA LLWPA (general industrial, conditional, site plan amendment, Lower Lake Wylie Protected Area)
<b>LOCATION</b>	Approximately 7.713 acres located east of Toddville Road between Brooktree Drive and CSX Way. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to modify an approved conditional site plan to allow all uses permitted in the I-2 (general industrial) zoning district on vacant land located in proximity to the CSX Railroad, and north of the intersection of Toddville Road and Freedom Drive.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Tar Heel Road, LLC DC Property, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Northwest District Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends heavy industrial land uses as amended by rezoning petition 1994-077.</li> </ul> </li> <li>• 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"> <li>• The site is located within the Mt. Holly Road/Brookshire Boulevard Industrial Activity Center per the <i>Centers, Corridors and Wedges Growth Framework</i>; and</li> <li>• The site is already zoned I-2 (heavy industrial) and the current site plan allows warehouse and office uses; and</li> <li>• This proposal is for a site plan amendment to the current industrial site plan and will allow a single industrial building and parking/outside storage, consistent with the Activity Center location and heavy industrial recommendation per the <i>Northwest District Plan</i>; and</li> <li>• The site is adjacent to residential development to the south, but will be separated from the abutting residential by an 88-foot wide buffer;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by McClung).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The site plan has been revised to properly locate the site's proposed Toddville Road driveways relative to FedEx Expansion's proposed driveways as shown on the current construction plans on tax parcels 05713137 and 05713121.</li> <li>2. The petitioner has removed Notes E.4 and E.5 which restricted where encroachments were allowed buffer areas.</li> <li>3. Staff has rescinded the request to show the future expansion of Tar Heel Road and preserve the land for the extension because the land for the future extension is preserved by a setback.</li> <li>4. Staff has rescinded the comment to remove the note regarding the elimination of the buffer if it is no longer needed due to the use or</li> </ol>
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zoning of the adjacent property.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting that all outstanding issues were addressed by the petitioner. A Commissioner inquired if the Class "A" Buffer is undisturbed, and staff responded that it is not and explained that it has to be planted to Class "A" buffer standards. Staff noted that this petition is consistent with the *Northwest District Plan* as amended by rezoning petition 1994-077. 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](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows a maximum 30,000 square foot building devoted to uses as permitted in the I-2 (general industrial) zoning district with associated parking and outside storage on approximately 7.713 acres.
- Permits a maximum of 4,500 square feet of gross floor area of the principal building to be devoted to office uses.
- Allows a maximum of one principal building on the site.
- Limits building height to 40 feet.
- Depicts building, parking, and outside storage envelopes.
- Establishes a 75-foot building and parking setback along the northern boundary.
- Notes that prior to issuance of a certificate of occupancy for the principal building to be constructed on the site, the petitioner will construct the half cross section of Toddville Road, consisting of pavement widening 21 feet from the existing centerline, curb and gutter, an eight-foot wide planting strip, and eight-foot wide sidewalk.
- Requires that any transportation improvements be constructed and approved prior to the issuance of the certificate of occupancy for the principal building.
- Proposes a minimum of 30% masonry products, such as brick or stone, for the ground floor façade facing Toddville Road.
- Avoids expanses of blank walls greater than 20 feet in all directions with utilization of architectural features such as, but not limited to, banding, windows, medallions or design features or materials.
- Provides a minimum 88-foot wide "Class A" buffer along the southern boundary line of the site, and along a portion of the northern boundary line of the site. Notes that in the event an adjacent parcel of land is either rezoned to a zoning district or to a use that eliminates or reduces the buffer requirements on the site, that the buffer may be reduced or eliminated accordingly.
- Limits height of freestanding lighting to a maximum of 31 feet.

• **Public Plans and Policies**

- The adopted future land use for this site is heavy industrial as per the Northwest District Plan (1990) as amended by rezoning petition 1994-077.
- The site is located within the Mt. Holly Road/Highway 16 Industrial Activity Center, per the Centers, Corridors and Wedges Growth Framework.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a minor thoroughfare and the current site plan commits to construction of the desired cross section along Toddville Road to accommodate a multi-modal transportation system. Additionally, the current site plan establishes a 75-foot building setback line, as measured from the site's northern property line, to accommodate a possible future extension of

Tar Heel Road by others.

- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on vacant land).
    - Entitlement: 0 trips per day (based on petition 1994-077; staging/storage area).
  - Proposed Zoning: 215 trips per day (based on 25,000 square feet of warehouse uses and 4,500 square feet of office uses)

**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:** Groundwater and Wastewater Contamination records indicate a contamination site(s) exist on, or within, 1,500 feet of the properties included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available, water supply wells for water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** Groundwater and Wastewater Contamination records indicate a contamination site(s) exist on, or within, 1,500 feet of the properties included in the petition. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites. In an ARGU where municipally supplied water is available, water supply wells for water supply, irrigation or open loop geothermal systems may not be permitted or constructed on or within 1,000 feet of contamination sites. Wells may be permitted with special construction and sampling requirements between 1,000 and 1,500 feet of contamination sites.
  - **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
- 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 Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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