

REQUEST	Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area) Proposed Zoning: I-1(CD) LWPA (light industrial, conditional, Lake Wylie Protected Area)
LOCATION	Approximately 3.78 acres located on the north side of Bellhaven Boulevard between Interstate 485 and Bellhaven Circle. (Council District 2 – Harlow)
SUMMARY OF PETITION	The petition proposes to construct a new building to allow industrial uses on a parcel of land currently vacant and generally surrounded by residential, utility, and office land uses, and Interstate 485 in the northwest.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Griffin Brothers Acquisitions LLC Saturday Night LLC Robert Keziah
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to land use and transportation issues, and technical items.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the office land use recommended for the site per the <i>Brookshire Boulevard/I-485 Area Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject site, which fronts on Bellhaven Boulevard, is located between Interstate 485 and a Duke Energy sub-station, and backs up to medical office uses. • While the plan recommends office use for the subject site, its relatively isolated location between the interstate and the sub-station makes the site appropriate for a greater range of uses, including office and limited intensity industrial uses. • The proposal limits the allowed uses to those that will have a minimal impact on the surrounding area, and prohibits more intense industrial uses and retail uses. • The conditional site plan also includes a 32-foot Class A buffer along Bellhaven Boulevard, designed to separate the proposed use from the residentially zoned properties across Bellhaven Boulevard.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Constructs a new building containing up to 20,000 square feet with a maximum height of 40 feet.
 - Limits number of buildings on the site to one (1).
 - Allows variety of uses as allowed in the I-1 (light industrial) zoning district. Proposed uses include: catalog and mail-order houses; clinics (medical, dental, optical, veterinary); contractor offices and accessory storage excluding the storage of construction equipment; distributive business; engraving; fabric sample assembly; graphics research and production; indoor recreation; laboratories (medical, dental, optical, applied and basic research and testing of products, manufacture, processes or fabrication); locksmiths and gunsmiths; manufacturers representatives including offices, and repair and service facilities; orthotics-prosthetics facilities; pest control and disinfecting services; pet services indoor; printing and publishing; radio and television station and/or offices; religious institutions; research uses; telecommunications and data storage facility; vocational schools; warehousing within an enclosed building together with

- accessory sales.
- Prohibits the following uses: automotive repair garages; auto sales; boat and ship sales and repair; assembly or fabrication; hotels; eating drinking and entertainment establishments types 1 and 2; retail establishments; adult establishments; building material sales; retail and wholesale; day labor service agency; jails and prisons; equipment rental and leasing; manufacturing light uses.
- Provides a 32-foot Class A buffer along Bellhaven Boulevard across from residentially zoned properties.
- Provides a 48-foot wide Class A Buffer (reduced 25% from 64 feet with inclusion of a berm as allowed by the ordinance) along north and west property lines that abut acreage zoned R-3 LWPA (single family residential, Lake Wylie Protected Area).
- Notes that if CDOT's intersection site distance policy cannot be provided along the site's Bellhaven Boulevard frontage, access will be restricted to right-in/right-out traffic movements.
- Commits to construction of improvements from centerline of Bellhaven Boulevard, along the site's frontage (pavement widening, curb and gutter, planting strip, and sidewalk) if approved by CDOT and NCDOT during permitting.
- Identifies possible storm water area.
- Limits freestanding lighting to 31 feet in height.
- **Existing Zoning and Land Use**
 - The site is currently vacant and immediately bounded by a Duke Energy substation to the northwest and Interstate 485 to the southeast. The site is generally surrounded by a mix of residential, office, retail uses and undeveloped and vacant acreage.
 - North are office and retail uses, and vacant land zoned CC LWPA (commercial center, Lake Wylie Protected Area).
 - East and southeast (on the other side of Interstate 485) are Shuffletown Community Park, vacant land, and single family neighborhoods zoned R-3 LWPA (single family residential, Lake Wylie Protected Area).
 - South and southwest are vacant land and low density residential zoned R-3 LWPA (single family residential, Lake Wylie Protected Area).
 - West are vacant land, a Duke Energy substation, multi-family residential units, low density residential housing, and commercial uses zoned R-3 LWPA (single family residential, Lake Wylie Protected Area), R-17MF(CD) LWPA (multi-family residential, conditional, Lake Wylie Protected Area), B-1 LWPA (neighborhood business, Lake Wylie Protected Area), and B-1(CD) LWPA (neighborhood business, conditional, Lake Wylie Protected Area).
 - 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 adopted future land use for the site is office as per the *Brookshire Boulevard/I-485 Area Plan* (2002).
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a minor thoroughfare near a crossing under I-485. The site plan acknowledges that there may be inadequate sight distance to allow a full access driveway along Bellhaven Boulevard which would require restricted access (e.g. right-in-right-out). Additionally, the site plan commits to developing the future cross section along the Bellhaven Boulevard site frontage with future right of way.
 - See Outstanding Issues, Notes 1 and 2.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land use).
Entitlement: 140 trips per day (based on 11 single family residential units).
Proposed Zoning: 340 trips per day (based on 20,000 square feet of office).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood 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 Water:** Charlotte Water has water system availability via an existing 12-inch water distribution main along Bellhaven Boulevard. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located within the boundary of parcel 033-01-214.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from or planted in the right-of-way of all State maintained streets (Bellhaven Boulevard and I-485) without permission of the North Carolina Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Park and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.
2. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued or the City's subdivision regulations are triggered. CDOT requests right of way set at two feet behind back of sidewalk.

Land Use

3. Remove the list of **proposed** uses and add the following to the list of **prohibited** uses: Automotive sales and repair, including tractor-trucks and accompanying trailer units; car wash; automobiles, truck and utility trailer rental; automotive service station; convenience store with or without fuel sales; flea market; indoor training and shooting facilities; motels.

REQUESTED TECHNICAL REVISIONS

4. Under Site Development Data note existing zoning is R-3 LWPA.
5. Label site plan correctly to note subject property is proposed to be rezoned to I-1 (CD).
6. Revise the note pertaining to maximum gross floor area which appears to limit uses to general and medical office uses, which is in conflict with the list of proposed uses, or limit the proposed uses to office uses, as recommended by staff.
7. Label the rear portion of the site as "No Build Area."
8. Add to labeling on site plan that the required Class A buffer is reduced by 25% from 64 feet to 48 feet with a berm.
9. Connect the proposed building to required sidewalk along Bellhaven Boulevard with a sidewalk/pedestrian path that should be at a minimum five feet wide.
10. Label proposed streetscape along Bellhaven Boulevard (i.e. planting strip, sidewalk).
11. Remove "Outstanding Issues" from Transportation Improvements heading.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development

- Storm Water
- Urban Forestry
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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