

<b>REQUEST</b>	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)
<b>LOCATION</b>	Approximately 14 acres along Rhyne Road, south of Mount Holly Road and west of Interstate 485. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes the development of a business/industrial park on large lot single family parcels of land in a Wedge area just east of the U.S. National Whitewater Center.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Vernon and Glenda Lassiter, Jr. and John Vernon Lassiter, Jr. Direct Power, Inc. Walter Fields, The Walter Fields, Inc.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be inconsistent with the <i>Catawba Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The petition is inconsistent with the land use recommendation as per the <i>Catawba Area Plan</i> for residential land use up to four dwelling units per acre.</li> </ul> </li> <li>• However, 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 proposal will help support connectivity and a road network; and</li> <li>• There are existing light industrial businesses in the area; and</li> <li>• The noise resulting from the airplanes makes the property less attractive for residential development;</li> </ul> </li> </ul> <p>By a 4-2 vote of the Zoning Committee (motion by Sullivan seconded by McMillan).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>1. The petitioner should revise the site plan and add a conditional note to provide sufficient right-of-way to provide for a future one-lane roundabout (RAB) at the intersection of Rhyne Road and the proposed street (Verde Creek Drive extension). The outside diameter of the travel lane for a one-lane RAB is approximately 150 feet. Additional diameter is necessary for planting strip and sidewalks. <i>CDOT has rescinded this request.</i></li> <li>2. The petitioner has added a note stating that transportation improvements will be installed and rights-of-way dedicated to, and as required by, NCDOT prior to the issuance of the first Certificate of Occupancy for the site.</li> </ol> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>3. Removed “no wall pak type lighting” from the lighting note.</li> </ol> <p><b>REQUESTED TECHNICAL REVISIONS</b></p> <ol style="list-style-type: none"> <li>5. Remove the last sentence from “Streetscape and Landscaping” language that reads as follows: “This action will not require any further administrative action on the part of the Petitioner or the City staff.” <i>Staff has rescinded this request as the ordinance allows reducing or eliminating the buffer in the event an industrial use</i></li> </ol>
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*develops next door.*

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**VOTE**

Motion/Second: Spencer / McMillan  
Yeas: Majeed, McMillan, Spencer, and Sullivan  
Nays: Fryday and McClung  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff presented this item to the Committee, noting that the petitioner added elevations and a list of prohibited uses to the site plan. In addition, a note was added stating that building entrances would relate to the public street with an emphasis on creating an identifiable entrance along the street.

Staff noted that the proposed industrial land use remains inconsistent with the adopted plan's recommendation for residential land use up to four (4) dwelling units per acre. A Committee member commented that this area "does not know what it wants to be" and in need of being assigned a place type(s). Another Committee member expressed the proposal is close to existing businesses, the City is in need of light manufacturing jobs, and this area has potential as an emerging employment base. Other Committee members noted that the new runway results in a large portion of the area being unlivable and pondered if the adopted area plan took this into consideration when developing recommendations. Staff responded that determining the best use for the subject site would not necessarily be through a rezoning but rather a plan amendment process. Staff expressed concerns that this rezoning could trigger other land development requests on adjacent properties that could result in piecemeal decisions and development that may not provide adequate thought or consideration to appropriate land use and character (place type). Staff noted that a plan amendment would allow staff and affected parties to study the conditions of the rezoning site and the surrounding area in a more comprehensive manner.

**MINORITY OPINION**

Commissioner Fryday decided to vote against the request because the request was inconsistent with the Plan and he agreed with staff assessment. Commissioner McClung recommended denial because he agreed that the area would be better served by a plan amendment that would enable a more comprehensive assessment of the area and its needs.

**STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee because the subject rezoning site and surrounding properties on the west side of Rhyne Road are all planned and zoned for single family residential use, and the proposed development will result in the encroachment of industrial zoning into this residentially planned area. Uses allowed in the proposed I-1 (light industrial) zoning include industrial/warehouse uses, which would be more appropriately located in the area to the north along the rail line, as this area is planned and zoned for industrial use.

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**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:

General

- Proposes up to 75,000 square feet of all uses as permitted in the I-1 (light industrial) district.
- Prohibits the following uses: abattoirs; adult establishments; amusement, commercial outdoors; animal crematoriums; any establishment containing more than 70,000 square feet of enclosed space engaged in the operation of a flea market; auction sales; automobiles, truck and utility trailer rental; automotive repair garages; automotive sales and repair; beneficial fill sites;

building material sales, retail, and wholesale; bus and train terminals; boat and ship sales and repair; car washes; cemeteries; civic, social service and fraternal facilities; commercial rooming houses; conference centers, convention centers and halls, exhibit halls, merchandise marts and similar uses; crematory facilities; demolition landfills; donation drop-off facility; eating, drinking and entertainment establishments (type 1), drive-in services; eating, drinking and entertainment establishments (type 2); eating, drinking and entertainment establishments (type 2), drive-in services; equipment rental and leasing; farms, including retail sales of products grown on premises; fence and fence materials, retail and wholesale; heliports and helistops, limited; hotels and motels; jails and prisons; land clearing and inert debris landfills (LCID), off site; manufactured housing repair; manufactured housing sales; nursery/greenhouses, retail and wholesale; offices, up to 400,000 square feet; offices and government buildings, over 400,000 square feet; open space recreational uses; outdoor recreation; petroleum storage facilities; raceways and drag strips; recycling centers, including drop-off centers; shopping centers; shelters; short-term care facilities; stadiums and arenas; tire recapping and retreading; universities, colleges, and junior colleges.

- Proposes to divide the site into four lots (Lots 1, 2, 3, and 4).
- Shows building and parking envelope for each lot, and identifies proposed building footprint and parking layout for Lot 4.

#### Transportation/Streetscape

- Provides access to all four lots via a new public street connecting to Rhyne Road.
- Provides six-foot sidewalk and eight-foot planting strip along Rhyne Road.
- Proposes five-foot sidewalk and eight-foot planting strip along both sides of the new public street.
- Notes transportation improvements will be installed prior to the issuance of the first Certificate of Occupancy for the site.

#### Architectural Standards

- Proposes buildings to be composed of some or any combination of the following building materials:
  - Storefront window systems-aluminum frames with glass;
  - Architectural metal panels systems-corrugated panels;
  - Exterior insulate finishing system (EIFS)-synthetic stucco;
  - Architectural screen wall-perforated metal and/or fiber cement wood;
  - Brick and/or architectural block and/or architectural concrete panels; and
  - Exposed steel columns.
- Notes that building entrances will relate to the public street with an emphasis on creating an identifiable entrance along the street.

#### Site Design

- Proposes a Class A 75-foot buffer with a berm along all property lines abutting lots zoned R-3 (single family residential).
- Notes that the buffers shown on the site plan may be reduced or removed if the adjoining land is rezoned to a classification for which buffers would not be required.
- Limits freestanding lighting to 31 feet, but prohibits installation within 75 feet of any property in residential use.

#### • **Public Plans and Policies**

- The *Catawba Area Plan* (2010) recommends residential up to four dwelling units per acre for this site and the surrounding area.

#### • **TRANSPORTATION CONSIDERATIONS**

The site is located on a major collector outside of the City limits. The site plan commits to an internal collector street that is a portion of the envisioned Verde Creek Drive extension to Rhyne Road.

##### • **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on two single family residential dwellings).

Entitlement: 470 trips per day (based on 42 single family dwellings).

Proposed Zoning: 270 trips per day (based on 75,000 square feet of warehouse use).

#### **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 Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Rhyne Road. Charlotte Water currently does not have sewer system availability for the parcel under review. The closest available sewer main is approximately 1,300 feet southeast of parcel 053-25-114 near the intersection of Rhyne Road and Chapelton 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:**
    - **Arborist:** Project is outside City of Charlotte limits; if parcels are annexed into the City of Charlotte, no trees can be removed from or planted in the right-of-way of all State or City maintained public streets (and any and all newly created public streets) without permission of the NCDOT and City Arborist's office, respectively. Additionally, if the parcels are annexed into the City of Charlotte, the petitioner must submit a tree survey for all trees two-inches or larger located in the rights-of-way.
    - **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:** Groundwater and Wastewater Services (GWS) records indicate a contamination site exists on or within 1,500 feet of this property. 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 ARGU where municipally supplied water is available, water supply wells for water supply, irrigation or open loop geothermal sites 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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## OUTSTANDING ISSUES

### Land Use

1. The petition is inconsistent with the land use recommendation as per the *Catawba Area Plan* (2010) for residential land use up to four dwelling units per acre.

### Transportation

2. CDOT requests that the petitioner revise or remove Transportation Note A. Best attempts will be made to provide full access. However, full access cannot be guaranteed until detailed engineering is done during permitting to confirm adequate distance.
  3. The petitioner should provide a pedestrian connection from the building to the public sidewalk.
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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood and Business 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

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