

**ZONING COMMITTEE
RECOMMENDATION
September 27, 2006**

Rezoning Petition No. 2006-57

Property Owner: Mecklenburg County

Petitioner: Mecklenburg County Real Estate Services

Location: Approximately 2.2 acres north of Billingsley Road and west of Ellington Street

Request: Change from R-5, single family residential, to O-1(CD), conditional office district

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition based upon the following modifications:

- A new five-foot sidewalk will be constructed behind an eight-foot planting strip along Ellington Street.
- Large maturing street trees will be planted 40 feet on-center in the above planting strip.

Vote: Yeas: Carter, Cooksey, Loflin, Randolph, Ratcliffe, Sheild, and Simmons

Nays: None

Absent: None

Summary of Petition

This petition seeks to expand a parking lot from the Mecklenburg County Mental Health Center onto approximately 14 abutting residential lots. The O-1 district is the least intense district that allows parking as a principal use on a parcel.

Zoning Committee Discussion/Rationale

The staff updated the Committee on information received since the public hearing. Staff informed the Committee that Mecklenburg County has acquired the northern two parcels through a condemnation Final Judgment issued in Superior Court on September 5, 2006. Mr. James Johnson, who appeared and spoke at the public hearing was one of eleven family members who inherited the property. Mr. Johnson had a 1/30 interest in the property. While ownership of the property has passed to Mecklenburg County, there is a pending action regarding the correct amount of compensation to be paid for the property.

The Committee inquired as to why the staff was supporting the rezoning when the petition was clearly inconsistent with adopted plans. Staff responded that between 1987, when the Grier Heights Special Project Plan was adopted, and 2004 there had been increased pressure to expand the social services abutting the site. Two Mandatory Referrals were approved in 2004 that effectively changed the plan. One of those Mandatory Referrals permitted the expansion of the mental health center onto the petitioned site and the other transferred County property across Ellington Street to the City to mitigate the loss of residential land. A Committee member inquired as to how the County had acquired the remainder of the site. Staff responded that the other parcels had been purchased by the County from willing sellers. When the Committee inquired whether those properties had been vacant or what the condition of the housing had been, the staff responded that they didn't have those details. One Committee member stated that he was satisfied with the ownership issue but remembered that the Planning Committee had attached conditions to ensure a soft edge for the parking lot along Ellington Street and asked staff if those conditions were being upheld. Staff responded that there was a 20-foot setback to a wrought iron fence with brick columns and a double row of evergreens screened the fence. Staff had also pressured the County to remove the existing sidewalk and replace it with an eight-foot planting strip and five-foot sidewalk with large maturing trees being planted in the planting strip to supplement the trees being preserved in the setback. Another Committee member asked if the transferred County property was actually being used to add housing and who was doing that. Staff responded that the Grier Heights Community Development Corporation was developing new housing in cooperation with the Self-Help Credit Union and they would likely be the builder on this property.

Statement of Consistency

A motion was made by Mr. Sheild, seconded by Mr. Loflin that while this petition was inconsistent with the Grier Heights Special Project Plan and the Grier Heights Neighborhood Action Plan, the proposal was reasonable and in the public interest. That motion passed unanimously.

Vote

Upon a motion by Mr. Sheild, seconded by Mr. Simmons, the Zoning Committee voted to recommend approval of this petition based upon the needed expansion of the mental health center and that the proposal accommodates plan objectives and mitigates the loss of housing. The motion passed unanimously.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.