

**ZONING COMMITTEE
RECOMMENDATION
January 25, 2006**

Rezoning Petition No. 2005-107

Property Owner: LeeMark Realty of Charlotte, LLC

Petitioner: Charlotte Truck Rental

Location: Approximately 2.36 acres located on the west side of Rozzelles Ferry Road, southeast of Coronet Way.

Request: Change from I-2, general industrial to I-1(CD), light industrial, conditional district.

Action: The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition.

Vote: Yeas: Carter, Cooksey, Farman, Hughes, Sheild

Nays: Howard

Absent: Ratcliffe

Summary of Petition

This petition proposes to rezone approximately 2.36 acres to I-1(CD) to allow the sale, lease and repair of vehicles. All other uses permitted in the I-1 zoning district would be allowed, with the exception of hotels and motels and retail uses are limited to the sale of trucks of a size not less than 10,000 pounds vehicle weight. The building area associated with such sales shall be limited to 10,000 square feet.

Zoning Committee Discussion/Rationale

Mr. MacVean explained that the site, which has two zoning categories, I-2 fronting along Rozzelles Ferry Road and R-22MF along Clyde Drive, is currently used for industrial purposes. The I-2 zoned portion is seeking a rezoning to allow vehicle sales on the site. All existing structures on the site will remain and the petitioner will work with the City to coordinate on streetscape improvements along Rozzelles Ferry Road.

Mr. MacVean referred to an issue that was raised at the public hearing, which contends that the industrial uses on the R-22MF zoned portion of the site are in violation of the zoning ordinance. The agent for the petitioner stated at the public hearing that the R-22MF zoned portion is grandfathered as a nonconforming use and the current owner will continue to use the area for non-residential purposes. This portion of the lot is not included in the rezoning petition but a

complaint has been filed and, upon investigation by the Zoning Inspections Division of Neighborhood Development, has been found to be in violation of the zoning ordinance and will be issued a notice of violation, as was the previous owner/user of the property. The property owner/user may provide information to support their claim of exemption due to nonconforming status. Mr. MacVean added that, should the violation be upheld, all non-residential uses must be removed from the R-22MF zoned portion and staff would not support a rezoning from R-22MF to a non-residential zoning classification.

Committee member Mr. Howard asked what the landscaping requirement is on the R-22MF portion and noted that the sum of what will take place around the development must be taken into consideration. Mr. Howard added that the single family homes across Clyde Drive front directly onto the R-22MF zoned property. Mr. MacVean responded that the petitioner will provide a 10-foot buffer installed to Class C buffer standards abutting Clyde Drive and where the lot abuts residential zoning and that said buffer will be installed within 180 days of approval of approval of the proposed rezoning.

Committee member Ms. Farman questioned the impact of rezoning this I-2 zoned property, in light of the issue of losing industrially zoned land in Charlotte. Mr. MacVean stated that the lot in question is a small, isolated piece of I-2 zoning, that is surrounded by residential zoning and land uses and would not present a great loss should it be rezoned. Tammie Keplinger added that a process to look at industrial uses in the city resulted in a list of the top fifty industrial sites that should be preserved and this site was not included on the list. She added that the petitioner proposed this rezoning because a text amendment to allow automobile sales in I-2 zoning was denied by City Council.

Committee member Carter commended the petitioner for trying to help the neighborhood and encouraged them to continue to work with the neighborhood.

Committee member Mr. Howard asked if trucks would be allowed to be parked and sold from that R-22MF zoned portion, as well as the industrially zoned portion that fronts on Rozzelles Ferry Road should the R-22MF zoned property be found to be grandfathered? Mr. MacVean responded that it could be used for the storage of vehicles for sale should it be found to be grandfathered. Mr. Howard stated that he feels conflict in voting in favor of the consistency statement but voting against the rezoning petition.

Statement of Consistency

Upon a motion by Cooksey and seconded by Sheild, the Zoning Committee, by a vote of 5-1, found this petition to be consistent with adopted policies and plans.

Vote

Upon a motion made by Sheild and seconded by Carter, the Zoning Committee voted 5-1 to recommend approval of this petition.

Minority Opinion

The minority opinion of the Zoning Committee feels that the sum effect of the rezoning would be greater than the sum of the one parcel that is proposed for rezoning and will have negative impacts on the neighborhood.

Staff Opinion

Staff agrees with the majority of the Zoning Committee.