

**ZONING COMMITTEE  
RECOMMENDATION  
May 30, 2007**

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**Rezoning Petition No. 2007-060**

**Property Owner:** Public Library of Charlotte & Mecklenburg County

**Petitioner:** Public Library of Charlotte & Mecklenburg County

**Location:** Approximately 2.42 acres located on the east side of Beatties Ford Road between Gilbert Street and Holly Street.

**Center, Corridor or Wedge:** Wedge

**Request:** O-1(CD) PED, office, conditional, pedestrian overlay district and R-5, single-family residential to O-1(CD), office conditional and O-1(CD)(PED-O) SPA office, conditional, pedestrian overlay district, site plan amendment

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

**Vote:** Yeas: Carter, Chiu, Loflin, Ratcliffe, and Simmons

Nays: Randolph

Absent: Sheild

**Summary of Petition**

This request proposes to rezone the site from O-1(CD)(PED) and R-5 to O-1(CD) and O-1(CD)(PED-O)SPA for a 5,000 square feet expansion of the library and additional parking.

**Zoning Committee Discussion/Rationale**

Mr. MacVean reviewed the petition and noted it was not consistent with the *Central District Plan* and the *West End PED Plan*. Given the library's importance to the community, Mr. MacVean explained that staff was in support of the proposal despite the inconsistency with adopted plans. Mr. MacVean stated that staff had requested a brick wall or fence with brick columns be included on the conditional site plan. He stated that library representatives had declined to offer an improved wall or fence, citing financial constraints. Mr. MacVean said staff was not willing to withdraw support of the petition despite this impasse.

One commissioner requested that the Zoning Committee suspend its rules to ask a library representative about the feasibility of the brick wall. Rich Rosenthal, of the Public Library of Charlotte & Mecklenburg County, explained that the brick wall would extend over 300 feet, which was not within their budgetary constraints.

Another commissioner asked whether there was any willingness on the part of the library to install brick columns or a wall. Mr. Rosenthal stated that the library could not commit to such an expense.

The commission asked what type of fencing the library had installed at other sites such as the South Regional Library. Mr. Rosenthal said there was a landscape buffer and no fence at that location.

A commissioner responded that there was in fact a retaining wall at the South Regional Library. He stated that the library is infringing on the adjacent single family homes at the Beatties Ford Road branch by not agreeing to install a brick wall or brick columned fence. Mr. Rosenthal replied by saying the impetus for this library expansion had come from the community. He explained that neighbors had expressed a need for more meeting rooms.

Staff was asked what percentage of the 5,000 square feet expansion would be dedicated for meeting space. Mr. Rosenthal replied that approximately fifty percent of the addition would go towards meeting areas.

The commission asked Mr. MacVean why staff had requested the library to install a brick wall. Mr. MacVean stated that the intent of the brick wall request was to help create a hard edge defining the divide between residential and commercial areas. Mr. MacVean explained that brick walls require less maintenance, do a better job of buffering, and would protect the value of the adjacent homes.

### **Statement of Consistency**

Upon a motion made by Commissioner Carter and seconded by Commissioner Simmons, the Zoning Committee voted 5-1 to find the petition inconsistent with the *West End PED Plan*, but reasonable and in the public interest.

### **Vote**

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

### **Minority Opinion**

The minority of the Zoning Committee observed that the Planning Commission often encourages other petitioners to include improvements such as a brick wall within a buffer. As a matter of fairness it would be appropriate to request a brick wall from the library. The expansion of the library represents an encroachment into the neighborhood, and a brick wall would have helped to mitigate the effects on adjacent properties.

### **Staff Opinion**

Staff agrees with the majority opinion of the Zoning Committee.