

**ZONING COMMITTEE
RECOMMENDATION
February 27, 2008**

Rezoning Petition No. 2008-020

Property Owner: Beacon Partners-Interloop Park, LLC

Petitioner: Jon Morris-Beacon Partners

Location: Approximately 4.80 acres located on the south side of David Cox Road between Old Statesville Road and Harris Cove Drive

Center, Corridor, or Wedge: Corridor

Request: I-1, light industrial to I-2(CD), general industrial, conditional

Action: The Zoning Committee recommended **DENIAL** of this petition.

Vote: Yeas: None

Nays: Howard, Johnson, Lipton, Loflin, Rosenburgh, Sheild

Absent: Randolph

Summary of Petition

The request is to rezone a vacant parcel of land from I-1 to I-2(CD) in order to maximize the potential industrial uses of the property with a building area not to exceed 75,000 square feet, while limiting specific I-2 uses. The property is currently vacant. Details include:

- Maximum building area not to exceed 75,000 square feet
- Permitted uses in the I-2 zoning district
- Prohibited uses on the subject site
- Identification of 10.4% tree save area boundary
- Additional notes pertaining to buffers and screening; design and performance standards; storm water management; vehicular driveways; signage; parking and loading areas; and, tree ordinance requirements
- Approximate locations of proposed Type II driveways
- Approximate locations of potential cross-access between properties if redevelopment occurs

The *Northeast District Plan* (1996) is the current policy document for this parcel and calls for industrial land uses. The *Northlake Area Plan* (adoption pending early 2008) recommends Industrial/Warehouse/Distribution land use classification for the property. The area and district plans do not distinguish between light (I-1) and general (I-2) industrial classifications.

Zoning Committee Discussion/Rationale

Ms. Lyte-Graham reviewed the petition and noted changes made since City Council public hearing, which included:

- Additional storm water language provided on technical data sheet
- Approximate location of an existing dirt mound on site shown on technical data sheet
- Approximate locations of potential cross-access between properties if redevelopment occurs

Ms. Lyte-Graham noted remaining outstanding items included resolution over storm water language, and a sight distance profile for southernmost drive aisle. Ms. Lyte-Graham indicated the sight distance issue should be handled through driveway permit process. Ms. Lyte-Graham stated that staff recommended denial of the petition due to an inability to resolve the storm water issue.

The Zoning Committee inquired into the request for curb and gutter and sidewalks along David Cox Road, storm water issues, and the ability of the site to handle 75,000 square feet of building area given the mound. Ms. Lyte-Graham responded by stating that the City's Engineering Department waived the curb and gutter and sidewalk requirements. Ms. Lyte-Graham further noted that the agent for the petitioner and a representative from Charlotte-Mecklenburg Storm Water Services was in attendance to answer questions.

The Zoning Committee suspended the rules to allow Mr. Eddie Moore, agent representing the petition, to speak on storm water issues and how the site could accommodate 75,000 square feet of building area. Mr. Moore stated that he had been in discussions with Doug Lozner (Charlotte-Mecklenburg Storm Water Services), and that storm water language could not be agreed upon. Mr. Moore indicated that the petitioner is only asking that when development plans are submitted for review that the current storm water requirements be applied. Mr. Moore stated that the site could not handle 75,000 square feet of building area because of the existing dirt mound and topography, and that the owner was looking into multi-tenants with the possible development of four small buildings and limits on size and use. When the Zoning Committee asked Mr. Moore if a recommendation or deferral was the preferred action, Mr. Moore responded by saying a recommendation on the petition was desired at that meeting.

Mr. Doug Lozner with Charlotte-Mecklenburg Storm Water Services addressed the Zoning Committee, indicating that the petitioner did not want to comply with water quality requirements relating to the Post Construction Controls Ordinance. Mr. Lozner indicated that over 90% of the petitioners have agreed to the requested language.

Statement of Consistency

Upon a motion made by Commissioner Johnson and seconded by Commissioner Sheild the Zoning Committee unanimously found this petition to be consistent with the Northeast District Plan and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Rosenburgh and seconded by Commissioner Johnson, the Zoning Committee voted unanimously 6-0 to recommend DENIAL of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.