

**ZONING COMMITTEE
RECOMMENDATION
March 26, 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 voted 4-2 to recommend **APPROVAL** of this petition with the following modification:

- Addition of storm water language, as requested by Storm Water Services

Vote:

Yeas:	Howard, Loflin, Rosenburgh, Sheild
Nays:	Lipton and Randolph
Absent:	Johnson

Summary of Petition

The request is to rezone approximately 4.80 acres from I-1 to I-2(CD) in order to maximize the potential industrial uses of the property. The property is currently vacant. Details provided on the accompanying technical data sheet include:

- Maximum building area not to exceed 75,000 square feet
- 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* (Draft) recommends Industrial/Warehouse/Distribution land use classification for the property. The area and district plans do not distinguish between light and general industrial classifications.

Zoning Committee Discussion/Rationale

Mr. Tom Drake presented the item to the Zoning Committee, noting that the Committee had previously recommended denial of this petition, and that the petitioner had since amended the site plan to include the language as requested by Charlotte-Mecklenburg Storm Water Services (SWS).

The Zoning Committee expressed concerns over the lack of information regarding proposed types of uses proposed, the absence of building footprints on the site plan, and reactions from the neighborhoods. The Zoning Committee suspended the rules to allow Mr. Eddie Moore, the agent for the petition, and Mrs. Claire Fallon with the Legacy at Davis Lake community and Northeast Coalition of Neighborhoods, to speak on the request. Mr. Eddie Moore stated that due to the topography of the site, the construction of a series of buildings was being proposed rather than one structure. Mr. Moore also noted that the request has always been to allow no more than 75,000 square feet of building area. Mr. Moore indicated that he had previously spoken with Mrs. Claire Fallon about the project. Mrs. Fallon noted that the site was originally intended to be constructed with one 40,000 square-foot building, but the proposal was amended to accommodate smaller buildings. Mrs. Fallon noted that as proposed the development would be serviced by smaller trucks, but expressed concerns regarding the existing number of access points on David Cox Road and the larger trucks traveling along that right-of-way.

Ms. Debra Campbell, Charlotte-Mecklenburg Planning Department Director, addressed the Zoning Committee and indicated that specific site plan notes were not requested by staff as the site is generally surrounded by industrial uses and zoning. The Zoning Committee briefly discussed the option of adding notes that would specify the number of buildings on the site, with the opinion that the petitioner should not be penalized for not being asked to provide such information on the site plan.

Statement of Consistency

Upon a motion made by Commissioner Loflin 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

Commissioner Randolph made a motion and Commissioner Lipton seconded the motion to deny the petition. The motion failed 2-4, with Commissioners Randolph and Lipton yeas.

Commissioner Loflin then offered a new motion and Commissioner Shield seconded the motion to APPROVE the petition. The motion passed 4-2, with Commissioners Randolph and Lipton dissenting.

Minority Opinion

The minority of the Zoning Committee felt that inadequate information had been provided on the site plan regarding proposed uses and location of buildings.

Staff Opinion

Staff agrees with the decision of the majority Zoning Committee to approve this request.