

REQUEST	Current Zoning: R-8, single family residential Proposed Zoning: O-2(CD), office, conditional
LOCATION	Approximately 0.64 acres located on the west side of Cherry Street between Baxter Street and Luther Street.
CENTER, CORRIDOR OR WEDGE	Corridor
SUMMARY OF PETITION	This petition proposes a parking lot for an abutting office use.
Property Owner	The Asian (Korean) Herald
Petitioner	The Asian (Korean) Herald
Agent/Representative	R. L. Brandon, Planning and Zoning Consultants
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-1 to recommend DEFERRAL of this petition to their August 4, 2010 meeting.
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VOTE	Motion/Second: Dodson/Walker
	Yeas: Allen, Dodson, Randolph, Simmons and Walker
	Nays: Griffith
	Absent: Rosenburgh
	Recused: None

ZONING COMMITTEE DISCUSSION	Staff explained the petitioner's request for a three-month deferral to allow an additional community meeting with neighborhood residents and to consider modifications to site plan that will garner neighborhood support. Staff does not support the requested deferral due to the fact that the existing parking lot was cited over one year ago by Code Enforcement as a land use violation. In addition, the use is not consistent with the land use recommendation for the site. The Committee suspended the rules to seek input on the requested deferral from a representative in support of the petition and one who opposes the petition. The committee discussed the merits of supporting a one-month deferral with the ability to approve additional deferrals if needed.
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FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - An off-street parking lot containing 29 spaces
 - A concrete pad at the existing bus stop
 - An eight-foot planting strip and six-foot sidewalk along Cherry Street
 - An internal community park
- **Public Plans and Policies**
 - The *Cherry Small Area Plan* (1993) recommends mixed residential at a density of eight (8) dwelling units per acre.
 - This petition is inconsistent with the *Cherry Small Area Plan*.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- CDOT: Provide an 8-foot planting strip and 6-foot sidewalk along the frontage on Baxter Street.
- Charlotte Fire Department: No issues.
- CATS: No issues.
- Connectivity: No issues.
- Neighborhood & Business Services: No comments received.
- Schools: Charlotte-Mecklenburg School System does not comment on nonresidential rezoning petitions.
- Park and Recreation: No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
- The site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Remove the maximum building size and all other references the building not shown.
 2. Specify site acreage as 0.64 acres.
 3. Clearly delineate the area to be rezoned.
 4. Specify which streets are referred to in Note 5 (meandering of sidewalk and varying of planting strip width).
 5. Delete Note 3 as dumpsters are not permitted on the site if it is used solely as a parking lot.
 6. Eliminate all parking within five feet of exterior property lines.
 7. Amend Note 19 to indicate whether the existing houses are to remain. If existing houses will remain the lot must be subdivided to eliminate two principal uses on one lot. Any proposed subdivision of tax parcel 12522101 must be completed prior to a decision on the petition.
 8. Show a 14-foot Class C buffer between the parking lot and the existing homes if they are to remain.
 9. Properly reflect the zoning, tax parcel numbers, and owners on abutting properties.
 10. Specify proposed location of the fence referenced in the legend.
 11. Address CDOT comments.
 12. Amend Note 19 to either specify an on-site principal institutional use or delete accessory uses for an institutional use as a permitted use.
 13. Show and label the 20-foot required setback off Baxter Street and 10-foot required site yard off Cherry Street. No parking or maneuvering is permitted in the required setback or side yard.

Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- Community Meeting Report
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review