

REQUEST	Current Zoning: R-15(CD), single family residential, conditional Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road.
SUMMARY OF PETITION	The petition proposes a parking lot with no more than 40 spaces for greenway users to access the Four Mile Creek Greenway, which opened in 2008.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mecklenburg County Mecklenburg County Park & Recreation Department Gary Wirth, Wirth & Associates, Inc.
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>South District Plan</i> and not reasonable and not in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Firestone seconded by Commissioner Lipton).

ZONING COMMITTEE ACTION	The Zoning Committee voted to recommend DENIAL of this petition.
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VOTE	Motion/Second: Firestone/Fallon Yeas: Dodson, Fallon, Firestone, Lipton, and Phipps Nays: Rosenburgh Absent: None Abstain: Walker
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ZONING COMMITTEE DISCUSSION	<p>Staff reviewed the petition and noted the two following items were added to the site plan:</p> <ol style="list-style-type: none"> Note 7 has been modified to state "Lighting may be installed in the future if security concerns or significant requests by greenway users make the lighting of the parking lot advisable". The modification to this note also reduced the maximum height of the potential lighting from 30 feet to 25 feet and indicates it will be shielded or capped. An additional note has been provided which states "The petitioner will collaborate with the Charlotte Department of Transportation in future planning efforts concerning any traffic calming or pedestrian improvements between Rea Road and Elm Lane". <p>A Commissioner began by stating traffic problems exist along Bevington Place due to a popular greenway and shopping center. They continued by stating the parking lot will not alleviate the issue and there are safety concerns with the proposed location which will make the problems with the traffic patterns worse. Finally, the Commissioner stated all other alternatives have not been examined.</p> <p>Another Commissioner stated the current zoning allows an accessory parking lot for a greenway but the issue is the number of spaces. Staff stated the land use is consistent with what is currently allowed. However, the floodplain to the south and the current 40-foot setback along Bevington Place reduces the developable area for a parking lot. The Commissioner was concerned with utilizing the NS zoning category to reduce the setback along Bevington Place. The Commissioner also stated the SWIM buffer may be slightly impacted by the proposed parking lot but understood that the ordinance allows for disturbances with mitigation.</p>
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A Commissioner indicated that lighting is allowed by right within all developments. However, notes on a site plan can regulate lighting with regard to height and shielding the fixtures. The Commissioner stated the added note was a response to some community concerns. It was also noted that greenway parking lots do not typically have lighting and the added note would allow lighting only if safety concerns arise.

Some Commissioners indicated they were reluctant to allow additional parking without providing measures to alleviate the transportation and pedestrian concerns. It was stated that, in the past, other conditional rezoning petitions had provided for mitigation measures where the proposed development could create increased transportation issues.

A Commissioner asked if recessed parking would be more cost effective than providing the surface lot. It was stated that moving a curb for on-street recessed parking is expensive but CDOT was not sure of the costs compared to the proposed surface lot. CDOT staff stated on-street parking may not remedy the concerns some citizens have along Bevington Place. Where parking is placed effects where people cross the street and if the number of pedestrian crossings go up or down.

A Commissioner stated that some of the potential impacts should be accessed and a mitigation plan established rather than an agreement by the petitioner for collaboration with CDOT. There were also concerns regarding funding of mitigation options.

CDOT staff stated the current problems were not created by the proposed rezoning. It was also stated that city staff has studied the issues along Bevington Place and is aware of the community concerns. CDOT will continue to work to resolve the issues whether or not this proposed rezoning is approved. At this point, CDOT does not know the best treatment and prefers not to limit them to one treatment option tied to a conditional note on this proposed rezoning that may be a poor choice. CDOT staff stated there are funding sources available such as the Pedestrian/Traffic Safety Fund and the Traffic Calming Program for future transportation and pedestrian improvements along Bevington Place.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee. The proposed use is currently allowed on this site with a greater setback along Bevington Place. The proposal to NS allows the setback to be reduced and is consistent with the zoning across Bevington Place. Therefore, staff is supportive of this petition.

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:
 - A proposed parking lot not to exceed 40 parking spaces for the Four Mile Creek Greenway.
 - The parking lot will be asphalt or gravel and located 23 feet from the back of curb (18-foot setback plus 5-foot screening area).
 - Detached lighting, if provided, will be limited to 25' in height and will be shielded or capped so that direct illumination does not extend past the parcel property lines.
 - Access to the site will be provided by a driveway from Bevington Place.

- **Public Plans and Policies**
 - *The South District Plan* (1993) recommends retail uses for the portion of the site where the parking lot is planned. The remainder of the property is recommended for greenway use based on its location in a floodplain.
 - The proposed use is inconsistent with the land use recommendation in the *South District Plan*.
 - **STAFF RECOMMENDATION (Updated)**
 - Staff disagrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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