

REQUEST	Current Zoning: R-5 (HD-O) (single family residential, historic district overlay) Proposed Zoning: O-1(CD) (HD-O) (office, conditional, historic district overlay)
LOCATION	Approximately 0.46 acres located on the north side of West Boulevard between South Tryon Street and Wickford Place. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to reuse an existing structure built in 1929 on one lot and to construct a new building on the second lot to accommodate office uses, with the exception of retail uses. The site is located in the Wilmore Historic District Overlay.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Dominick Ristaino Dominick Ristaino Craig W. Isaac
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to DEFER this petition to their October 28, 2015 meeting.
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VOTE	Motion/Second: Dodson/Sullivan Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan, and Wiggins Nays: None Absent: None Recused: None
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - At its meeting on March 16, 2015, the City Council held a public hearing on a conventional request to rezone the subject site from R-5 (HD-O) (single family residential, historic district overlay) to B-1 (HD-O) (neighborhood business, historic district overlay). At that meeting some Council members expressed concerns about the absence of a site plan and permitting all uses in the B-1 (neighborhood business) district.
 - At the March 25, 2015 Zoning Committee Work Session, the Committee discussed this request, with some members expressing concerns about its conventional status and echoed the City Council's concerns regarding the absence of a site plan. The Zoning Committee unanimously voted 5-0 to defer this petition so that staff could ask the petitioner if there was a willingness to convert the request to a conditional rezoning petition with a site plan.
 - At the April 29, 2015 Zoning Committee Work Session, staff informed the Committee that the petitioner had submitted an amended application and site plan converting the request from a conventional to a conditional rezoning petition. The Zoning Committee unanimously voted 6-0 to send the petition back to City Council for a new public hearing. At its May 18, 2015 meeting, the City Council voted to set a new public hearing date for July 20, 2015. A new public hearing was held on July 20, 2015 and the petitioner requested a deferral at the Zoning Committee on July 29 and September 30.
 - The Zoning Board of Adjustment (ZBA), at its meeting on May 26, 2015, granted a variance from the ten-foot "Class C" buffer and ten-foot required side yard to allow the existing principal structure and accessory structure on the subject site to remain as shown on the site plan subject to the following conditions: 1) the variance is subject to the installation of the fence and

planting requirements indicated on the proposed site plan presented to the Board; and, 2) the variance is contingent on Historic District Commission's approved application. The variance was granted for both parcels (316 and 320 West Boulevard).

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Convert existing residential structure to accommodate non-residential use with new parking area in the rear. Existing garage to remain.
 - New structure on second lot with parking in the rear.
 - Allow all uses in the O-1 (office) district, and prohibit retail uses.
 - Parking areas behind buildings will connect and have a shared access onto West Boulevard via an existing concrete driveway.
 - New six-foot high privacy fence along a portion of the west property line.
 - Existing seven-foot planting strip and five-foot sidewalk along West Boulevard to remain to match existing conditions along West Boulevard.
 - Proposes tree mitigation in lieu of 15% tree save area via additional plantings on site or within setback areas.
 - Detached lighting limited to 20 feet in height.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends retail uses on this site.
 - The petition is inconsistent with the *Central District Plan*, which recommends retail uses. However, the proposed office use is less intense than the retail use recommended by the plan and is therefore appropriate.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** 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-Environment*.
 - Minimizes impacts to the natural environment by reuse of an existing structure and building on an infill lot.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Label site plan "rezoning petition 2015-037."
 2. Rename heading Zoning/Development Data to Development Data Table.
 3. Under Development Data, remove the word "primarily" from proposed use information.
 4. Under Development Data Table, note property addresses.
 5. Remove heading Setback, Side Yards and Rear Yards and development note, and under heading Development Data, note that setback and yards will be provided per ordinance. Reference variance (case number 2015-026) granted by Zoning Board of Adjustment.
 6. Remove floorplan and existing conditions exhibit from the site plan.
 7. Remove General Notes from site plan.gRemove heading statements with respect to the Graphics and associated language, and under heading General Provisions reference Section 6.207 of the ordinance.
 8. Building setback should be 20 feet, not 37 feet.
 9. Remove Perimeter Buffer Requirements and Interior Landscaping headings and language from site plan.
 10. Show and label required ten-foot wide "Class C" buffer along the north property line.
 11. Ensure the "Class C" buffer and fence treatment along the west property line shows conditions approved by the Zoning Board of Adjustment. New parking area must provide minimum five-foot side yard.
 12. Remove Parking Space Table and Parking heading and associated notes from the site plan. Add a note under Development Data Table stating that parking will be provided per ordinance.
 13. Remove "No wall pak lighting shall be used" from the Lighting development note.
 14. Provide detail of proposed privacy fence.
 15. Add a note under Permitted Uses heading to state that this is a unified development and the lots will be combined prior to building permit.
 16. Remove variance box on site plan pertaining to sidewalk, planting strip, and garage.
 17. Remove reference to variance under Streetscape heading.
 18. Remove "Statements with respect to the graphics which are set forth on exhibits accompanying the rezoning plan" as this is covered by changes along in Section 6.207.
 19. Amend Note 11.1 to reference Section 6.207.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Claire Lyte-Graham (704) 336-3782