

<b>REQUEST</b>	Current Zoning: R-3 LWPA (single family residential, Lake Wylie Protected Area) Proposed Zoning: I-1(CD) LWPA (light industrial, conditional, Lake Wylie Protected Area)
<b>LOCATION</b>	Approximately 3.78 acres located on the north side of Bellhaven Boulevard between Interstate 485 and Bellhaven Circle. (District 2 – Ivory)
<b>SUMMARY OF PETITION</b>	The petition proposes to construct a new building to allow industrial uses on a parcel of land currently vacant and generally surrounded by residential, utility, and office land uses, and Interstate 485 in the northwest.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Griffin Brothers Acquisitions LLC Saturday Night LLC Robert Keziah
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be inconsistent with the <i>Brookshire Boulevard/I-485 Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends office land uses for the rezoning site.</li> </ul> </li> <li>• However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The subject site, which fronts on Bellhaven Boulevard, is located between Interstate 485 and a Duke Energy sub-station, and backs up to medical office uses; and</li> <li>• While the plan recommends office use for the subject site, its relatively isolated location between the interstate and the sub-station makes the site appropriate for a greater range of uses, including office and limited intensity industrial uses; and</li> <li>• The proposal limits the allowed uses to those that will have a minimal impact on the surrounding area, and prohibits more intense industrial uses and retail uses; and</li> <li>• The conditional site plan also includes a 32-foot Class A buffer along Bellhaven Boulevard, designed to separate the proposed use from the residentially zoned properties across Bellhaven Boulevard;</li> </ul> </li> </ul> <p>By a 6-1 vote of the Zoning Committee (motion by Majeed seconded by McClung).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has revised the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.</li> <li>2. The petitioner has revised the site plan by adding a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued or the City's subdivision regulations are triggered, with CDOT requesting right of way be set at two feet behind back of sidewalk.</li> <li>3. Removed the list of proposed uses and added the following to the list of prohibited uses: Automotive sales and repair, including</li> </ol>
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tractor-trucks and accompanying trailer units; car wash; automobiles, truck and utility trailer rental; automotive service station; convenience store with or without fuel sales; flea market; indoor training and shooting facilities; motels; boat and ship sales and repair; assembly or fabrication; hotels; eating, drinking, and entertainment establishments Types 1 and 2; retail establishments; adult establishments; building material sales, retail and wholesale; day labor service agency; jails and prisons; equipment rental and leasing; manufacturing light uses; and outdoor storage.

4. Under Site Development Data noted existing zoning is R-3 LWPA.
5. Labeled site plan correctly to note subject property is proposed to be rezoned to I-1(CD).
6. Revised the note pertaining to maximum gross floor area which appears to limit uses to general and medical office uses.
7. Labeled the rear portion of the site as "No Build Area."
8. Added to labeling on site plan that the required Class A buffer is reduced by 25% from 64 feet to 48 feet with a berm.
9. Labeled proposed five-foot sidewalk and five-foot planting strip along Bellhaven Boulevard.
10. Removed "Outstanding Issues" from Transportation Improvements heading.

**VOTE**

Motion/Second: Nelson/Sullivan  
 Yeas: Fryday, Majeed, McClung, McMillan, Nelson, and Sullivan  
 Nays: Spencer  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed this petition and noted that this petition is inconsistent with the office land use recommended for the site per the *Brookshire Boulevard/I-485 Area Plan* but that staff supports the petition upon resolution of the outstanding issues. Staff indicated that the two outstanding issues pertain to the staff request to adding billboards to the list of prohibited uses, and the request to connect the proposed five-foot sidewalk by providing a crosswalk through the parking lot to connect to the proposed building. A Commissioner inquired when these outstanding issues were added, and staff responded a few days back. The Committee expressed concerns about the lateness of the request, and with petitions with outstanding issues being presented at the meeting. A Committee member asked if billboards are consistent with the adopted plan, and staff responded no, as the site is recommended for office in the plan. The Committee suspended the rules to allow Robert Keziah, the agent, to speak. Mr. Keziah indicated that he had been in the process for nine months, already made several changes to the site plan, and felt it unreasonable to modify the site plan at the last minute to accommodate these changes. Mr. Keziah noted that he only heard about these additional requests earlier that day.

**MINORITY OPINION**

Commissioner Spencer felt the outstanding site plan items could be easily resolved and that a billboard is inconsistent with the recommended land use.

**STAFF OPINION**

Staff disagrees with the recommendation of the majority of the Zoning Committee, and believes that the two outstanding issues should be addressed prior to Council approval.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Constructs a new building containing up to 20,000 square feet with a maximum height of 40 feet.
  - Limits number of buildings on the site to one (1).
  - Identifies a "No Build Area" in the rear of the site.
  - Allows variety of uses as allowed in the I-1 (light industrial) zoning district.
  - Prohibits the following uses: Automotive sales and repair, including tractor-trucks and accompanying trailer units; car wash; automobiles, truck and utility trailer rental; automotive service station; convenience store with or without fuel sales; flea market; indoor training and shooting facilities; motels; boat and ship sales and repair; assembly or fabrication; hotels; eating, drinking, an entertainment establishments Types 1 and 2; retail establishments; adult establishments; building material sales, retail and wholesale; day labor service agency; jails and prisons; equipment rental and leasing; manufacturing light uses; and outdoor storage.
  - Provides a 32-foot Class A buffer along Bellhaven Boulevard across from residentially zoned properties.
  - Provides a 48-foot wide Class A Buffer (reduced 25% from 64 feet with inclusion of a berm as allowed by the ordinance) along north and west property lines that abut acreage zoned R-3 LWPA (single family residential, Lake Wylie Protected Area).
  - Notes that if CDOT's intersection site distance policy cannot be provided along the site's Bellhaven Boulevard frontage, access will be restricted to right-in/right-out traffic movements.
  - Commits to construction of improvements from centerline of Bellhaven Boulevard, along the site's frontage (pavement widening, curb and gutter, planting strip, and sidewalk) if approved by CDOT and NCDOT during permitting.
  - Specifies all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.
  - Includes a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued or the City's subdivision regulations are triggered, with CDOT requesting right-of-way be set at two feet behind back of sidewalk.
  - Proposes a five (5) foot sidewalk and five (5) foot planting strip along Bellhaven Boulevard.
  - Identifies possible storm water area.
  - Limits freestanding lighting to 31 feet in height.
- Public Plans and Policies**
- The adopted future land use for the site is office as per the *Brookshire Boulevard/I-485 Area Plan* (2002).

**• TRANSPORTATION CONSIDERATIONS**

- The site is located along a minor thoroughfare near a crossing under I-485. The site plan acknowledges that there may be inadequate sight distance to allow a full access driveway along Bellhaven Boulevard which would require restricted access (e.g. right-in-right-out). Additionally, the site plan commits to developing the future cross section along the Bellhaven Boulevard site frontage with future right of way.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on vacant land use).
    - Entitlement: 140 trips per day (based on 11 single family residential units).
  - Proposed Zoning: 340 trips per day (based on 20,000 square feet of office).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability via an existing 12-inch water

distribution main along Bellhaven Boulevard. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located within the boundary of parcel 033-01-214.

- **Engineering and Property Management:**

- **Arborist:** No trees can be removed from or planted in the right-of-way of all State maintained streets (Bellhaven Boulevard and I-485) without permission of the North Carolina Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** No issues.
- **Urban Forestry:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No issues.

#### **OUTSTANDING ISSUES**

1. Add billboards to the list of prohibited uses.
  2. Connect proposed five-foot sidewalk by providing a crosswalk through the parking lot to connect to proposed building.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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