

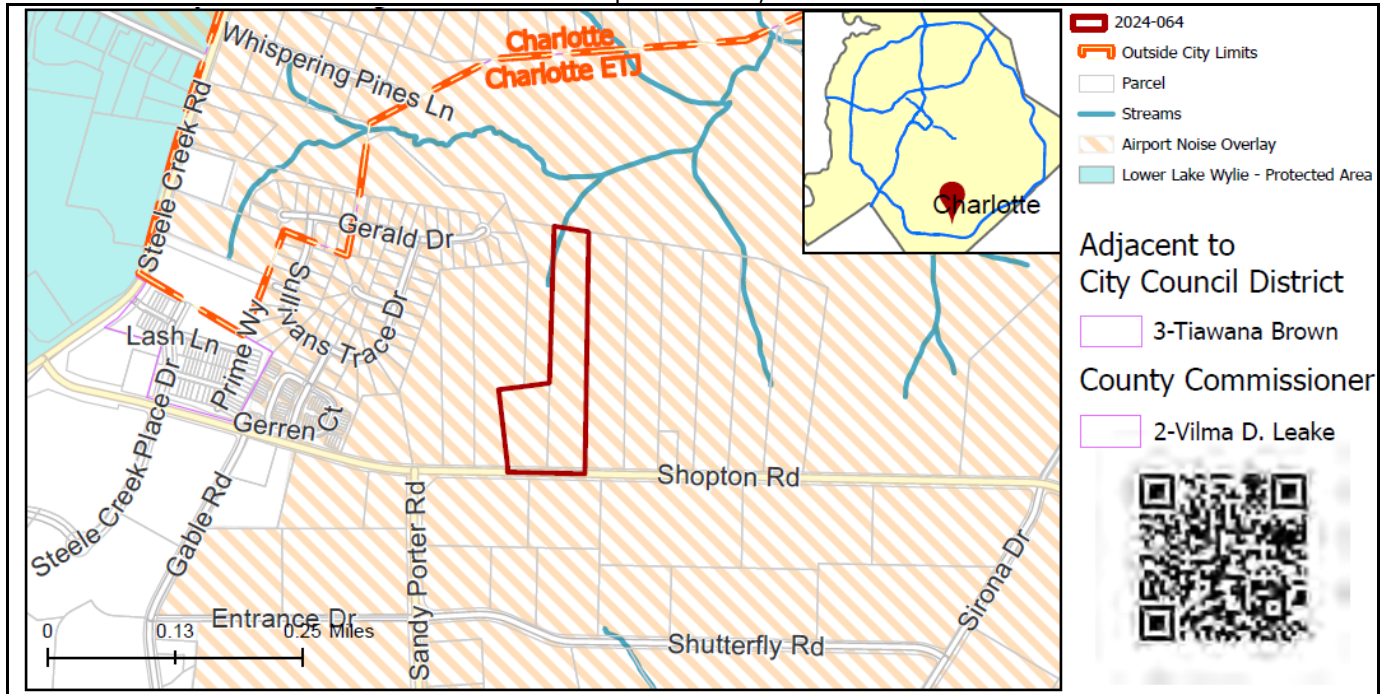
REQUEST

Current Zoning: N1-A ANDO (Neighborhood 1-A, Airport Noise Disclosure Overlay)

Proposed Zoning: ML-2(CD) ANDO (Manufacturing & Logistics-2, Conditional, Airport Noise Disclosure Overlay)

LOCATION

Approximately 7.59 acres located on the north side of Shopton Road, east of Steve Chapman Drive, and west of Pinecrest Drive.



SUMMARY OF PETITION

The site is currently developed with a contractor office with outdoor storage, which has been operating illegally. The petition proposes to bring the site into compliance with the UDO by allowing a contractor office with outdoor storage in the ML-2 zoning district.

PROPERTY OWNER

JF Lawrence Properties LLC

PETITIONER

JF Lawrence Properties LLC

AGENT/REPRESENTATIVE

Stephanie Holland, V3 Companies

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type.

Rationale for Recommendation

- The petition follows four similar adjacent petitions (2023-035, 2022-137, 2021-042 and 2020-119) which also rezoned N1 properties to allow for industrial uses.
- The rear portion of the site, closest to residential uses along Gerald Drive, is proposed to be preserved as tree save.
- The petition limits the possible uses to solely contractor office with outdoor storage.

- A 65' Class A landscape yard is required where adjacent to CG and N1-A zoning along the western property boundary.
- The location of the site being adjacent to industrial zoning and within the Airport Noise Disclosure Overlay makes it less suitable for residential development as currently zoned.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Neighborhood 1 Place Type to the Manufacturing & Logistics Place Type for the site.

PLANNING STAFF REVIEW

• **Background**

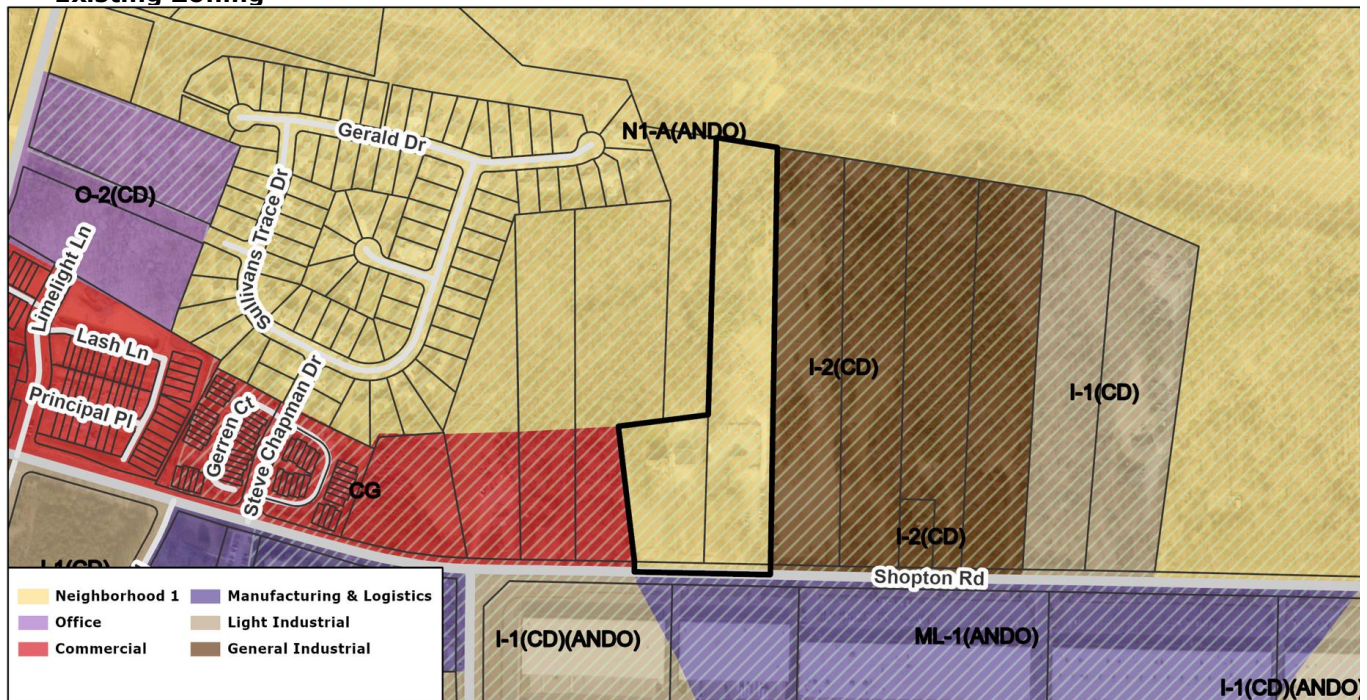
- Code Enforcement issued a notice of violation to the property owner for illegally operating a contractor office with outdoor storage in the N1-A ANDO zoning district. The petitioner seeks to bring the site into compliance by rezoning the site to ML-2(CD) ANDO and limiting the use to contractor office with outdoor storage.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- ~~Establishes two zoning districts for the site: 5.34 acres of ML-2(CD) ANDO along the Shopton Rd frontage and 2.59 acres of N1-A(CD) ANDO to the rear of the site.~~
- Limits the proposed use to contractor office with outdoor storage.
- Allows for 9,500 SF of non-residential uses.
- Limits building height to 40'.
- ~~Allows for all uses permitted in the ML-2(CD) zoning district with the exception of: automobile service stations, automotive repair garages, junk yards, petroleum storage facilities, landfills, quarries, and adult establishments.~~
- Establishes a 65' Class A landscape yard where adjacent to CG ANDO and N1-A ANDO zoning.
- Establishes a 25' Class B landscape yard where adjacent to I-2(CD) ANDO zoning.
- Clearly illustrates the area to be used for outdoor storage.

• **Existing Zoning**



- The site is zoned N1-A and is surrounded by a mix of districts including N1-A to the north, I-2(CD) to the east, ML-1 to the south, and CG and N1-A to the west. The site and surrounding properties are within the ANDO.



The site is developed as a contractor office with outdoor storage and is surrounded by industrial uses to the east and south with residential uses to the north and west.



Street view of contractor office with outdoor storage illegally operating on the site as seen from Shopton Road West.



Street view of single-family detached residential to the north of the site along Gerald Drive.



Street view of industrial use to the east of the site as seen from Shopton Road West.

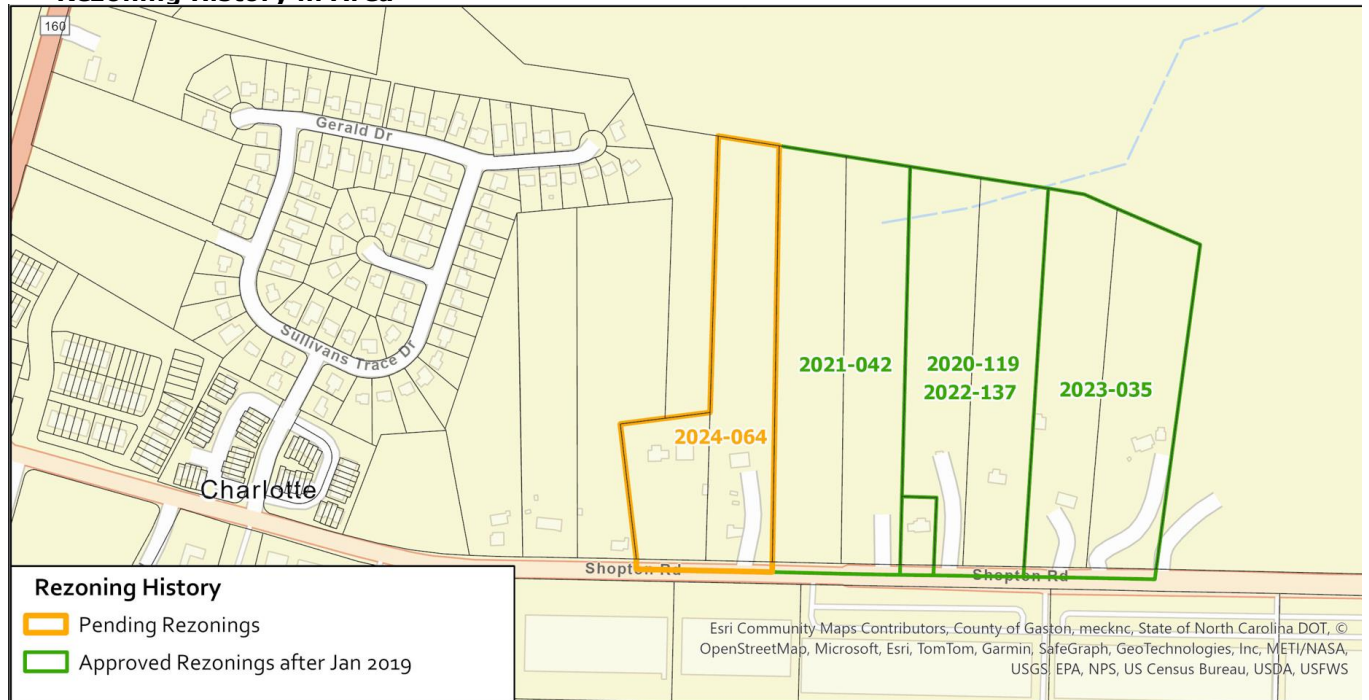


Street view of industrial use to the south of the site across Shopton Road West.



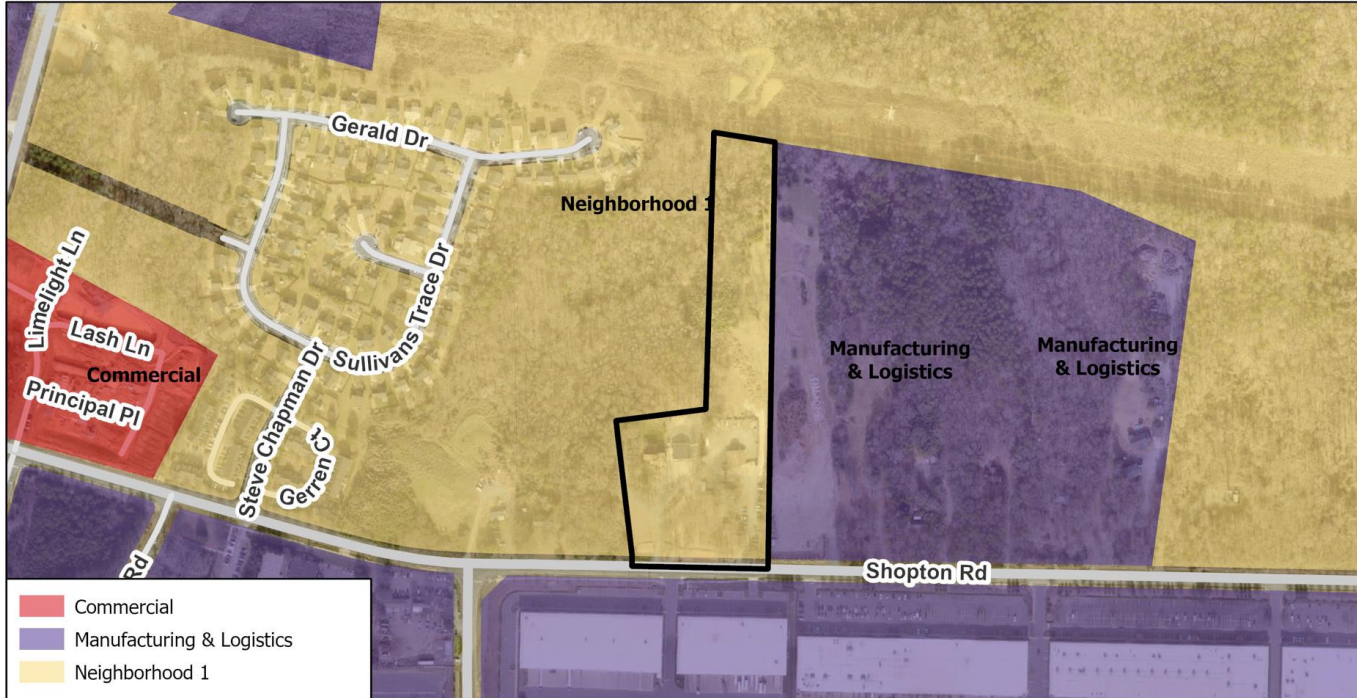
Street view of single-family residential use to the west of the site along Shopton Road West.

• **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|-----------------------------------------------------------------------------------------------------|----------|
| 2023-035 | Request to rezone 10.34 acres to I-1(CD) ANDO to allow 120,200 SF of I-1 uses. | Approved |
| 2022-137 | Request to rezone 10.2 acres to I-2(CD) AIR to allow 120,000 SF of limited I-2 uses. | Approved |
| 2021-042 | Request to rezone 10.73 acres to I-2(CD) AIR to allow an office and warehouse with outdoor storage. | Approved |
| 2020-119 | Request to rezone 9.78 acres to I-2(CD) AIR to allow 100,000 SF of limited I-2 uses. | Approved |

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for the site.

• **TRANSPORTATION SUMMARY**

- Site is located on Shopton Road, a State-maintained arterial, between Sandy Porter Road, a State-maintained arterial, and Sirona Drive, a private-maintained street. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers. Due to the minor nature of this rezoning CDOT will coordinate with the petitioner during permitting to ensure the site meets all ordinance requirements. All outstanding CDOT issues have been addressed.

○ **Active Projects:**

- N/A

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 70 trips per day (based on 4,136 SF of contractor office with outdoor storage).

Entitlement: 251 trips per day (based on 22 single-family dwellings).

Proposed Zoning: 53 trips per day (based on 9,500 SF of industrial use).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Only Water is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. It is recommended that the applicant contact the Charlotte Water New Services at (704) 432-2854 for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.

- **Long Range Planning:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Site and Building Design

1. ~~Reduce the maximum height to 40' to match adjacent I-2(CD) parcels to the east of the site.~~
ADDRESSED
2. ~~Eliminate N1-A(CD) ANDO from the requested zoning. The entire site and all development standards associated with the proposed use should be under ML-2(CD) ANDO.~~ ADDRESSED
3. ~~Extend the 65' Class A landscape yard to all areas adjacent to N1-A and CG zoning. Show the landscape yard across the septic field. A variance will be required following the rezoning process.~~
ADDRESSED
4. ~~Revise the proposed use to limit only to contractor office with outdoor storage. Any other proposed use would require a subsequent rezoning.~~ ADDRESSED
5. ~~Clearly illustrate the proposed outdoor storage yard area on the site plan.~~ ADDRESSED

Environment

6. ~~Add standard Stormwater note "The petitioner shall comply with the Charlotte City Council approved and adopted Unified Development Ordinance, Stormwater Articles 23 through 28. The location, size, and type of storm water management systems that may be depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."~~ ADDRESSED
7. ~~Remove note 8.B referencing proposed PCSO treatment areas.~~ ADDRESSED
8. ~~City of Charlotte GIS data indicates a 30 ft PCSO buffer across the site. Please show and label Potential 30 ft PCSO Buffer on the site plan. Any increase of impervious area within such buffers may not be allowed and is not approved with the rezoning process. Stream Delineation Reports are subject to review and approval by Charlotte Storm Water Services. Please include the following note under Environmental Features: "Development within any SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte Mecklenburg Storm Water Services and mitigated if required by City ordinance."~~ ADDRESSED
9. ~~Provide a tree survey identifying all city trees 8" DBH or greater and all planted city trees, all existing heritage trees, and any existing areas of the site used for credit toward meeting previously approved tree save or green area requirements.~~ ADDRESSED

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Joe Mangum (704) 353-1908