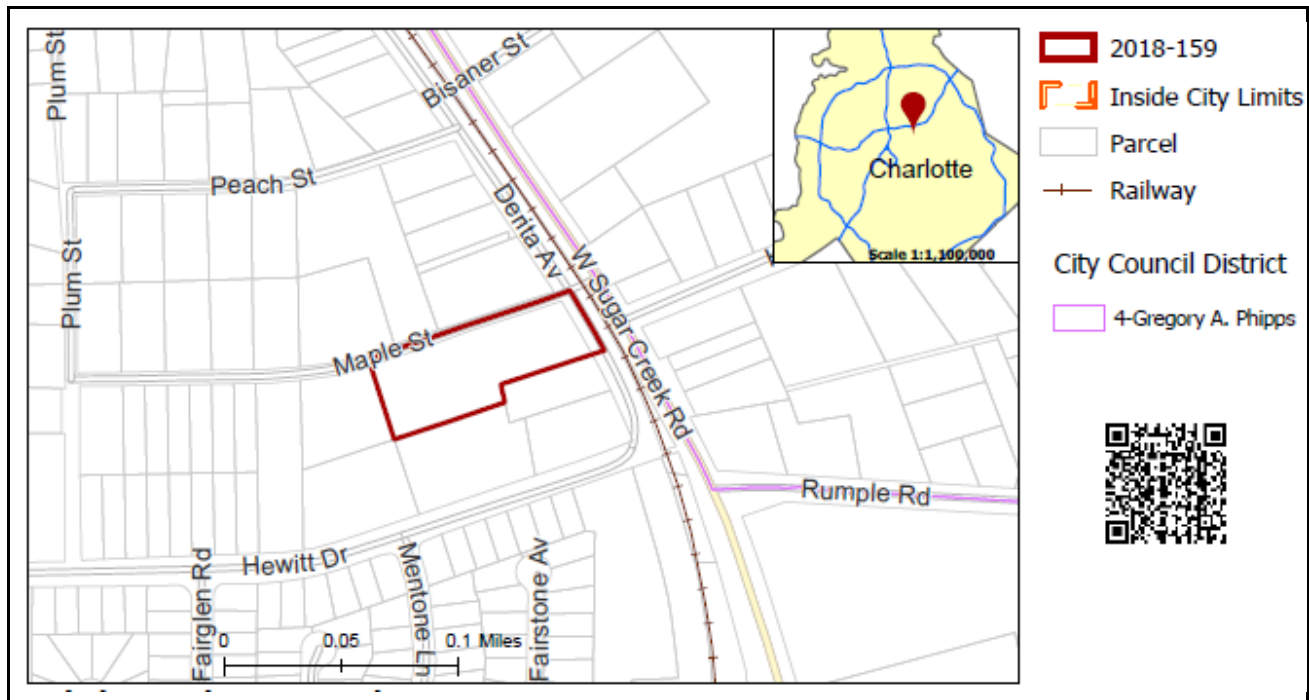


**REQUEST**

Current Zoning: R-3 (single family)  
Proposed Zoning: INST(CD) (institutional, conditional)

**LOCATION**

Approximately 1.85 acres located on the southwest corner of Derita Avenue and Maple Street, west of West Sugar Creek Rd (Council District 4 - Phipps)



**SUMMARY OF PETITION**

The petition proposes to allow the site and existing buildings to be used for all institutional uses permitted including conferences, weddings, receptions, meetings and similar uses.

**PROPERTY OWNER**

Mary Ann and Charles Mauldwin

**PETITIONER**

Mary Ann and Charles Mauldwin

**AGENT/REPRESENTATIVE**

David Murray

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 2.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is inconsistent with the *Northeast District Plan* recommendation for single family land use.

Rationale for Recommendation

- The proposed use, while inconsistent with the adopted land use for the site, is considered compatible with the surrounding area.
- The site is located across the street from the U.S. Post Office, Derita Station, and the Derita neighborhood commercial activity node.
- The site plan proposes that the existing single-family structure remains, and be used only for meetings, conferences and events.

- The proposed site plan accommodates on-site parking for one space per ~~300 square feet of usable area~~ **four attendees/seats** to be used for events, including outdoor areas.

The approval of this petition will revise the adopted future land use as specified by the *Northeast District Plan*, from single family residential use to institutional use for the site.

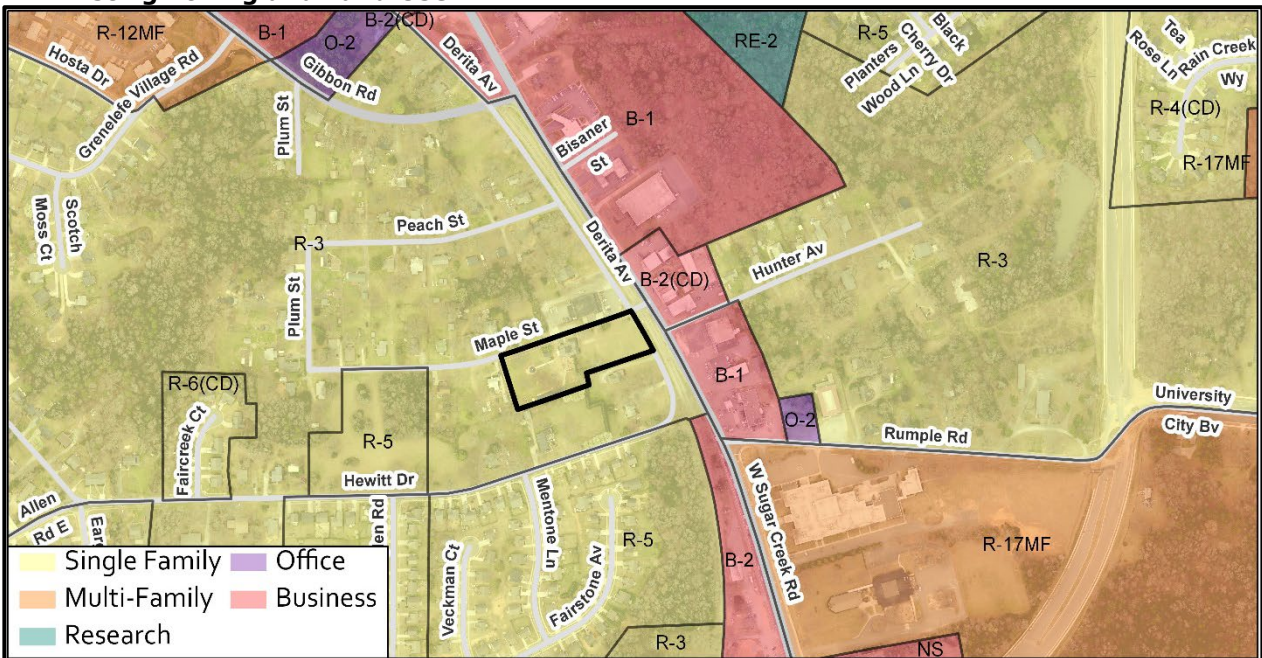
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows all uses permitted in the INST (institutional) zoning district.
- Permits indoor and outdoor events with outdoor entertainment and specifies all amplified outdoor music must end by 10:00 p.m. on Sunday-Thursday and by 11:00 p.m. Friday and Saturday.
- Specifies that the existing house, accessory structure and improvements will remain on the site.
- Specifies up to 3,780 square feet of usable building area.
- Provides parking at one space per ~~300 square feet of~~ **four attendees/seats of** useable area **and specifying maximum attendees/seats at 128.**
- Provides an 18-foot wide class C buffer along the southern and western property lines abutting single family uses and zoning. The existing opaque fence within the buffer will remain.
- States that the petitioner has obtained a variance for accessory building "D" that encroaches and reduces an 80-foot section of the southern buffer.
- Limits site access to up to two driveways on Maple Street. **Notes the proposed second driveway must be approved and constructed before the proposed grass parking area beyond the setback is used for required parking.**
- States that in conjunction with the rezoning and reuse of the site no curb, gutter, or sidewalk is required along Maple Street **or Derita Street.**
- Notes required parking will be on existing gravel, proposed gravel, and/or grass areas and demarcated with parking barriers such as wheel stops, parking blocks or railroad ties.**
- Specifies that if the foundation and structure of the existing primary building is removed in the future for redevelopment then the petitioner shall dedicate 28 feet of right-of-way from the centerline of Maple Street.

### • Existing Zoning and Land Use



The site is developed with a single-family house. Single family uses are north (except for a Post Office across Maple Street), west and south of the site. Commercial development is to the east across the railroad tracks and West Sugar Creek Road.





The subject property is developed with a single-family house.

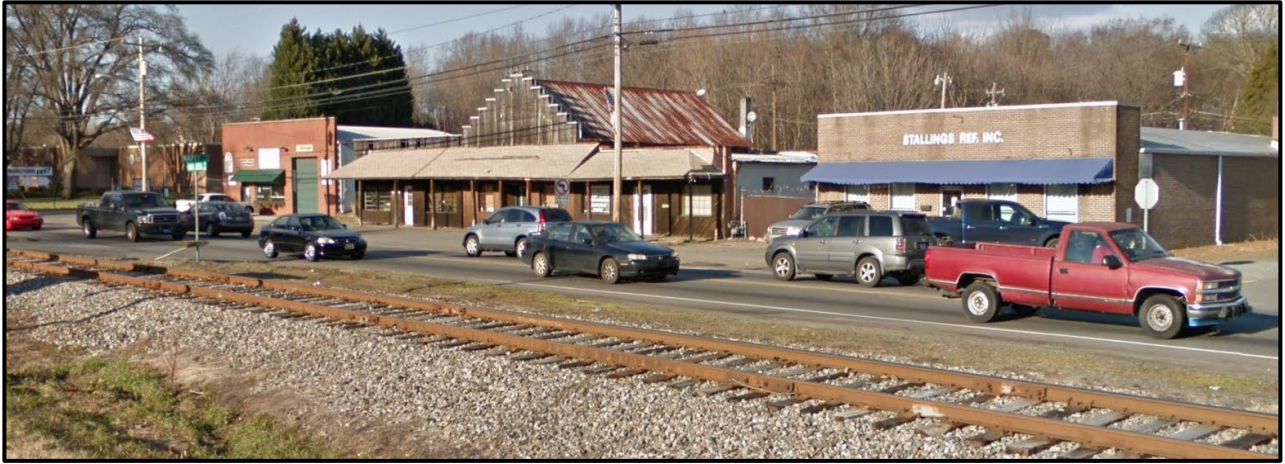


The property to the north along Derita Avenue is a US Post Office.

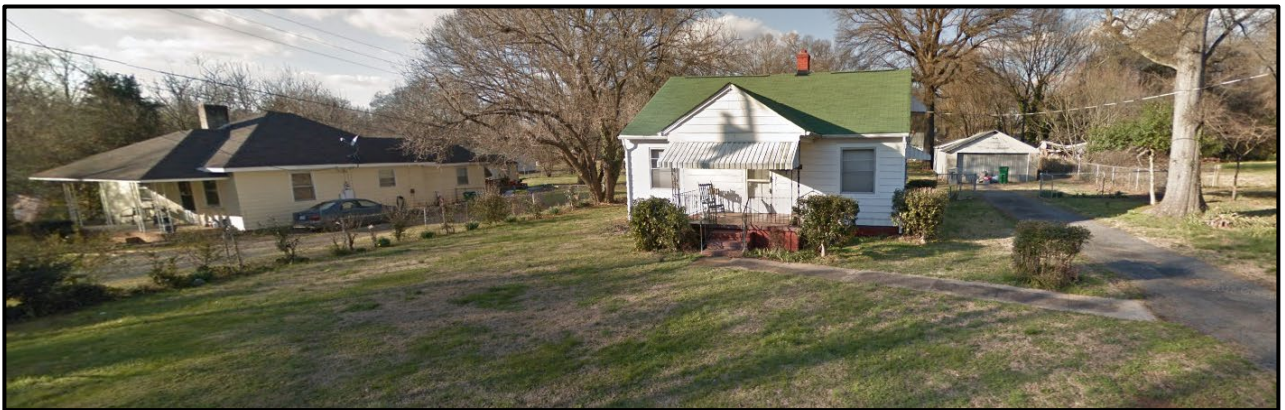


The property to the south along Hewitt Drive is a single-family home.



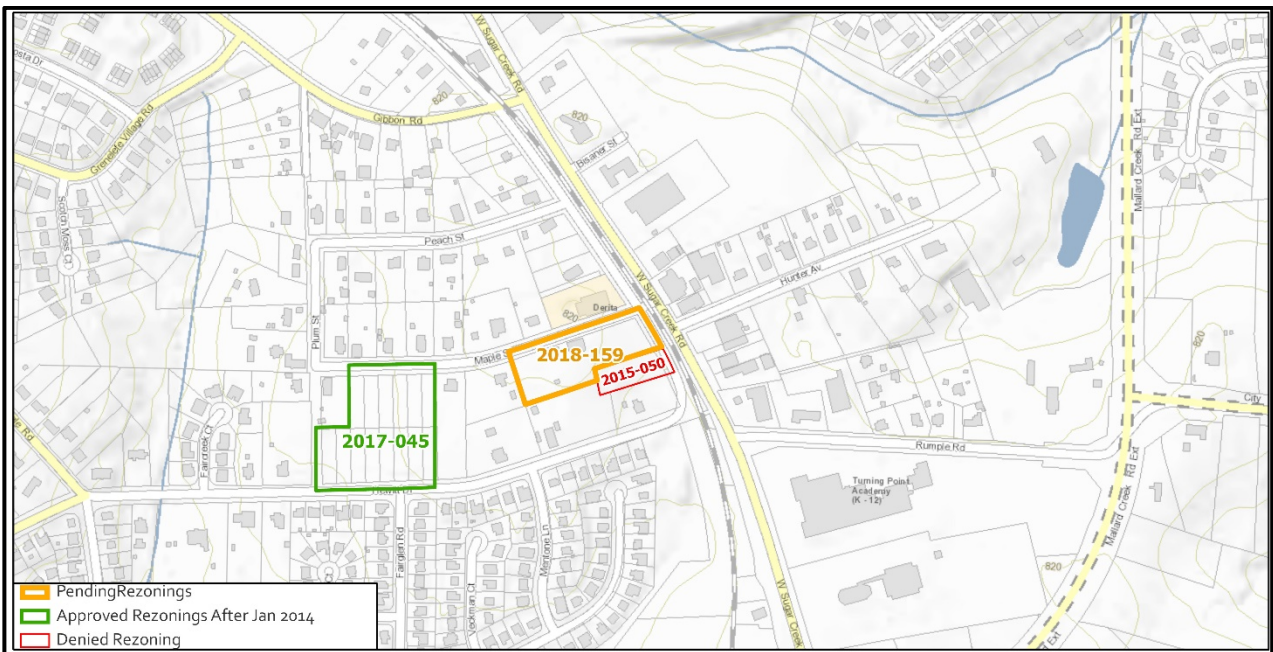


The properties to the east along West Sugar Creek Road are a mix of auto repair/office/retail.



Properties to the West along Maple Street are developed with single-family homes.

- Rezoning History in Area**

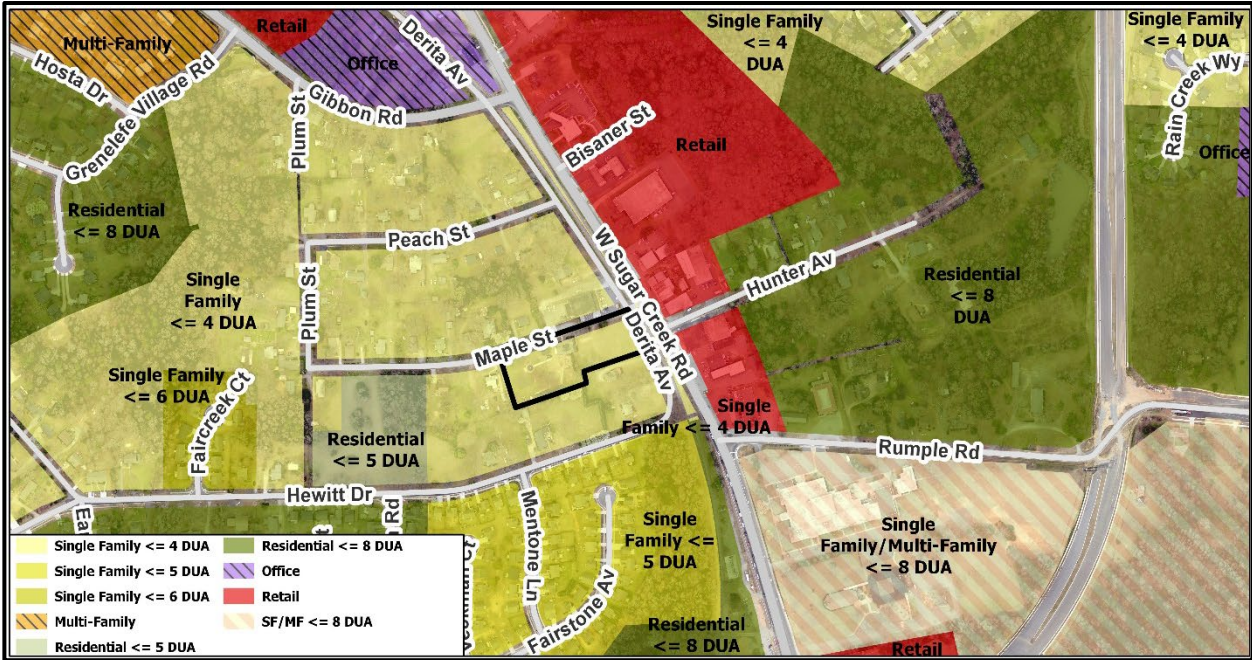


Petition Number	Summary of Petition	Status
2015-050	Proposed rezoning .47 acres on the west side of Derita Avenue, directly abutting the site to the south, from R-3 (single family) to INST(CD) (institutional, conditional) to allow a childcare center for 40 children.	Denied



2017-045	Rezoned 2.97 acres between Maple Street and Hewitt Drive, west of the site, from R-15MF(CD) (multi-family, conditional) to R-5 (single family) to allow all uses in the R-5 district.	Approved
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### • Public Plans and Policies



- The *Northeast District Plan* (adopted 1996) recommends Single Family up to four dwelling units per acre for this site.
- The site is located within the North Corridor, as per the *Centers, Corridors and Wedges Growth Framework*.
- **TRANSPORTATION CONSIDERATIONS**
  - The site at the unsignalized intersection of Derita Avenue (local) and Maple Street (local) and is located in a corridor outside Route 4. The site is near CATS bus route #22 on West Sugar Creek Road.
  - ~~See Outstanding Issues, Note 3.~~ Addressed
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 10 trips per day (based on one single family dwelling).
      - Entitlement: 50 trips per day (based on 1.7 acres of single family in R-3 zoning).
    - Proposed Zoning: No trip generation land use code accurately depicts the proposed use.

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

- **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 Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along Maple Street and an existing 12-inch water distribution main located along Derita Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer mains located along Maple Street and Derita Avenue.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.

- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**Site and Building Design

1. ~~Add a note limiting the maximum number of attendees/seats for events.~~ Addressed
2. ~~Amend required parking in development data to reflect a ratio of one space for every four seats.~~ Addressed

Transportation

3. ~~Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the gravel parking lot expansion construction plan is approved.~~ Addressed
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Department of Solid Waste Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management 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