



ZONING COMMITTEE RECOMMENDATION

December 23, 2008

REQUEST	Current Zoning: R-22MF, multi-family residential Proposed Zoning: UR-C, urban residential
LOCATION	Approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to rezone the property to allow a professional dental office in the existing 1,390 square foot structure.
Property Owner	Ruth Gorman
Petitioner	Michael Berglass, DDS
Agent/Representative	Collin Brown
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4 to 3 to recommend DENIAL of this petition. The following modifications have been made to the petition:</p> <ol style="list-style-type: none"> 1. The proposed district has been amended to UR-C (CD). 2. A rendering of the proposed detached sign has been added. 3. The back of curb on Central Avenue has been labeled. 4. A Class C buffer is shown at the rear of the property. 5. The location of the solid waste and recycling facilities are shown on the site.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Johnson/Allen</td> </tr> <tr> <td>Yeas (to APPROVE):</td> <td>Allen, Johnson, and Rosenburgh</td> </tr> <tr> <td>Nays:</td> <td>Griffith, Howard, Lipton and Randolph</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Johnson/Allen	Yeas (to APPROVE):	Allen, Johnson, and Rosenburgh	Nays:	Griffith, Howard, Lipton and Randolph	Absent:	None	Recused:	None
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Absent:	None										
Recused:	None										

ZONING COMMITTEE DISCUSSION

Staff summarized the request and reviewed the changes to the petition since the public hearing (noted above). Though the proposed zoning has been changed to UR-C(CD), staff does not recommend approval of this petition as it is inconsistent with the *Briar Creek/Woodland and Merry Oaks Small Area Plan*, which recommends townhomes on this property. In addition, the proposed use and zoning sets a precedent for non-residential development of adjacent parcels and use of the UR-C district still creates a number of site plan issues, such as inadequate parking and the elimination of buffers.

Staff noted that there had been implications that the proposed dentist office would be a temporary use until the property redeveloped in accordance with the adopted plan. It was staff's belief that if this non-residential request was approved it would be followed by additional non-residential requests and the objectives of the plan would not be achieved.

Some of the Zoning Committee members felt that non-residential uses have already been placed on the subject property and that other parcels are used for nonresidential purposes such as daycare centers. One Committee member asked staff what their major objection was. Staff responded that the land use issue was paramount but that parking was a major concern. Others expressed the need for unified as opposed to piecemeal development along the corridor.

STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Briar Creek/Woodland and Merry Oaks Small Area Plan</i> but to be reasonable and in the public interest, by a 5-2 vote of the Zoning Committee (motion by Commissioner Johnson seconded by Commissioner Allen)
MINORITY OPINION	A minority of the Zoning Committee felt that a dentist office is a compatible use-possibly more compatible than nearby daycare facilities-that would complement the neighborhood.
STAFF OPINION	Staff agrees with the recommendation of the majority of the Zoning Committee.

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:
 - Use limited to a professional dental office.
 - Reuse of the existing 1,390 square foot structure and 560 square foot accessory storage building. No additions or expansions permitted.
 - Parking screened from view along Central Avenue.
 - Maximum height of freestanding light fixtures not to exceed 15 feet.
 - Lighting fixtures shielded with full cut-off fixtures.
 - Detached sign not to exceed 21 square feet in area or seven feet in height.
 - An existing six-foot sidewalk and eight-foot planting strip along Central Avenue.
 - Existing five-foot wooden privacy fence along the sides and rear of the property to remain.
 - A Class C buffer abutting the residential property to the south.
 - An 18-foot front setback from the back of the existing curb line.
- **Public Plans and Policies**
 - *The Briar Creek/Woodland and Merry Oaks Small Area Plan* (1998) recommends the redevelopment of parcels along Central Avenue between west of Crystal Road and Carolyn Drive from single family to a townhome development. The plan further recommends that the Briar Creek/Woodland and Merry Oaks Neighborhood Associations work with the various owners of the properties to formulate a site plan for the townhomes prior to any redevelopment of the properties.
 - This petition is inconsistent with the *Briar Creek/Woodland and Merry Oaks Small Area Plan*.
- **STAFF RECOMMENDATION (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** Provide an 18-foot front setback along Central Avenue to allow for a bike lane.
- **Charlotte Fire Department:** No comments received.
- **CATS:** No comments received.
- **Connectivity:** No issues.
- **Schools:** CMS does not comment on non-residential petitions.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **Site Design:** No issues.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Remove all references to signs.
 2. Provide adequate area for the garbage truck to access the solid waste and recycling area and turn around.
 3. Label the right-of-way on Central Avenue.
 4. Locate parking at the rear of the property.
 5. Add a note that Solid Waste Management Plan will be submitted to Mecklenburg County Solid Waste prior to initiating demolition and/or construction activities.
 6. Clarify how the 560 square foot accessory storage building will be used, as it may affect the parking requirement.
 7. Provide parking at a rate of 1 space per 400 square feet (UR-C has a minimum of 1/1000 gross square feet and a maximum of 1/400 gross square feet).
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Attachments Online at www.rezoning.org

- Application Form
- CDOT Review
- CMS Review
- Community Meeting Report
- Fire Department Review
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

Planner: Sonja Sanders (704) 336-8327