

Staff Analysis

Rezoning Petition 2012-581

Date 12/30/2011 Revision 1 02/02/2012 Revision 2

Public Hearing 02/13/2012



232 Matthews Station Street
Matthews NC 28105

REQUEST

This petition seeks to amend an approved conditional site plan of the BAPS Temple. This petition requests the addition of two accessory modular structures for the purposes of classroom instruction. The structures would be located off the parking lot to the the southwest of the temple on land that is already cleared.

LOCATION

4100 Margaret Wallace Road

PROPERTY OWNER

BAPS Charlotte LLC and Atten Corporate Affairs

PETITIONER

Hiren Patel

**AGENT/
REPRESENTATIVE**

Gautam Patel

PLANNING STAFF REVIEW

Elements of the Request

1. Two accessory modular structures measuring 60' by 24' (1440 sf each)
2. A wood ramp connecting the two structures to the existing sidewalk on the southwest (rear, right) side of the Temple (5' in width).

Does Request Support Adopted Plans and Policies? Yes No
(If no, see unresolved and outstanding issues)

Are any Zoning Variances needed? Yes No

Previous Action on this Property

Zoning Petition #337 approved on 11/12/1999

Existing Improvements on Parcel

1. Temple building (approx 29,000 sf), 2. Two curb cuts serving entrance drive, 3. Accessible parking in front of building (6 spaces) and parking lot behind building (approx 150 spaces).

PLANNING STAFF REVIEW CONT'D

Requirement	Meets Requirement?		Staff Recommended Changes?		Changes Made?	
Setbacks and Yards	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parking	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Landscaping	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Off Site Improvements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Fire Access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Connectivity	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Signage	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

PUBLIC INFRASTRUCTURE

Report Received From:	Issues Identified?		If yes, see outstanding issues
Matthews Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
LUESA	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
CMS	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Matthews P&R	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is project subject to PCO concept plan approval before zoning decision?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Traffic impact study received?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
What Improvements are recommended and/or committed to?	<div style="border: 1px solid black; padding: 5px;">n/a</div>		

UNRESOLVED OR OUTSTANDING ISSUES

none

STAFF COMMENTS AND RECOMMENDATION

Staff recommends approval of this zoning request.

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner BAPS Charlotte LLC and Atten Corporate Affairs
Address of Property 4100 Margaret Wallace Road
Tax Parcel Number(s) 19351104
Date 01/9/2012

GENERAL BACKGROUND DATA

Current Zoning R/I (CD) **Proposed Zoning** No change
Current Use Hindu religious temple **Proposed Use** No change

Property Dimensions
Lot Width 327ft at setback **Lot Area** 11.36 acres
Established front setback, if structure present 57ft

DIMENSIONAL REQUIREMENTS

Current Zoning	R/I (CD)	Proposed Zoning	R/I (CD)
Lot Area	2 acres	Proposed Lot Area	2 acres
Lot Width	200ft	Proposed Lot Width	200ft
Front Setback	50'	Proposed Front Setback	50'
Side Yards	50'	Proposed Side Yards	50'
Rear Yards	50'	Proposed Rear Yards	50'
Max. Height	60'	Proposed Max. Height	60'
Open Space	65%	Proposed Open Space	65%
Comments:	none		

MISCELLANEOUS PROVISIONS

If considered necessary, has a copy of the petition been sent by the applicant to the property's fire department for their review? n/a

Date sent n/a

Is any portion of this property in floodplain? no

Are there any known zoning violations on this site? Yes, resolved.

If so, explain: Clearing (approx 1 acre) has occurred at the rear of the site. The property owner has committed to allowing regrowth to occur and has documentation from County that this action is sufficient remedy.

Tax records indicate the owner(s) as: BAPS Charlotte LLC and Atten Corporate Affairs

This application is submitted by: the owner listed above
 an agent for the owner
 other

If agent or other, what documentation has been provided from owner or is none required?
 n/a

LAND USE PLAN CONFORMANCE

Is there a discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy? No

Land Use Plan elements that impact the subject property: n/a

ADDITIONAL CRITERIA FOR CONSIDERATION

1. **What changes have, or are, occurring in the area to justify a change in zoning?** n/a
2. **What are adjacent properties zoned, and what are adjacent land uses?**

Direction	Zoning	Land Use
North	R-17MF (City of Charlotte)	Multi Family Residential
Northeast	R-15	Residential
East	R-15	Residential
Southeast	R-15	Residential
South	R-15	Residential
Southwest	R-15	Residential
West	R-15	Residential
Northwest	R-15	Residential

3. **What are development plans in the area – roads, schools, future commercial development, etc.?** n/a, area is mostly built-out with residential uses
4. **Is there a reason the current land use cannot continue to be feasible as it now exists?**
 n/a
5. **List some potential uses under existing zoning.** n/a
6. **List some potential uses under proposed zoning.** n/a
7. **Are any of these uses inappropriate for this location, and if so, why?** n/a
8. **(A) What is applicant’s stated reason for requesting rezoning?** Petitioner states that “separating Sunday School into age appropriate classes will facilitate peer to peer learning and foster learning process in an educational environment.”
(B) Comments: none
9. **(A) What will be the benefits to the surrounding properties?** none
(B) What will be the detriments to the surrounding properties? none

10. Is a traffic study required for this petition? no

If so, what are the recommendations of the study? n/a

11. What does the purpose statement of the proposed zoning district say?

R/I: This district is intended to allow complementary development of certain institutional or public uses in predominantly residential areas. Uses in the R/I District are generally considered compatible with residential growth but are of a significant size or scale which requires extra conditions in order to lessen their impact on neighboring residences. It is intended that the R/I District designations be scattered within single or multi-family zoning districts.

12. Will this proposal meet the intent of the above purpose statement? yes

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: Guatam Patel
Address of Property: 4100 Margaret Wallace Road
Tax Parcel Number(s): 19351104
Name/Address of Owner if Different: Hiren Patel

DIMENSIONS

Actual property dimensions from site plan:

Lot width	327ft at setback
Lot area	11.36 acres
Front setback	50ft
Side yards	50ft
Rear yards	50ft
Max height	60ft
Open Space	65%

DESCRIPTION OF REQUEST

This petition seeks to amend an approved conditional site plan of the BAPS Temple. This petition requests the addition of two accessory modular structures for the purposes of classroom instruction. The structures would be located off the parking lot to the the southwest of the temple on land that is already cleared.

SITE PLAN DATA

1. **What existing structures are on this property?**
 1. Temple building (approx 29,000 sf), 2. Two curb cuts serving entrance drive, 3. Accessible parking in front of building (6 spaces) and parking lot behind building (approx 150 spaces).
2. **What is current land use?**
 Hindu religious temple
3. **Does this plan show:**
 - A. **specific lots with buildings.**
Will additional site plan review by the Town be required? **When?**
 - B. **a generalized development plan.**
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis?
 - C. **a change in conditions to earlier zoning site plan.**
What previous approved plan(s) will this amend, if approved?
 Zoning Petition 1999-337 approved on 11/12/1999.

4. **What changes or expansions of land use are proposed?**
Two accessory structures for the purposes of classroom instruction.
5. **What new structures or additions are proposed?**
Two accessory structures measuring 60ft by 24ft (1440 sf each).

CURBCUTS

Number of curbcuts on site plan: 2 on Margaret Wallace Road.

Distance between closest curbcuts on property and/or adjacent property: 130ft

Are curb cuts connecting to:

NCDOT maintained road.

Town maintained road.

Private street.

Thoroughfare designated on MUMPO Thoroughfare Plan.

Zoning conditions for curbcuts:

n/a

Are zoning conditions being met? yes

PARKING AND LOADING

Proposed land use:

Parcel will remain Hindu religious temple

How is parking calculated for this use in the Zoning Ordinance? 1 space per each 150 sf gross floor area

Number of parking spaces required? 122

Number of parking spaces proposed? 150

Square footage of structure(s): Existing Temple building: 29,000 sf
Proposed accessory structures: 2,880 sf

Number of employees on shift of greatest employment: n/a

Will this use require a loading dock or zone? no

If so, is it designed so it will not interfere with parking areas, driveways, streets or sidewalks? n/a

SIGNS

Number of signs proposed attached: n/a **detached:** n/a

Size(s) of attached signs: n/a

Which way do attached signs face? n/a

Location of detached signs: n/a

Size(s) of detached signs: n/a

Zoning conditions for signs: n/a

LANDSCAPING AND OVERLAY REQUIREMENTS FOR SUBSEQUENT STAFF REVIEW

This property is subject to landscaping provisions as found in:

Landscaping Chapter of Zoning Ordinance

Highway Overlay

Downtown Overlay

Screening Requirements for lots with rear yards or side yards abutting a thoroughfare.

This property is exempt from landscape requirements.

Have any plans been provided with sufficient detail to determine that landscaping or overlay provisions appear in general to be met? yes

If so, what deviations or deficiencies should be noted here? none

NEIGHBORHOOD MEETING

Has the required neighborhood/community informational meeting been held? yes

If yes, date of meeting: 01/16/2012

What, if any, changes are proposed by the petitioner as a result of the meeting? none

LAND USE PLANS

Has the applicant provided an explanation of how the petition will comply with adopted land use plans covering the geographical location of the Conditional Petition? Yes

Is the explanation consistent with adopted plans? yes

If not, what is the discrepancy? n/a

ADDITIONAL REQUIREMENTS OR COMMENTS:

None.