

Memo

To: Planning Commission
From: Bryan Myrkle, Community Development Director
Date: May 29, 2015
Re: Planning Commission Agenda

For your June meeting, there are two items of new business – both requests for Class “A” Non-Conforming Use Designations.

One is for Johnson Lumber & Manufacturing located at 563 N. Cochran Avenue.

As we have discussed at previous meetings, the relationship of this industrial parcel with the surrounding residential land uses is potentially very restrictive to Johnson’s from a zoning standpoint.

Section 82-427(J) of the zoning ordinance establishes side setbacks for industrial buildings adjacent to residential districts at 75 feet. This makes the existing buildings at Johnson’s non-conforming – and potentially unable to be re-built if destroyed by fire or tornado, etc. It would also likely preclude even modest expansions of their operation on this property.

Johnson’s Lumber is requesting the Class “A” Non-conforming use designation that would help remedy this situation – allowing for reconstruction and reasonable expansion.

The Planning Commission has dealt with a fair number of these requests at recent meetings; however I wanted to reiterate that the commission must take several things into account when considering these designations. Primarily, it must find that the action is not contrary to the public health, safety or welfare, and that it is in keeping with the spirit and purpose of the ordinance.

There are also certain standards the commission could impose if it believes them to be necessary, and they are outlined in section of 82-453(c)1-7. These include standards and limitations on items like curbside parking, landscaping, lighting, noise and visual impact.

A Class “A” designation can also be revoked in the future if the commission deems it necessary.

The purpose of zoning is to separate typically incompatible land uses from one another, protecting property values and neighborhood integrity. Any new industrial or residential development would seek to avoid placing these uses in such close proximity.

However, Johnson’s Lumber has operated in this location for more than 100 years and is an integral part of our community, and one of the most important destination businesses in Charlotte. They have proven themselves to be good corporate citizens and responsible neighbors. Furthermore, it is very likely that not granting this designation would have negative consequences for Johnson’s at some point in the future.

We have received no objections to this request, and I would recommend its approval to the Planning Commission.

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The other Class “A” request before you concerns a residential house located at 209 E. Lawrence Ave. Like many large, historic homes in and around downtown Charlotte, it was converted to apartments at some point in its past. This parcel is now zoned B-3 General Business District, and it is non-conforming. Like other owners of non-conforming residential properties in the city, the recent buyers have found it difficult to get financing and insurance because of its non-comformity status.

I do not foresee any specific land use incompatibilities as result of this property remaining residential, nor any reason to deny this request. The appearance of the house is in keeping with the character of the neighborhood, and other nearby land uses do not seem particularly problematic – these include a hair salon, insurance office, and church.