AGENDA ITEM

DATE: April 18, 2012
FROM: Dennis N. Green, Fire & EMS Chief
RE: BAPS

Background/Issue:
Questions arose during the application process if our ladder truck could enter the rear parking lot at this site. We did an onsite inspection and determined that the turning radiuses were adequate to enable us to maneuver the ladder around the entire parking lot as long as all vehicles park only in the designated parking spaces. This negates a need for a hammerhead turnaround. The ladder will be able to be positioned for a fire response at the rear of the existing building and for the proposed new building.

During the inspection it was determined that with a vehicle parked at the curb of the driveway or any curbs within the rear parking lot that the necessary clearance of a twenty foot clear passage could not be maintained. The twenty foot clear passage clearance is a NC Fire Code requirement.

Proposal/Solution:
If the applicant adds a note to the Conditional Site Plan that ensures the prohibition of parking and requests formal designation of fire lanes by the Mecklenburg County Fire Marshal’s Office along the entrance drive and all curbs, including the cubs of all islands then this adequately addresses my concerns.

I have contacted the Mecklenburg County Fire Marshal’s Office in regard to access issues related to future site development. The Office informed me that they would review the plans at, and not prior to, the submission of a building permit application. Per our correspondence, they assured me that the review will include, but not be limited to, driving surface width and materials, hydrant placement, and turning radius. I will contact them again reference my findings of the current need to have designated fire lanes and request that they proceed with those designations immediately.

Financial Impact:
None

Related Town Goal:
To evaluate community standards that will positively impact citizens’ safety and the Department Goal of Proactive Community Safety using the Strategies of conducting pre-planning business visits and evaluating code enforcement measures to ensure safe structures.

Recommended Motion:
Please see the Planning Department’s memo for any action.
May 3, 2012

Chief Rob Hunter
Matthews Police Department
1201 Crews Road
Matthews, NC 28105

Dear Chief Hunter:

Please accept this letter as the confirmation of an approved and enforceable fire lane located at 4100 Margaret Wallace Road at BAPS Shree Swaminarayan Mandir in the Town of Matthews.

The fire lane extends from the curb along the east side of the building to the curb along the south side of the building. The pavement marking and signage are compliant with our requirements.

Your departments help with the enforcement is greatly appreciated.

Sincerely,

Michael J. Petleski
M.J. Petleski CFI
Assistant Fire Marshal
Fire Investigator
Staff Analysis
Rezoning Petition 2012-581
Date 12/30/2011 Revision 1 02/02/2011 Revision 2
Public Hearing 02/13/2012

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 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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Meets Requirement?</th>
<th>Staff Recommended Changes?</th>
<th>Changes Made?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks and Yards</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Parking</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Off Site Improvements</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fire Access</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Connectivity</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Signage</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

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### PUBLIC INFRASTRUCTURE

<table>
<thead>
<tr>
<th>Report Received From</th>
<th>Issues Identified?</th>
<th>If yes, see outstanding issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matthews Fire Department</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>LUESA</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>CMS</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Matthews P&amp;R</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

Is project subject to PCO concept plan approval before zoning decision?  

Traffic impact study received?  

What Improvements are recommended and/or committed to?  

n/a

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### UNRESOLVED OR OUTSTANDING ISSUES

none

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### 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: _X_ 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?

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-17MF</td>
<td>Multi Family Residential</td>
</tr>
<tr>
<td>Northeast</td>
<td>R-15</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>R-15</td>
<td>Residential</td>
</tr>
<tr>
<td>Southeast</td>
<td>R-15</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>R-15</td>
<td>Residential</td>
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<tr>
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<tr>
<td>West</td>
<td>R-15</td>
<td>Residential</td>
</tr>
<tr>
<td>Northwest</td>
<td>R-15</td>
<td>Residential</td>
</tr>
</tbody>
</table>

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.
   B. ___ a generalized development plan.
   C. __X__ a change in conditions to earlier zoning site plan.

Will additional site plan review by the Town be required? When?
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis?
What previous approved plan(s) will this amend, if approved?
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:
  - __X__ 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:

- X 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.