
Note: There are sufficient protest petitions filed for this rezoning petition.

REQUEST Current Zoning: CC, commercial center
Proposed Zoning: CC SPA, commercial center, site plan amendment

LOCATION Approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.

SUMMARY OF PETITION The petition proposes renovation of an existing shopping center that is currently developed with 113,469 square feet of retail, office and restaurant uses, including two independent freestanding parcels and two accessory drive-through windows. Proposed changes include the creation of one additional outparcel, up to two additional accessory drive-through service windows, and up to 10,078 square feet of new retail, office and restaurant uses.

PROPERTY OWNER Quail Corners Associates, LLC
PETITIONER Quail Corners Associates, LLC c/o Peter Pappas
AGENT/REPRESENTATIVE John Carmichael/Collin Brown, K&L Gates, LLP

COMMUNITY MEETING Meeting is required and has been held. Report available online.

STATEMENT OF CONSISTENCY This petition, with the exception of the restaurant with accessory drive-through window, is found to be consistent with the *South District Plan* and to be reasonable and in the public interest, by a vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Lipton).

ZONING COMMITTEE ACTION

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. A note has been added stating internal sidewalks and pedestrian connections will be provided as generally depicted on the site plan.
2. The note under "Setbacks, Side Yards and Rear Yards" has been amended to state that the setback will not be reduced beyond the 40 foot setback shown.
3. A note has been added stating construction and installation of the outdoor plaza area with hardscape, planter, and seating will be completed prior to the issuance of a certificate of occupancy for the restaurant building.
4. A note has been added stating that the architecture, pedestrian connectivity and parking areas relating to building envelope 2 (if the existing building located within building envelope 2 is replaced with a new building), building envelope 3, and building envelope 4 must be reviewed and approved by the Charlotte-Mecklenburg Planning Department prior to the issuance of a building permit for the building(s) to be constructed within building envelope 2, building envelope 3, and building envelope 4 to ensure compliance with the spirit and intent of the architectural and design standards for the corresponding building envelopes.
5. A note describing the storefront elevations of existing building conditions for building A (wood or cedar siding painted to match the color of the storefront elevations of existing building A).
6. The driveway on Sharon Road West will be amended to eliminate design details from the site plan.

VOTE	Motion/Second:	Lipton/Dodson
	Yeas:	Dodson, Fallon, Lipton, Phipps, Rosenburgh and Walker
	Nays:	None
	Absent:	Firestone
	Recused:	NA
ZONING COMMITTEE DISCUSSION	<p>Staff reviewed the petition and noted that all outstanding issues had been addressed. The petitioner's agent provided clarification regarding the timeframe for proposed site improvements. A commissioner asked the petitioner's agent if they would commit to all site improvements even if a fast food restaurant was not built. John Carmichael, agent for the petitioner, responded that he did not have the authority to make that decision.</p> <p>Staff was asked to explain how they arrived at supporting the petition. Staff responded that a number of changes have been made to the initial site plan submitted in regards to the type of uses, number and location of outparcels and accessory drive-through windows, open space, and pedestrian connectivity, which serve to enhance the existing site and meet community needs. Staff added that each new site plan is reviewed based on its own merits.</p>	
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.	

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background** The site was rezoned by petition 1996-084, which contains the following conditions:
 - A maximum of 112,300 square feet of retail, office, and restaurant uses on the site.
 - Prohibition of uses such as automotive service stations, ABC stores or other businesses for which the sale of distilled liquors is the primary purpose, car washes as a principal or accessory use, fast food restaurants, convenience stores, and drive-through windows as an accessory to a restaurant.
 - Prohibition on outdoor dining for restaurants on outparcels, and outdoor speakers for drive-through windows.
- **Proposed Request Details**
 - The site plan accompanying this petition contains the following provisions:
 - Maximum 123,547 square feet of retail, office, and restaurant uses.
 - Addition of 10,078 square feet to the existing 113,469 square foot commercial center.
 - Maximum of two existing and two proposed uses with accessory drive-through windows.
 - One drive-through window permitted as an accessory to a pharmacy on Parcel 1.
 - One restaurant with drive-through window permitted on the site.
 - Allowance of all uses permitted in the CC district, with the exception of the following prohibited uses: an ABC store or other business for which the sale of distilled liquors is the primary purpose, automotive service station, car wash as a principal or accessory use, convenience store with or without accessory gasoline service, funeral home, hotel, nightclub/bar/lounge, coin operated laundry, and tire store.
 - Five access points consisting of three existing, a realigned entrance on Park Road, and an optional new right turn in/out access on Sharon Road West.
 - A concrete customer waiting pad at the existing CATS bus stop along Branden Forest Drive.
 - New 6-foot wide pedestrian refuge area in the existing median at the intersection of Hamlin Park Drive and Park Road.
 - Potential removal of portions of existing berms along Sharon Road West and Park Road to allow for driveway, sidewalk, and planting strip installation.
 - New 8-foot wide asphalt greenway trail (overland connector) on top of the existing berm along Sharon Road West.
 - New 6-foot sidewalk and 8-foot planting strip along Park Road.

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- Existing sidewalk along Hamlin Park Drive, Branden Forest Drive and Sharon Road West to remain.
 - Maximum building height of 40 feet and one story.
 - Building elevations with architectural standards for existing and proposed buildings on entire site.
 - Potential new outdoor plaza area with hardscape, planter, and seating located between Buildings A1 and A2.
 - Required completion of all site improvements and exterior renovations to Building A prior to issuance of a certificate of occupancy for the second building on Parcel 3 or Parcel 4, in the event that no restaurant with an accessory drive-through is located on the site. Required completion of all site improvements and exterior renovations to Building A prior to the issuance of a certificate of occupancy for the restaurant with accessory drive-through if one is provided.
 - Freestanding lighting limited to 30 feet in height.
 - Specific details for each building/parcel are as follows:
 - Building Envelope 1 (Building A and existing parking area)
 - Building A
 - Exterior renovations to existing Building A through the introduction of new exterior building materials.
 - Allowance for the division of existing Building A in order to provide a new vehicular drive and accessory drive-through window for a pharmacy, with associated pedestrian connection.
 - Reconfiguration of a portion of existing parking.
 - Building Envelope 2 (Existing bank with drive-through)
 - Existing independent freestanding building may be replaced or renovated.
 - Drive-through window may only be used as an accessory to a bank or financial institution.
 - Building Envelope 3 (Existing outparcel)
 - May be developed with any use permitted in the CC district, with the exception of uses prohibited on the overall site.
 - Potential location of a restaurant with drive-through window if one is provided.
 - Any drive-through window must be internally located with no frontage on Park Road or Hamlin Park Drive.
 - Building Envelope 4 (Proposed outparcel)
 - May be developed with any use permitted in the CC district, with the exception of uses prohibited on the overall site.
 - Potential location of a restaurant with drive-through window if one is provided.
 - Any drive-through window must be internally located with no frontage on Park Road.
 - **Public Plans and Policies**
 - The *South District Plan* (1992), as amended by rezoning petition 1996-084, recommends 112,300 square feet of neighborhood serving retail uses, and allows two outparcels, but disallows fast food restaurants, convenience stores, ABC stores or other businesses for which the sale of distilled liquors is the primary purpose, car washes as a principal or accessory use, drive-through windows as an accessory to a restaurant and speakers for drive-through windows.
 - The proposed uses, with the exception of the restaurant with accessory drive-through window, are consistent with the *South District Plan*.
 - **Staff Recommendation (Updated)**
 - Staff recommends approval of this petition as modified.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by reusing existing buildings.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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