

REQUEST	Proposed Zoning: B-1(CD), SPA, neighborhood business, conditional, site plan amendment.
LOCATION	Approximately .474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road.
SUMMARY OF PETITION	This petition proposes to allow an office use or an ABC store in the existing building on the site or the construction of a new building for an automotive service station without gasoline sales.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Mecklenburg County Alcoholic Beverage Control Board Woodie Enterprises, Inc. c/o Bradley E. Woodie John Carmichael/K&L Gates, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Dodson).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has submitted two site plans – one for existing development and one for redevelopment. The existing development scenario indicates that the only principal uses allowed are an office and an ABC store. The redevelopment scenario indicates that the only principal use allowed is an automotive service station without gasoline sales. Parking calculations and building square footages for all proposed uses have been provided for the redevelopment scenario. 2. The petitioner has provided a front elevation of the proposed building as part of the redevelopment scenario. 3. Language has been added stating in the event the site is redeveloped an eight-foot planting strip and a six-foot sidewalk will be installed along Carmel Road, and the sidewalk may meander to preserve existing trees. 4. In response to the elimination of the bays on the north side of the proposed building due to inadequate maneuvering area, the petitioner has added a note on the site plan identifying a recorded ingress/egress easement allowing utilization of a portion of the driveway on the property to the north to accommodate vehicles maneuvering in and out of the garage doors on the north side of the new building. In the event this easement is terminated, vehicle ingress and egress will be solely from the garage doors on the south side of the proposed building. 5. The petitioner has addressed the CDOT issue concerning required planting strip and sidewalk via a note committing to install the planting strip and sidewalk upon redevelopment of the site (also see Item #3 above). 6. The petitioner will provide parking calculations for existing conditions.
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VOTE	Motion/Second:	Walker /Dodson
	Yeas:	Dodson, Fallon, Firestone, Phipps, Rosenburgh and Walker
	Nays:	None
	Absent:	Lipton
	Recused:	None
ZONING COMMITTEE DISCUSSION	Staff presented this petition to the Committee, noting that one item identified as outstanding on the Zoning Committee agenda had been addressed as the petitioner committed in writing to add information to the site plan. There was no discussion of this request.	
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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Provision of two site plans depicting existing conditions and identifying proposed improvements with re-development of the property.
- Retain existing building (4,644 total and 3,500 heated square feet) and improvements on site for use as an ABC store or office uses until such time property is redeveloped as per site plan.
- Permitted uses include an automotive service station, an ABC store, office and any incidental or accessory uses.
- Maximum gross building area of any building on site devoted to office uses shall be 3,500 square feet.
- Identification of existing trees along Carmel Road and within existing planters adjacent to the eastern property line.
- Construction of a new building, with associated parking and landscaping improvements for an automotive service station without gasoline sales but including minor adjustments, repairs and lubrication.
- Maximum gross building area of any new building on site devoted to an automotive service station without gasoline sales shall be 5,350 square feet.
- Installation of a new six-foot sidewalk and eight-foot planting strip along Carmel Road and a provision to allow the sidewalk to meander to preserve existing trees.
- Installation of new shrubs and trees within the existing planter for additional screening adjacent to the southern property line and driveway.
- Front elevation of proposed building.
- Dedication and conveyance of those portions of the site immediately adjacent to Carmel Road as required to provide right-of-way measuring 50 feet from the existing centerline of Carmel Road if such right-of-way does not currently exist.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends office uses for this location.
- This petition is inconsistent with the *South District Plan*, but is currently used as an ABC store and is compatible with the retail and office uses in the surrounding area.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation:** 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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

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

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

Planner: Claire Lyte-Graham (704) 336-3782