

REQUEST Current Zoning: B-1, neighborhood business
Proposed Zoning: NS, neighborhood services

LOCATION Approximately 0.26 acres located on the west side of Margaret Wallace Road near the intersection of Margaret Wallace Road and Idlewild Road.

SUMMARY OF PETITION The petition proposes to allow the construction of a convenience store.

PROPERTY OWNER Zula Express Inc. (formerly Kidane Haile)
PETITIONER Kidane Haile
AGENT/REPRESENTATIVE Paul Lorenz/Lorenz Architecture

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

STATEMENT OF CONSISTENCY This petition is found to be consistent with the *Eastside Strategy Plan* and 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 The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

1. Landscaping to screen the loading area from Margaret Wallace Road has been added on the site plan.
2. A different shading/hatching has been utilized to identify the driveway and to better distinguish it from the surrounding sidewalks.
3. The petitioner has removed notes relating to screening dumpsters and loading spaces and compliance with the PCCO, sign ordinance and outdoor lighting as they are general ordinance requirements.
4. No fuel pumps will be permitted.

VOTE

Motion/Second:	Lipton/Walker
Yeas:	Dodson, Fallon, Lipton, Phipps, Rosenburgh and Walker
Nays:	None
Absent:	Firestone
Recused:	None

ZONING COMMITTEE DISCUSSION Staff presented this item to the Committee, describing the rezoning request and noting outstanding items addressed by the petitioner.

A Commissioner asked if the approval of a variance request prior to approval of a rezoning was now the procedure. Staff agreed that approval of the variance contingent upon the rezoning was not in keeping with the usual procedure of approving a rezoning first, and deferred the inquiry to Katrina Young, Zoning Administrator. Ms. Young stated that as the Zoning Board of Adjustment (ZBA) is appointed by City Council, and has concerns over potential conflicts, it is preferred that the ZBA hear variance requests prior to City Council taking action on a rezoning petition.

A Commissioner asked if the number of parking spaces was adequate for the proposed use, and staff responded that the parking calculation was based upon the NS district and consistent with the requirement contained in the Zoning Ordinance.

There was no more discussion of this petition.

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**

At its meeting on December 14, 2010, the Zoning Board of Adjustment (ZBA) granted the following variances regarding the subject site:

- a 10-foot variance from the required 10-foot rear yard to allow a building to be constructed on the rear property line; and,
- a five-foot variance from the five-foot distance required from an exterior lot line for vehicle parking on a lot.

The variances were granted contingent upon City Council approval of the petition to rezone the parcel from B-1 to NS.

• Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
 - Proposed 1,875-square foot, one-story building to accommodate a convenience store.
 - Parking area consisting of six parking spaces.
 - Proposed six-foot sidewalk to meander and tie into existing sidewalks.
 - Proposed eight-foot planting strip.
 - All uses in the B-1 are permitted.
 - Dedication of 70-feet of right-of-way from the centerline of Margaret Wallace Road.
 - Building will complement the adjacent shopping center using a combination of brick and synthetic stucco.

• Public Plans and Policies

- The *Eastside Strategy Plan* (2001) recommends retail uses on the subject property.
- The request is consistent with the *Eastside Strategy Plan*.

• 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 Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

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
- 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 Historic Landmarks Review
- Charlotte-Mecklenburg Schools Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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