

REQUEST	Current Zoning: CC, commercial center Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 9.0 acres located on the southeast corner at the intersection of Rea Road and Ardrey Kell Road.
SUMMARY OF PETITION	The petition proposes to allow up to 24,500 square feet of retail/ business, restaurant, financial institution, and personal service uses with up to two drive-through accessory windows.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Blakeney Heath Limited Partnership Blakeney Heath Limited Partnership Keith H. MacVean and Jeff Brown, King & Spalding, LLP
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Lipton seconded by Commissioner Fallon).

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. Amended Note 2D to delete the paragraph referring to gross floor area, as it is defined in the zoning ordinance. 2. Deleted reference to Chapter 19 in Note 15. 3. Amended Note 5A to specify that the amount of required amount of landscaping (trees and shrubs) as required by the Tree Ordinance and Ordinance will be increased by 15 percent within the 20-foot landscape setbacks. 4. Addressed CDOT comments: <ol style="list-style-type: none"> a. Provided continuous five-foot sidewalks on both sides of the proposed new internal street from Ardrey Kell Road to Rea Road and provided a sidewalk connection from the existing sidewalk system at the southwest corner of the Rea Road and Ardrey Kell intersection to the site's closest proposed building. b. Addressed the <u>pedestrian/bike connection</u> in Note 15. c. The proposed driveway connection to the adjacent multi-family property will be in the form of a recorded joint access easement. d. All transportation improvements including the three new improvements listed above will be implemented before the issuance of the site's first building certificate of occupancy. 5. Addressed Storm Water comments: <ol style="list-style-type: none"> a. Removed Note 6c under Environmental Features. Storm Water rescinded request to delete Note 6b. 6. Increased maximum square footage from 22,000 to 24,500. 7. Amended Note 15 to specify that a variance from Subdivision regulations may be sought for a portion of the sidewalk along Ardrey Kell Road and that should such a request be filed the petitioner will work with City staff to look at alternatives to provide a pedestrian access to the site similar to what the required sidewalk would have provided.
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VOTE	Motion/Second:	Lipton/Firestone
	Yeas:	Dodson, Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
	Nays:	None
	Absent:	None
	Recused:	None
ZONING COMMITTEE DISCUSSION	Staff reviewed the petition noting that all of the outstanding issues had been addressed.	
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**

A rezoning was approved in 1994 (Petition 94-46c) that contains the following provisions:

- Maximum 17,000 square feet of building area located within one building.
- Permitted uses limited to civic, social service and fraternal facilities, medical/dental and optical clinics, cultural facilities, financial institutions, offices, post offices and restaurants.

• **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
- A maximum of 24,500 square feet for retail, financial institution, restaurant, automobile service, and personal service uses in up to four principal buildings
- Gas stations and/or convenience stores are prohibited.
- Maximum of two uses with accessory drive-through windows. One restaurant with drive-through window permitted on the site.
- Automotive service uses limited to Development Area C.
- Access points on Ardrey Kell Road and Rea Road.
- Vehicular and pedestrian access provided to the abutting multi-family development.
- Internal private drive with sidewalks and planting strips.
- Road improvements consisting of a west bound directional cross-over on Ardrey Kell Road and an 11-foot wide east bound right turn lane on Ardrey Kell Road.
- Architectural standards for proposed principal and accessory buildings.
- A 20-foot landscaped setback along Rea Road and Ardrey Kell Road.
- A six-foot sidewalk and eight-foot planting strip along Rea Road and Ardrey Kell Road.
- Greenway dedication to Park and Recreation.
- Detached lighting not to exceed 25 feet in height.
- Variance from the Subdivision Ordinance may be sought for the sidewalk requirements along Ardrey Kell Road as it crosses Flat Branch.

• **Public Plans and Policies**

- The *South District Plan* (1993), as amended by Petition 1994-46(c), recommends retail uses as part of a Community Center. The plan further limits uses to civic, social service and fraternal facilities, medical/dental and optical clinics, cultural facilities, financial institutions, offices, post offices and restaurants.
- The petition is consistent with the *South District Plan*.
- Staff agrees with the recommendation of the Zoning Committee.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **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*.
 - Protects/restores environmentally sensitive areas by preserving environmentally sensitive areas consisting of a 200-foot wildlife buffer, delineation of wetland areas, and dedication of greenway.
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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 Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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