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<b>REQUEST</b>	Current Zoning: B-2, general business Proposed Zoning: MUDD-O, mixed use development district, optional
<b>LOCATION</b>	Approximately 3.23 acres located on the west side of the intersection at West Sugar Creek Road, North Graham Street, and Mineral Springs Road.
<b>SUMMARY OF PETITION</b>	The petition proposes a 9,339 square-foot expansion to an existing shopping center and to allow all uses permitted in MUDD, including the operation of a community theatre and lounge, in the expanded shopping center. The MUDD zoning district is requested because it has a 100-foot separation requirement between lounges, nightclubs and similar uses, and any residential use or residential district (a lower separation than the 400-foot distance requirement for most zoning districts).
<b>STAFF RECOMMENDATION</b>	Staff does not support this petition in its current form. The proposed land uses are consistent with the <i>Northeast District Plan</i> which recommends retail uses at this location. However, the design of the existing shopping center, as well as the requested optional provisions to the development and design standards contained in the MUDD district are not consistent with the urban, pedestrian-oriented intent of the MUDD zoning district.
<b>PROPERTY OWNER</b>	Louis G. Ratcliffe, Inc.
<b>PETITIONER</b>	Louis G. Ratcliffe, Inc.
<b>AGENT/REPRESENTATIVE</b>	R. Susanne Todd/Johnston, Allison & Hord
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report will be available online when received.

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#### **PLANNING STAFF REVIEW**

- **Background**
- At its meeting on January 25, 2011, the Board of Adjustment denied two variances from the required 400 foot separation of a nightclub, bar or lounge to a residential use or residential district in order to allow the operation of a community theatre and lounge on the subject rezoning site.
- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Permitted uses, including any accessory uses, as allowed in MUDD.
  - Establish a community theatre and lounge in an existing 23,661 square-foot shopping (proposed use will occupy approximately 4,000 square feet).
  - Possible one-story, 9,339 square-foot expansion of the existing shopping center (for an overall building square footage of 33,000 square feet).
  - New five-foot sidewalks connecting building to existing and proposed sidewalks along West Sugar Creek Road and North Graham Street.
  - Existing driveway locations may remain or be shifted subject to NCDOT/CDOT approval.
  - Streetscape improvements in conjunction with the North Graham Street and West Sugar Creek Road widening project, including:
    - Installation of street trees in area behind future right-of-way.
    - Provision of a five-foot (5') sidewalk and planting strip of variable width (by NCDOT).
    - Petitioner to work with NCDOT to widen the proposed sidewalk and allow for an eight-foot

(8') planting strip (but otherwise petitioner will not be required to provide a six-foot (6') sidewalk and eight-foot (8') planting strip.

- Reserve the right to allow cross-access with the abutting B-2 zoned parcel to the south.
  - Optional provisions include:
    - Allow the existing building and façade improvements to remain in their current condition.
    - Future improvements to the existing building façade shall not be required to construct recessed entrances.
    - Allow the existing parking, loading, circulation, and other existing site elements to remain in their current condition and location.
    - Allow parking and circulation between the building, including the proposed expansion area, and North Graham Street and West Sugar Creek Road.
    - Allow replacement of the existing detached sign with a new detached sign in the same location, and having a maximum height of fifteen feet (15') and maximum face area of sixty feet (60').
    - Allow the existing sidewalks along North Graham Street and West Sugar Creek Road to remain in their current condition and location until improvements by NCDOT are completed. Petitioner shall not be required to demolish any new sidewalks installed as part of NCDOT's road widening project.
  - **Existing Zoning and Land Use**
    - The site is currently developed with a recently renovated 23,661 square-foot shopping center containing retail and office uses (including a sporting goods store, barber shop and tax office). The subject property is surrounded by a mix of single and multi-family homes, religious institutions, warehouse and industrial uses, retail and commercial, and vacant and undeveloped acreage on properties zoned R-3, R-4, R-5, R-17MF, NS, B-1 and B-2. The site is also bounded by railroad right-of-way to the west.
  - **Rezoning History in Area**
    - Petition 2007-031 rezoned approximately 4.40 acres located at the northeast corner of W. Sugar Creek Road and Mineral Springs Road from R-17MF to NS, in order to allow the construction of two buildings (up to 25,000 square feet total), and operation of uses permitted in NS (with the exception of those as listed on the approved site plan).
  - **Public Plans and Policies**
    - The *Northeast District Plan* (1996) recommends retail uses at this location.
    - While this petition is consistent with the *Northeast District*, the design of the existing shopping center, as well as the requested optional provisions to the development and design standards contained in the MUDD district, are not consistent with the urban, pedestrian-oriented intent of the MUDD zoning district.
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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:**
  - Change the wording on Note 6b to read: "In addition, the Petitioner reserves the right to join the existing parking and/or circulation with any future CDOT/NCDOT approved parking/and or circulation on the B-2 parcel to the south."
  - **Vehicle Trip Generation:** The proposed zoning will have a minor impact on the surrounding thoroughfare system.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 36 students, while the number of students generated by the development allowed under the proposed zoning cannot be determined. Therefore, the net change in the number of students generated from existing zoning to proposed zoning cannot be determined.

- **Charlotte-Mecklenburg Storm Water Services:**
    - Add the following note: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance."
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
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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.

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Eliminate optional provisions for new parking, future expansions, the proposed sign, and changes to the existing building.
    2. Add a note to the site plan restricting the height of any development/redevelopment to 60 feet.
    3. Add a note stating that any future redevelopment of the site must comply with MUDD requirements.
    4. Add a note identifying the days and hours of operation of the proposed community theatre/lounge.
    5. A minimum eight-foot planting strip and six-foot sidewalk are required along N. Graham Street and W. Sugar Creek Road. Obtain a letter from NCDOT confirming improvements NCDOT is responsible for completing along W. Graham Street and W. Sugar Creek Road with respect to streetscape improvements and installation of sidewalks and planting strips. NCDOT should also confirm that the notes and details as shown on the site plan are correct. NCDOT streetscape improvements must meet MUDD standards.
    6. Screen all parking areas from abutting rights-of-way and abutting properties.
    7. Identify the number of parking spaces required and the number being provided under "Site Summary".
    8. Clarify the existing square footage, the proposed expansion square footage and the total square footage as the notes on the site plan conflict.
    9. Address the CDOT comment.
    10. Address the Storm Water Services comment.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- 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

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