

REQUEST	Current Zoning: B-2(CD), general business, conditional Proposed Zoning: B-1(CD), neighborhood business, conditional
LOCATION	Approximately 7.07 acres located on the northeast corner at the intersection of Albemarle Road and Regal Oaks Drive.
SUMMARY OF PETITION	The petition proposes a maximum 16,000 square foot convenience store/gas station and a maximum 32,560 square foot nonresidential building for limited B-1 uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charles F. Theiling Jr. QuikTrip Corporation Collin Brown, K&L Gates
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. The proposed uses are found to be consistent with the <i>Eastland Area Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith and seconded by Commissioner Allen).

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. Provided supplemental tree plantings along Regal Oaks Lane and Albemarle Road frontages. 2. Added a note indicating that all drive through uses will be prohibited. 3. Limited detached signs to monument style signage. 4. Limited detached lighting to 25 feet in height including the base. 5. Modified the second sentence within Note 4.a to read "...buildings that may be constructed on Parcel A shall be substantially similar in appearance to these building elevations and shall be constructed predominately of brick or decorative masonry materials." 6. Modified Note 4.b to read "Buildings located on Parcel B shall front Regal Oaks Drive and/or the private street identified in paragraph 3.c. above. No rear elevations shall be oriented along these two street fronts. All elevations along these streets shall be constructed predominately of brick or decorative masonry materials and be designed with architectural elements to prevent blank walls in excess of 20 feet in length." 7. Modified Note 3.c by replacing all "private drive" references with "private street". 8. Modified Note 3.c to read "Prior to the issuance of a building permit for development on Parcel B, the Petitioner shall construct a private street with two 10-foot travel lanes, two 2.5-foot curb/gutter sections, two eight-foot planting strips and two six-foot sidewalks in order to provide a street connection from Regal Oaks Drive to the adjoining property to the east of the Site." 9. Provided a note to indicate that the completion of the private drive/access easement which extends from Albemarle Road across Parcel A north to the private street associated with Parcel B will be completed prior to the issuance of a building permit for development on Parcel B. Also, indicated the 5-foot internal sidewalk located on the eastern side of the private drive will be extended to the private street.
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- 10. Removed information related to parking from the site data table on sheet RZ-1.
- 11. Amended the site plan to reflect 7.07 acres.
- 12. Addressed CDOT issues regarding the private street cross section and the 16-foot maximum width of the right-in only driveway from Regal Oaks Drive.
- 13. Removed the second paragraph under Note 1 "General Provisions".

VOTE

Motion/Second: Phipps/Allen
 Yeas: Allen, Fallon, Griffith, Johnson, and, Phipps
 Nays: None
 Absent: None
 Recused: Zoutewelle

ZONING COMMITTEE DISCUSSION

Staff presented the petition to the Zoning Committee and indicated all outstanding issues have been addressed.

Committee members discussed the proposed uses and question if the proposed gas station was replacing an existing gas station at the corner of W.T. Harris Boulevard and Albemarle Road. Staff stated that the facility would be in addition to the existing gas stations in the area.

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**

This subject property was part of a larger 12.3-acre rezoning approved in 1994 (petition 1994-40). This previously approved rezoning allowed for a 90,000 square foot shopping center with two outparcels and included the adjoining property to the east.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Two developable parcels:
 - Parcel A limited to a 16,000 square feet building for a convenience store/gas station.
 - Parcel B limited to a maximum buildable area of 32,560 square feet for all uses within the B-1 district excluding convenience stores, service stations, and restaurants with drive-through windows.
- Building height limited to 30 feet.
- Building elevations provided for Parcel A development.
- Buildings within Parcel B shall front or have a side elevation along Regal Oaks Lane and such elevation shall be predominately brick or decorative masonry material.
- An eight-foot planting strip and six-foot sidewalk to be installed along both Albemarle Road and Regal Oaks Drive.
- All lighting shall be fully shielded with full cut-off fixtures.
- No "wall pak" type lighting shall be allowed. Wall mounted decorative lighting fixtures such as sconces are permitted.
- A cross access easement will be provided to allow a private street connection from Regal Oaks Drive to the vacant property east of the subject site.

- **Public Plans and Policies**
 - The *Eastland Area Plan* (2003) recommends a mix of residential, office and retail uses. The plan also encourages development to focus on improving the appearance and pedestrian friendliness of Albemarle Road.
 - This petition is consistent with the *Eastland Area 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 comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **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.
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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 the 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 Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency

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