

REQUEST	Current Zoning: I-1, light industrial Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 2.99 acres located on the north side of Yorkmont Road between Oak Lake Boulevard and West Tyvola Rd.
SUMMARY OF PETITION	The petition proposes to allow an approximately 5,000 square foot outdoor patio to be utilized as outdoor restaurant seating associated with uses within an existing mixed use commercial building.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is inconsistent with the land use recommendation of the <i>Southwest District Plan</i> . However, it is consistent with the current land use and the <i>Westside Strategic Plan</i> land use objective to encourage more pedestrian oriented mixed use developments at major intersections where feasible.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Tyvola Lake, LLC Tyvola Oak Lake, LLC Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Background**
The subject site was rezoned in 1997 (petition 1997-054c) from R-3 and I-1(CD) to I-1 at the time the parcel was established by the construction of West Tyvola Road and the relocation of Yorkmont Road.
- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Existing 24,982 square foot mixed use commercial building occupied with nonresidential uses permitted within the NS zoning district.
 - A 4,625 square foot patio for outdoor restaurant seating associated with uses within the existing mixed use commercial building.
 - A parking ratio at the following rate:
 - One space per 125 square feet for restaurant uses
 - One space per 300 square feet for all other uses
 - Existing five-foot sidewalk and planting strip of varying width to remain along all street frontages due to topography and existing trees.
- **Existing Zoning and Land Use**
The subject site is currently occupied by a mixed use commercial building. Properties to the north and west are zoned I-1 and contain two hotels and one vacant parcel. The property to the south is zoned I-1(CD) and contains an office building. Office uses are also located east of the site with various conditional office zoning classifications.
- **Rezoning History in Area**
There have been numerous rezonings in this area to accommodate amendments to various office and industrial parks along with two rezonings associated with the Airport Master Plan.

- **Public Plans and Policies**

- The *Southwest District Plan* (1991) recommends light industrial land uses for this site.
 - The *Westside Strategic Plan* (2000) does not have a site specific land use recommendation for this parcel. It does recommend land uses for adjacent properties north of the subject site as office, business park, and industrial. However, the *Westside Strategic Plan* has a land use objective to encourage more cohesive and pedestrian oriented mixed use developments at major intersections where feasible.
 - The petition is inconsistent with the *Southwest District Plan*. However, it is consistent with the *Westside Strategic Plan* land use objective.
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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 comments received.
 - **Charlotte Department of Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 1,100 trips per day.
Proposed Zoning: 1,300 trips per day.
 - **Connectivity:** 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 comments received.
 - **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 minimum ordinance standards.

OUTSTANDING ISSUES

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

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

Planner: Shad Spencer (704) 353-1132