
REQUEST	Current Zoning: R-5, single family residential and B-1, neighborhood business Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 0.91 acres located on the southwest corner of Central Avenue and Westover Street.
SUMMARY OF PETITION	The petition proposes to remodel and reconfigure an existing gas station/convenience store with a non-conforming drive thru car wash to accommodate a new convenience store facility, and to bring the overall site into compliance with zoning requirements.
STAFF RECOMMENDATION	Staff does not support this petition in its current form. The request is not consistent with the residential land use recommendation on a portion of the site; however, it is consistent with the retail land use recommendation on the remainder of the site per the Central District Plan.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	OTN Investments c/o Sam's Mart, LLC Sami Nafisi J. Dean Prevette, PE
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Removal of existing one-story, 1,234 square-foot brick convenience store and renovate area containing existing canopy with gas pumps.
- Removal of existing non-conforming car wash in the rear of property and construct new 3,010 square-foot convenience store.
- Closure of one of two access points onto Central Avenue, and close one of two access points onto Westover Street.
- Provision of a total of 12 parking spaces (including one handicap).
- Provision of a 20-foot Class "B" buffer along property lines abutting R-5 zoning and "planting areas" along Central Avenue and Westover Street.
- Installation of five-foot sidewalks connecting new building to Central Avenue and Westover Street.

- **Existing Zoning and Land Use**

- A gas station/convenience store with canopy (constructed in 1984) operates on the portion of the lot zoned B-1, and an associated car wash (also built in 1984) is located on the remaining portion of the site zoned R-5. The car wash is a nonconforming use as it is not permitted in the R-5 district). The parcel is surrounded by a mix of single family and multi-family residential, office, retail, and commercial uses on properties zoned R-5, R-22MF, B-1, B-2(PED), O-1, O-2(PED), and MUDD-O.

- **Rezoning History in Area**

- Rezoning petition 2008-071 was approved on June 16, 2008, allowing a B-2(PED) option to the approved *Plaza-Central Pedscape Plan* on approximately 0.64 acres located on the south side of McClintock Road between The Plaza and Nandina Street, for an eight-foot planting strip with

an eight-foot sidewalk in lieu of a 16-foot sidewalk with trees in curbed planters. This request was in affiliation with a 24-unit residential project.

- Rezoning petition 2006-133 was approved on November 20, 2006, rezoning approximately 0.60 acres located on the northeast corner of Central Avenue and Westover Street from B-1 to MUDD(CD) to allow a mixed-use development.
 - **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends retail uses on the portion of the parcel upon which the existing convenience store is currently situated, and residential uses on the portion upon which the non-conforming car wash is located.
 - The request is consistent with the retail recommendation and inconsistent with the residential recommendation.
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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:** CDOT requests the following:
 1. The revised site plan needs to show eight-foot planting strips and six-foot sidewalks along Central Avenue and Westover Street.
 2. Central Avenue is classified as a major thoroughfare by the MUMPO Thoroughfare Plan, which requires 80 feet of total right-of-way. As such, CDOT requests that the petitioner dedicate 10 additional feet of right-of-way measured from the existing right-of-way line on Central Avenue into their site. The 40-foot transitional setback line needs to be measured from Central Avenue's new right-of-way as described above.
Current Zoning: 1,628 trips per day.
Proposed Zoning: 1,953 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 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 minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide standard conditional notes and site data table.
 2. Provide an 8-foot planting strip for street trees, a 6-foot sidewalk, and 5-foot strip to accommodate shrubbery along Central Avenue and Westover Street (streetscape requirements). Label these items on the site plan.
 3. Provide screening along the portion of the west property line abutting the property to the west zoned B-1. Screening should consist of a 10-foot landscape strip with trees and a fence. Label these areas on the site plan. Preferable fence materials include masonry columns and wood

- panels. Provide a detail/elevation of the proposed fence.
4. Proposed Class "B" buffer along the property lines abutting lots zoned R-5 (portion along west property line and along entire south property line) is ~~20feet~~ 20 feet in width (reduced with proposed fence). This buffer should be 20.25 feet wide.
 5. Label zoning of surrounding properties on site plan.
 6. Site plan should indicate locations of curb & gutter, sidewalks, planting strip, etc. on Westover Street.
 7. Limit detached lighting to 25 feet in height including the base.
 8. Add note that all lighting shall be fully shielded with full cut-off fixtures.
 9. Add note that no "wall pak" type lighting shall be allowed.
 10. Specify building materials.
 11. Delete sheet showing only the existing site layout as the proposed site overlays the existing site layout on one sheet.
 12. Address CDOT comments.
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Attachments Online at 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 Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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