

<b>REQUEST</b>	Proposed Zoning: B-1(CD) SPA LLW-PA, neighborhood business, conditional, site plan amendment within the Lower Lake Wylie Protected Area.
<b>LOCATION</b>	Approximately 1.21 acres located on the northeast corner of the intersection at Tuckaseegee Road and Little Rock Road.
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow the expansion of an existing convenience store/gas station.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Sam's Real Estate Holdings – Georgia LLC Sami Nafisi J. Dean Prevette, PE
<b>COMMUNITY MEETING STATEMENT OF CONSISTENCY</b>	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Northwest District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Zoutewelle).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Rezoning petition "2011-079" is now labeled on the site plan.</li> <li>2. The correct conditional notes in standard form are now provided on the site plan.</li> <li>3. The site plan now notes a 20-foot maximum height of detached freestanding lighting and states that no wall pak lighting will be allowed.</li> <li>4. The proposed building material will consist of cement board panels, and is now noted on the site plan.</li> <li>5. The petitioner has added pertinent notes from the previous site plan (rezoning petition 1999-040) relating to the required Class B buffer and dedication of right-of-way along Tuckaseegee Road and Little Rock Road.</li> <li>6. The current and proposed zoning are now correctly identified on the site plan.</li> <li>7. The maximum height of the building is now stated on the site plan as 15'.</li> <li>8. The petitioner has provided building elevations that includes the proposed expansion.</li> <li>9. The zoning of adjacent properties and those across the streets are now labeled on the site plan.</li> <li>10. The petitioner has addressed CDOT's comments by:             <ol style="list-style-type: none"> <li>a) adding a note relating to dedication of right-of-way along Tuckaseegee and Little Rock Roads;</li> <li>b) changing "Install Median per CDOT" to "Install Median per NCDOT"; and,</li> <li>c) showing sight triangles on the site plan.</li> </ol> </li> </ol>
------------------------------------	---

<b>VOTE</b>	Motion/Second:	Allen/Zoutewelle
	Yeas:	Allen, Dodson, Firestone, Phipps, Rosenburgh and Zoutewelle
	Nays:	None
	Absent:	Griffith
	Recused:	None
<b>ZONING COMMITTEE DISCUSSION</b>	Planning staff presented this item to the Committee, noting the intent of the site plan amendment and that outstanding issues had been addressed. There was no discussion of this petition.	
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.	

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Background**

Rezoning petition 1999-40 was approved by City Council on May 17, 1999 in order to allow the construction of a convenience store/gasoline sales facility. The approved site plan limits building square footage to 1,495 square feet and prohibits other B-1 uses or car wash operations. Staff did not support this petition because it was inconsistent with the single family residential land use recommendations contained in the *Northwest District Plan* (1990), *Southwest District Plan* (1991) and the *Westside Strategic Plan* (adopted in 2000; in draft form at time of rezoning).

• **Proposed Request Details**

- The site plan amendment contains the following changes:
  - Increases the maximum building square footage from 1,495 to 2,682 to allow a 1,209 square foot expansion.
  - Reduces portions of the existing 30-foot Class 'B' buffer to 22.50 feet (with fence), in order to accommodate the proposed building expansion.
  - New sidewalks connecting the building to the existing sidewalks along Little Rock Road and Tuckaseegee Road.
  - Proposed landscaping area adjacent to the dumpster area.
  - Proposed rain garden within the 30-foot landscape setback along Little Rock and Tuckaseegee Roads (if required).
  - Identifies existing and future rights-of-way along Tuckaseegee and Little Rock Roads.
  - Limits maximum height of lighting to 20'.
  - Elevations depicting building expansion and noting building materials and colors.

• **Public Plans and Policies**

- The *Northwest District Plan* (1990) was amended by the approval of rezoning petition 1999-40, and recognizes the existing retail use on the subject property.
- The petition is consistent with the *Northwest District Plan*.

• **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **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.
- 

**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.
- 

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- 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

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