

REQUEST	Current Zoning: R-3 LLW-PA, single family residential, Lower Lake Wylie Protected Area Proposed Zoning: B-1(CD) LLW-PA, neighborhood business, conditional, Lower Lake Wylie Protected Area
LOCATION	Approximately 3.1 acres located on the east side of Little Rock Road and north of the intersection at Little Rock Road and Tuckaseegee Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to develop a freestanding 9,100-square foot building for retail use.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ed and Virginia Myers NCDG, LLC; Attention: Brian Hines NA
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Northwest District</i> Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Dodson).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-2 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended acreage to reflect reduction in rezoning area from 5.27 acres to 3.1 acres. 2. Specified building materials as brick veneer, metal canopies, and shutters except for the entrance as indicated below. 3. Added a note that no spans of blank walls greater than 20 feet in length will be allowed. 4. Amended elevations to reflect the location of the mechanical equipment at the rear of the building as shown on the site plan. 5. Added note on elevations indicating that signage will be allowed as permitted per the zoning ordinance except as modified below. 6. Removed labeled right-of-way on abutting R-3 (single family, residential) property to the east, as this right-of-way has been abandoned. 7. Removed yard dimensions and yard references on the remaining R-3 (single family, residential) zoned property. 8. Added a note that the property will be recombined into one or more lots that meet the required street frontage for the district to address the fact that the balance of the single family residential zoned property at the rear of the subject property will not have street frontage, as is required by the zoning ordinance. 9. Addressed CDOT comments by delineating 50 feet of right-of-way on Little Rock Road and reflecting a new right-of-way line. 10. Revised building elevations to provide the following enhancements: <ol style="list-style-type: none"> a. metal, tile or stone materials provided to define the entrance; b. signage at the entrance of the building will consist of individual internally lighted letters; c. contrasting colors of metal canopies and shutters; and d. full brick exterior consisting of three brick colors to provide architectural interest and define building elements.
------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

VOTE	Motion/Second:	Labovitz/Eschert
	Yeas:	Dodson, Eschert, Labovitz, and Zoutewelle
	Nays:	Allen and Ryan
	Absent:	Low and Walker
	Recused:	None

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. Staff pointed out that this petition was deferred from January to February to allow additional enhancements to be made to the elevations. One Commissioner questioned the nature of neighborhood opposition to the petition presented at the public hearing. Staff responded that the majority of opposition addressed the specific company, as opposed to the retail use.

MINORITY OPINION The Commissioners noted there was a lot of neighborhood opposition at the public hearing to the type of use and, while the elevations and site plan have been improved, the Commissioners do not like this type of retail.

STAFF OPINION Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
 - The site plan accompanying this petition contains the following provisions:
 - Rezoning a 3.1-acre portion of an overall 4.08-acre site comprised of three parcels.
 - Remaining portions of parcels to retain existing R-3 (single family residential) zoning.
 - A 9,100-square foot, one story, freestanding building for retail use.
 - Future vehicular access provided to the eastern portion of the overall site.
 - A 49-foot Class B buffer abutting the residentially zoned parcels to the north, east and south.
 - Proposed uses limited to retail, office, and restaurant uses, with no accessory drive-through window permitted.
 - Freestanding lighting will be limited to 20 feet in height, fully capped, and shielded.
 - Color renderings of the elevations reflect a corner entry and full brick building on the three sides shown.
 - Building will be located to the south of the site close to the abutting gas station and convenience store use, and the proposed driveway aligns with the access to the adjacent retail use across Little Rock Road.
- **Public Plans and Policies**
 - The *Northwest District Plan* (1990) recommends single-family residential land uses, at a maximum density of four dwelling units per acre.
 - The petition is inconsistent with the *Northwest District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** 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.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

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

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327