

<b>REQUEST</b>	Current Zoning: B-1 (PED), neighborhood business, pedestrian overlay district Proposed Zoning: B-1 (PED-O), neighborhood business, pedestrian overlay district, optional
<b>LOCATION</b>	Approximately 0.494 acres located on the southwest corner at the intersection of West Morehead Street, Freedom Drive and Walnut Avenue. (Council District 3 – Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes the reuse of an existing building for uses allowed in the underlying B-1 zoning district. Various optional provisions to the pedestrian overlay district are requested due to existing conditions on the site and to allow for a drive through service window associated with a restaurant.
<b>PROPERTY OWNER</b>	Summit Avenue Freedom Drive, LLC & E.C. Griffith Company
<b>PETITIONER</b>	Summit Avenue Freedom Drive, LLC
<b>AGENT/REPRESENTATIVE</b>	Summit Avenue Freedom Drive, LLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>West Morehead Land Use &amp; Pedscape Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Nealon seconded by Commissioner Labovitz).

<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. Modified the parking requirement under "Development Data" to indicate per the Charlotte Zoning Ordinance except one space per 200 square feet for restaurant uses as per the optional provision.</li> <li>2. Added the follow optional provision: "Allow parking and maneuvering between the building/use and the setback along West Morehead Street".</li> <li>3. Modified optional provision "B" as follows: "Modify the <u>minimum</u> parking ratio to 1 parking space per 200 S.F. <u>for restaurant uses</u>".</li> <li>4. Eliminated the optional provision to allow parking and maneuvering to encroach into the 22-foot setback along West Morehead Street; therefore, eliminating the issue regarding providing a measurement of the encroachment.</li> <li>5. Clarified that the existing pole sign under optional provision "D", includes a four sided and two sided component, clarified what portions of the sign are to remain, and indicated the sign panels are allowed to be changed.</li> </ol>
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<b>VOTE</b>	<p>Motion/Second: Nealon/Walker</p> <p>Yeas: Eschert, Johnson, Labovitz, Lathrop, Nealon, and Walker</p> <p>Nays: None</p> <p>Absent: Allen</p>
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<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff presented the petition to the Zoning Committee and noted all outstanding issues had been addressed.</p> <p>A committee member questioned if the petitioner of the subject rezoning had a shared parking arrangement with the restaurant across West Morehead Street. Staff indicated that the petitioner was</p>
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considering a parking agreement with the adjacent property owner, but there was no confirmation. It was also noted that the petitioner stated during the public hearing that they owned properties on the opposite corner of Freedom Drive and West Morehead Street that could potentially be utilized for additional shared parking for uses in the area. The committee member indicated that the lack of sufficient parking in the area has impacted the amount of development and investment along West Morehead Street.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Reuse of the existing 3,300 square foot building for all uses allowed within the underlying B-1 zoning district.
- A waiting pad for bus service to be provided along West Morehead Street.
- Additional right-of-way dedication along both Freedom Drive and West Morehead Street to the back of sidewalk.
- Building elevations provided.
- Height limited to 40 feet and two stories.
- Outdoor patio proposed at the corner.
- Freestanding lighting will utilize full cut-off type light fixtures and will be limited to 20 feet in height.
- Solid waste enclosure to be constructed of brick.
- Optional provisions include:
  - An accessory drive through service window associated with a restaurant use. A drive through service window currently exists on the building.
  - Modified parking ratio for restaurants at a rate of one space per 200 square feet rather than the required one space per 125 square feet.
  - Allow parking and maneuvering between the building/use and the setback along West Morehead Street.
  - Allow the existing pole sign to remain at the corner of Freedom Drive and West Morehead Street.
  - Eliminate the screening requirement along the southern property line.
  - Allow the existing streetscape to remain along West Morehead Street, which includes an 11-foot planting strip and a six-foot sidewalk rather than the required eight-foot planting strip and eight-foot sidewalk.
  - Reduce the required three-foot planting strip between brick screen wall and the sidewalk to two feet.

- **Public Plans and Policies**

- The *West Morehead Land Use & Pedscape Plan* (2004) recommends a mix of uses for the subject property including office, commercial and residential uses. The preservation of the existing building along with a proposed outdoor patio at the corner will achieve two of the key recommendations of the plan. These recommendations include 1) the preservation and reuse of older buildings, and 2) major gateway design and development at the Freedom Drive intersection. Drive through facilities for restaurants are generally not appropriate in the pedestrian overlay district; however, the orientation of the facility to the side/rear of the building minimizes conflicts with pedestrian traffic.
  - The petition is consistent with the *West Morehead Land Use & Pedscape Plan*.
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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.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** 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.

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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*.
  - Minimizes impacts to the natural environment by reusing an existing building.
  - Facilitates the use of alternative modes of transportation by providing a waiting pad for bus service along West Morehead Street.

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**OUTSTANDING ISSUES**

- No issues.

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**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
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Shad Spencer (704) 353-1132