

REQUEST	Current Zoning: O-15(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights.
LOCATION	Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes a maximum of 35,000 square feet of commercial floor area, with up to two drive-through service windows.
PROPERTY OWNER	Cynthia Smith, Robert Suther, Sarah Pollock, Erin Cole, Shannon Martin and Lynda Fagan
PETITIONER	Merrifield Patrick Vermillion, LLC
AGENT/REPRESENTATIVE	Collin Brown/Bailey Patrick, Jr., KL Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition is compatible with adjoining land uses. <p>Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Allows the redevelopment of an existing commercial site; • Provides for a CATS park and ride facility; and • Compatible with adjoining uses; <p>By a 5-1 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Showed proposed dumpster and recycling location. 2. Provided detail of proposed five-foot masonry that will be used to screen along public streets, and indicated that a portion of the wall may be in a retaining condition. Provided that the wall will match existing walls, and provided pictures of the existing walls along Sardis Road and Providence Road. 3. Changed "restaurant" to "eating, drinking, and entertainment establishment." 4. Deleted Note 2(d). 5. Correctly numbered items under Note 2 and Note 4. 6. Deleted Note 12. 7. Amended Note 10 to state "signage as allowed by the Ordinance will be provided." 8. Addressed CATS comments by adding the following verbiage to the note under Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility: <ol style="list-style-type: none"> (a) In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride facility within permanent easement to replace the one currently located within the Old Sardis Road Right-of-way. (b) It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that area is abandoned by the City of Charlotte, and a
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replacement park-and-ride facility is established for CATS.

VOTE

Motion/Second:	Nelson/Eschert
Yeas:	Dodson, Eschert, Labovitz, Nelson, and Sullivan
Nays:	Ryan
Absent:	Walker
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted that the petition is consistent with the *South District Plan*.

A committee member stated that the drive-through nature of this development is inconsistent with the existing Strawberry Hill Shopping Center and questioned the lack of public space and tree save areas.

Other committee members commended the reuse of an oddly configured site that is currently disconnected from the abutting retail shopping center, adding that the proposed rezoning will make the site more visible, help connect it to the larger development, and be in keeping with the overall area. It was noted that the architecture of the proposed development is consistent with the remainder of Strawberry Hill and the development seems acceptable to the community.

MINORITY OPINION

A minority of the committee felt the petition was inconsistent with the quality of the existing Strawberry Hill shopping center, and lacked tree save areas and public open space areas.

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

- **Background**
 - The subject property was rezoned via Petition 1976-53 to allow a 2,500-square foot financial institution.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Maximum 35,000 square feet of floor area for commercial uses, including all principal and accessory uses permitted in the MUDD (mixed use development) district.
 - Maximum of five buildings.
 - Two accessory drive-through service windows allowed except prohibited as an accessory to an eating, drinking, entertainment establishment.
 - Portion of Old Sardis Road to be abandoned.
 - A new CATS Park-and-Ride facility, with up to 41 spaces to replace the existing facility located within the Old Sardis Road right-of-way, will be located on an adjacent property located north of Old Sardis Road identified as rezoning petition 2007-95. An administrative amendment will be submitted to accommodate the new facility.
 - Existing CATS bus stop located on Providence Road to remain.
 - Vehicular access to site via Old Sardis Road. Existing driveways on Sardis Road and Providence Road to be removed. Additional site access is proposed from the adjacent shopping center located north of Old Sardis Road.
 - A pedestrian refuge island will be located within the right-of-way on Providence Road and Sardis Road.
 - Exterior building materials consist of brick, stone, precast concrete, cementitious siding, stucco, EIFS and metal panel. Building elevations are provided.
 - Roof mounted mechanical equipment will be screened from view from public rights-of-way and

abutting properties as viewed from grade.

- An eight-foot wide planting strip, with an additional five feet dedicated for a future bike lane, and a six-foot sidewalk will be provided along the frontage on Sardis Road. Sidewalk may meander to save existing trees.
 - Existing sidewalk along frontage on Providence Road to be widened to six feet. The existing planting strip is to remain.
 - A 19-foot setback on Sardis Road and a 20-foot setback on Providence Road.
 - A five-foot screen wall or landscaping will be provided along both street frontages.
 - Detached lighting not to exceed 20 feet in height.
 - Request for five-year vested rights.
 - Optional provisions include:
 - Allow two drive-through service windows, which will be screened from public streets by a wall or buildings. Drive-through service windows are prohibited as an accessory to restaurant uses.
 - Maintain existing planting strip and sidewalk location along frontage on Providence Road.
 - Allow parking and vehicle maneuvering between the buildings and Providence Road.
 - **Public Plans and Policies**
 - *South District Plan* (1993) recommends retail use on the subject property.
 - The petition is consistent with the *South District 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-Mecklenburg Schools:** No issues.
 - **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 issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** 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*.
 - Minimizes impacts to the natural environment by building on an infill lot.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Hearing
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review

- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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