

<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential) Proposed Zoning: B-1 (CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to three commercial buildings on three individual lots.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Fifth Third Bank Cambridge Properties, Inc. George Maloomian and Jay Priester
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
<b>STATEMENT OF CONSISTENCY</b>	A portion of this petition is found to be inconsistent with <i>the Eastside Strategy Plan</i> and a portion of this petition is found to be consistent with the <i>Eastside Strategy Plan</i> , based on information from the staff analysis and the public hearing, because: <ul style="list-style-type: none"> <li>• A portion of the property is recommended for retail and a portion of the property is recommended for institutional.</li> </ul> <p>However, this petition is found to be and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The proposed request will allow for a more consistent development pattern with similar development requirements;</li> </ul> <p>By a 6-1 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Walker).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-1 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced "restricted" with "prohibited" in the first sentence under Permitted Uses.</li> <li>2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. <i>Staff is rescinding this request and agrees with the petitioner's rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow:</i> <ol style="list-style-type: none"> <li>a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building.</li> <li>b. Commitment to a 2'-8" brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow.</li> <li>c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road.</li> </ol> </li> <li>3. The petitioner has labeled all elevations as shown on Sheet RZ3.1.</li> <li>4. The petitioner has included revised elevations for each proposed building including typical side elevations and brick detail.</li> </ol>
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5. The heading PCCO Treatment has been renamed Environmental Features.
6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
7. The heading Sideyards/Buffers has been removed from the site plan.
8. The site plan has been modified to state signage will be per ordinance.
9. Addressed CDOT and Storm Water comments as follows:
  - a. Addressed CDOT's request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).
  - b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
10. Modified the height of the proposed screen wall along Albemarle Road to read as 2'-8", which was previously noted as 2.5 ft.
11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, lawn/setback, shrub hedgerow with 2'-8" brick wall).

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting that all outstanding issues had been addressed by the petitioner. A Commissioner inquired if a greenhouse used to be in operation on this site (Norwood Garden Center), and staff responded that use had indeed previously existed on the rezoning site. There was no further discussion of the petition.

**MINORITY OPINION**

Commissioner Ryan noted that this proposal constitutes a strip shopping center and that the City can do better than this proposed development.

**STAFF OPINION**

Staff agrees with the recommendation of the majority 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**

- **Background**
  - Rezoning petition 1992-070 rezoned approximately 3.39 acres from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a plant nursery and garden center with a maximum building area of 30,000 square feet. The existing single

family home directly to the west was part of the rezoning.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to three (3) separate parcels (Parcels 1, 2, and 3), with each lot having its own individual building footprint and associated parking area.
  - Allows a total maximum building square footage of 20,000 square feet for all three parcels combined.
  - Allows all uses in the B-1 (neighborhood business) zoning district, except the following uses will be prohibited:
    - Land clearing and inert debris landfills (LCID);
    - Construction and Demolition (C & D) Landfills;
    - Automotive service stations selling gasoline and diesel fuel;
    - Jails and prisons;
    - Heavy automotive repair shops. This does not prohibit minor automotive adjustments, repairs and/or lubrications;
    - Car washes;
    - Tattoo parlors;
    - Smoke shops;
    - Pawn shops; and
    - Check cashing stores.
  - Allows no more than one (1) drive through window within the site.
  - Proposes 2'-8" knee wall constructed of brick with a shrub hedgerow along the front of each parcel and parallel to Albemarle Road.
  - Provides a 41-foot Class "B" buffer along property lines adjacent to a residential use and/or zoning. A Class "C" buffer may be required along a portion of the northern property line that abuts acreage owned by Cornerstone Baptist Church (parcel 10910206), depending upon the proposed use of the developed parcel. Buffers may be reduced by 25% with installation of a fence.
  - Proposes left-in/right-in/right-out driveway providing access onto Albemarle Road with proposed left-turn lane into the site.
  - All three (3) parcels within the site will have vehicular and pedestrian interconnectivity and cross-access easements.
  - Provides stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
  - Installs a minimum six-foot sidewalk and eight-foot planting strip along Albemarle Road measured from back of curb. If sidewalk cannot be installed in the NCDOT right-of-way, petitioner will install the sidewalk within the site along the right-of-way line within Albemarle Road.
  - All elevations fronting Albemarle Road to be treated with a minimum of 35% fenestration.
  - All exterior walls to be constructed with a minimum of 70% masonry products including any combination of brick.
- **Public Plans and Policies**
    - The *East District Plan* (1990) recommends retail for the portion of the property zoned B-1(CD) (neighborhood business, conditional). The *Eastside Strategy Plan* (2001) recommends institutional for the portion of the property currently zoned R-3 (single family residential).
    - The portion of the petition currently zoned R-3 (single family residential) is inconsistent with the *East Strategy Plan*. The portion of the petition zoned B-1(CD) (neighborhood business, conditional) is consistent with the *East 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 Fire Department:** No comments received.
- **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 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*.
    - This site meets minimum ordinance standards.
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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
- Locator Map
- 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
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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