

<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) and R-3 (single family residential) Proposed Zoning: B-1C(D) (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>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The B-1(CD) (neighborhood business, conditional) portion of the petition is consistent with the <i>East District Plan</i> , as amended by a previous rezoning, which recommends retail uses. The acreage zoned R-3 (single family residential) is inconsistent with the <i>East Side Strategy Plan</i> , which recommends institutional uses. However, this portion of the rezoning is situated between two properties zoned B-1(CD) (neighborhood business, conditional). The requested rezoning will allow for a more consistent development pattern.
<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 will be available online when received. Number of people attending the Community Meeting: 5

**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 all uses in the B-1 (neighborhood business) zoning district, except the following uses will be restricted:
    - 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 motive repair shops. This does not restrict minor automotive adjustments, repairs and/or lubrications; and
    - Car washes.
  - Allows no more than one (1) drivethrough window within the site.
  - Provision of a 41-foot Class "B" buffer along property lines adjacent to a residential use. 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.
  - Proposed 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.
- Provide stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
- Install 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 with 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, stone and pre-cast concrete.
- Parking lot lighting to have a maximum height of 25 feet.
- **Existing Zoning and Land Use**
  - A former garden center with associated parking and storage, and vacant land is currently situated on the rezoning site, which is primarily surrounded by single family neighborhoods zoned R-3 (single family residential). Commercial, institutional, and industrial uses are generally located at and around the intersections of Albemarle, Circumferential, and Harrisburg Roads on properties located in various zoning districts.
- **Rezoning History in Area**
  - Petition 2008-106 rezoned property on Albemarle Road located directly east of the rezoning site from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a two-story medical office and retail pharmacy with a walk-in and drive-through pharmacy.
- **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 *East Strategy Plan* (2001) recommends institutional for the portion of the property currently zoned R-3 (single family residential). However, the portion of the rezoning site zoned R-3 (single family residential) is situated between properties zoned B-1(CD) (neighborhood business, conditional). Therefore, it is not inappropriate to rezone the R-3 acreage in order to allow for a more consistent development pattern with similar development requirements at this location.
  - 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) 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:** CDOT notes that the petitioner has removed the proposed building size(s) from the site plan, and requests that this information be provided so that CDOT can produce trip generation estimates.
  - **Vehicle Trip Generation:**
    - Current Zoning: 1,000 trips per day.
    - Proposed Zoning: Not available.
  - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Please remove notes 7a and 7b under PCCO Treatment in their entirety and replace with the following: "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."
- **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.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Note under Development Data the maximum square footages of each of the three buildings on the rezoning site. Replace "restricted" with "prohibited" in the first sentence under Permitted Uses.
    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.
    3. Label proposed elevations.
    4. Address interior elevations to provide some level of visual interest, architectural detailing or landscaping.
    5. Rename heading PCCO Treatment to Environmental Features.
    6. Delete Note 9a as the 30-foot setback is shown on the site plan. Place notes 9b and 9c under Streetscape and Landscaping.
    7. Remove Sideyards/Buffers heading from site plan.
    8. Modify site plan to state only one sign is permitted or signage will be per ordinance.
    9. Address CDOT and Storm Water Services.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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
- Urban Forestry Review

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