

**Note: The petitioner is requesting to withdraw this petition.**

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<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
<b>LOCATION</b>	Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to allow a minor increase in building square footage, to amend development standards regarding the number, placement, and type of eating/drinking/entertainment establishments and associated drive-through windows allowed on the site, and to allow an automotive service station without gasoline sales.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Eastside Strategy Plan</i> , as amended by a previous petition.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Mintworth DEI, LLC Mintworth DEI, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10

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**PLANNING STAFF REVIEW**

• **Background**

- Rezoning petition 2003-044 rezoned the subject property as part of 46.6 acres consisting of Parcels A and B, from R-4 (single family residential), R-17MF (multi-family residential) and B-1 (neighborhood business) to R-8(CD) (single family residential, conditional) and NS (neighborhood services) to allow 90,000 square feet of retail or restaurant uses, 30,000 square feet of office space and 135 single family detached dwelling units. Two detached single story retail buildings are shown along Idlewild Road. The approved rezoning permitted three freestanding buildings with drive-through facilities, one of which may be a bank, one may be a Chick-Fil-A restaurant, and one may be any other retail or office use. Prohibited uses include convenience stores, car washes, automobile service stations, and restaurants with drive-through facilities, with the exception of a Chick-Fil-A restaurant.
- Rezoning Petition 2004-038 rezoned 22.02 acres consisting of Parcels A and C, from B-1 (neighborhood business) and NS (neighborhood services) to NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment), to allow a total of 92,550 square feet of retail or restaurant uses, and 30,000 square feet of office uses. Two detached single story retail buildings are shown along Idlewild Road at 3,000 and 4,000 square feet respectively. Parcel C allowed the existing buildings and uses to remain as grandfathered, along with an expansion of up to 432 square feet. Permitted and prohibited uses and freestanding drive-through building limitations were carried over from the previous rezoning.

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Replaces the term "restaurant" with "eating, drinking and entertainment establishments, Type 1 and 2."
- Identifies an area of the site on which the "Idlewild Road Freestanding Buildings" will be located, referred to as "Idlewild Road Building Envelope."
- Amends permitted uses to include personal services and eating/drinking/entertainment establishments Type 1 and 2, and automotive service station (without gasoline sales) including minor adjustments, repairs, and lubrication.
- Removes automobile service stations as a prohibited use.
- Specifies that two uses on the site may have accessory drive-through windows, and both uses may be eating/drinking/entertainment establishments Type 1 and 2.
- Removes the restriction that a drive-through restaurant must be a Chick-Fil-A.

- Specifies that accessory drive-through windows may only be located within the “Idlewild Road Building Envelope,” that both uses may be an eating/drinking/entertainment establishment (Type 1 or 2), or may be associated with a bank or financial institution.
- Specifies that an automotive service station (without gasoline sales), including minor adjustments, repairs, and lubrication, may only be located within the “Idlewild Road Building Envelope.”
- Amends the maximum development area allowed on the site to 80,300 square feet of gross floor area.
- Excludes areas devoted to surface parking from being counted toward the maximum allowed gross floor area.
- Increases the allowed square footage within the “Idlewild Road Building Envelope” from 7,000 to 10,580 square feet. The maximum size of an eating/drinking/entertainment establishment located within the “Idlewild Road Building Envelope” is 4,000 square feet. However, if both buildings located within the “Idlewild Road Building Envelope” are devoted to an eating/drinking/entertainment establishment, the combined maximum size of the two buildings shall be 7,500 square feet. The maximum size of a building devoted to a bank or financial institution is 5,500 square feet. The maximum size of a building devoted to an automotive service station is 6,580 square feet.
- Adds a note that any drive-through window located within the “Idlewild Road Building Envelope” shall not be located on the side of the building that directly fronts Idlewild Road.
- Adds a note that service areas associated with buildings located within the “Idlewild Road Building Envelope” shall not directly front Idlewild Road.
- Notes that internal sidewalks, pedestrian connections, and sidewalk connections to the adjoining public streets shall be provided as generally depicted on the site plan.
- Notes that the existing sidewalks and planting strips along Margaret Wallace Road, Idlewild Road, Wyalong Drive, and Mintworth Avenue will remain in place except that a portion of the sidewalk along Idlewild Road shall be relocated, in coordination with the Urban Forestry staff.
- Adds a note that the streetscape treatment along Margaret Wallace Road and Idlewild Road will include large maturing trees and supplemental shrubbery, which may be located within the right-of-way and/or within easements.
- Outdoor dining and courtyard areas may be located within the established setback along Margaret Wallace Road and Idlewild Road.
- Vehicular drives may be located between Idlewild Road freestanding buildings and Idlewild Road.
- Adds Note C under “Binding Effect of the Rezoning Documents and Definition” as follows: “Any reference to the ordinance herein shall be deemed to refer to the requirements of the ordinance in effect as of the date this rezoning petition is approved.”
- **Existing Zoning and Land Use**
  - The subject property is currently developed with a retail shopping center. Surrounding properties are developed with single family and multi-family residential dwellings, manufactured housing, retail and office uses in R-8(CD) (single family residential, conditional), R-17MF (multi-family residential), and NS (neighborhood services) zoning districts. To the north and east are scattered residential, office, retail uses, and undeveloped acreage in the Towns of Matthews and Mint Hill.
- **Rezoning History in Area**
  - Petition 2011-16 rezoned 0.26 acres located on the west side of Margaret Wallace Road near the intersection with Idlewild Road from B-1 (neighborhood business) to NS (neighborhood services) to allow the construction of a convenience store without gasoline sales.
- **Public Plans and Policies**
  - The *Eastside Strategy Plan* (2001) recommends retail uses on the subject property, as amended by rezoning petition 2004-038.
  - The request is consistent with the *Eastside Strategy 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.
  - **Vehicle Trip Generation:**  
Current Zoning: 3,200 trips per day.

Proposed Zoning: 4,800 trips per day.

- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** 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*.
  - This site meets minimum ordinance standards.

#### **OUTSTANDING ISSUES**

- The petitioner should:
  1. Define personal services as referenced in Note 1 under Permitted Uses.
  2. Add a note under General Provisions that prior to the Council's decision on this rezoning petition, the petitioner shall file with the Planning Department a request for an administrative amendment to the approved rezoning plan relating to Petition 2004-038 to amend the remaining development rights. Specify the maximum gross floor area allowed on the remaining portion of the 2004 rezoning site, parking standards, and the maximum number of drive-through service windows allowed on the site.
  3. Identify back of house or service areas for the drive-through uses.
  4. Provide elevations to depict primary building orientation, pedestrian access, and how service areas will be designed.
  5. Amend Note 1 under Architectural Standards to add the following: "Buildings constructed along Margaret Wallace Road and Idlewild Road will contain clear glass windows facing the street. All sides of the buildings shall avoid expanses of blank wall 20 feet or greater. All elevations shall be treated with some combination of fenestration, building articulation, landscaping and specially designed architectural elements."
  6. Amend Note 2 under Architectural Standards to add the following: "Dumpster and recycling areas will be enclosed on all four sides by an opaque wall that is constructed of materials complementary to the primary use."
  7. Amend Note A1 under Development Limitations to delete surface parking from the second sentence.
  8. Delete Note C under Binding Effect of the Rezoning Documents and Definition. Conditional petitions automatically adhere to the Zoning Ordinance in effect at the time of approval but the site must comply with current regulations for other codes and ordinances.
  9. Amend Parking Calculations on Sheet RZ-100 for required parking to reflect one space per 600 square feet, and change the calculations accordingly.

#### **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 Water 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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