

<b>REQUEST</b>	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) SPA (light industrial, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 2.98 acres located on the west side of Monroe Road at the intersection of Orchard Lake Drive and Lucy Jane Lane. (Council District 6 - Smith)
<b>SUMMARY OF PETITION</b>	The petition proposes a site plan amendment to revise the type and size of allowed uses, to eliminate the previously approved build-to line along part of the Monroe Road frontage, and to eliminate the requirement for the front of the building to face the corner of Monroe and Orchard Lake Drive.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Golden Triangle #1 LLC Ryan Berger Little, David Powlen
<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>	<p>This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends office/industrial/warehouse distribution uses for the subject parcel, and anticipated the 70,000 square feet of retail that would be allowed per the recently approved rezoning petition 2009-23.</li> </ul> <p>Therefore, this petition is found 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 retail grocer will serve the surrounding residential area; and</li> <li>• The allowed retail square footage is reduced from 70,000 to 30,727 square feet; and</li> <li>• Maximum building height is reduced from 58 feet to 35 feet; and</li> <li>• Building(s) will front Orchard Lake Drive or Monroe Road with no parking or maneuvering allowed between the building(s) and Monroe Road; and</li> <li>• The site plan provides a minimum 28.5-foot Class "B" buffer abutting the residential uses to the rear of the site; and</li> <li>• The building walls facing Monroe Road will not have blank walls exceeding 20 feet in length and the walls will be activated with display windows;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Nelson).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Ensured that no parking spaces are located within five feet of an exterior property line.</li> <li>2. Screened all parking from abutting property and from public view from a public street.</li> <li>3. Amended Note 6B to specify that building elevations should include a combination of clear glass, awnings, sunshades, and changes in material or similar architectural elements in combination with landscaping to provide visual interest along Monroe Road, at the pedestrian level.</li> </ol>
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4. Removed Note 2.B. as it is covered by Note 2.C.
5. Clarified the proposed use as a grocer.
6. Deleted Note 5.3B, which references Development Area 2.
7. Removed references to Development Areas 1A, 1B and 2 unless those areas are shown on the site plan.
8. Corrected Note 4.2.C. to reference the correct note.
9. Deleted Notes 7B, D, F, and G, which are minimum ordinance standards.
10. Removed the reference to Note 7.B in Note 8.1.A as it is not correct.
11. Deleted Notes 8.1C and F.
12. Addressed Transportation comments by labeling the existing and proposed right-of-ways along the site's street frontages, and committed to dedication of 50 feet of right-of-way measured from the existing centerline of Monroe Road.
13. Amended building elevations to remove reference to tenant signage
14. Provided building elevations for Orchard Lake Drive. Clearly illustrated an eight-foot planting strip and six-foot sidewalk along Monroe Road. Removed unnecessary labels so the aforementioned items are visible and illustrated with solid lines.
15. Amended Development Data Tables on Sheets RZ-2 and RZ-3 to reflect retail square footage as 30,727 square feet.

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

**ZONING COMMITTEE DISCUSSION**      Planning staff provided a summary of the rezoning request noting that there are no outstanding issues. Staff noted that the petition is consistent with the *Independence Boulevard Area Plan*. There was no additional discussion.

**STAFF OPINION**      Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2009-23 rezoned a total of 24.06 acres from I-1(CD) (light industrial, conditional) and I-1 (light industrial) to UR-2(CD) (urban residential, conditional) and I-1(CD) (light industrial, conditional). The subject site is identified as Area 3 and allowed commercial and industrial uses, with up to 70,000 square feet of retail establishments, shopping centers, and business, personal and recreational service uses. Prohibited uses include manufactured homes sales, jails/prisons, tire recapping, and industrial or manufacturing uses that occupy 100 percent of the allowed building area.
  - Design standards required the first 100 linear feet of Area 3 to be developed with a building(s) fronting on Orchard Lake Drive and Monroe Road. Buildings in Area 3 are required to be similar to adjacent buildings in Area 2. A Class "B" berm is required at the rear of Area 3.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Removes all previously approved uses and restrictions and limits permitted uses to a grocer and retail uses allowed in the I-1 (light industrial) zoned area within Area 3.
  - Removes the requirement for the first 100 linear feet of Area 3 to be developed with a building(s) fronting on Orchard Lake Drive and Monroe Road.
  - Removes the requirement for the building to front on Monroe Road and Orchard Lake Drive and

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- removes the requirement for the buildings in Area 3 to be similar to the buildings in Area 2.
- Maximum building height reduced from 58 feet to 35 feet.
  - Reduced maximum allowed retail square footage from 70,000 to 30,727 square feet.
  - Reduced vehicular access on Monroe Road from two to one access point. Should the property be subdivided, parcels fronting Monroe Road will be required to share one driveway.
  - The site will be developed with a building or buildings fronting on Orchard Lake Drive or Monroe Road. Building materials will include brick, glass and wood. Parking or maneuvering for parking and service will not be allowed between any building constructed on this portion of the site and Monroe Road (but parking and maneuvering can be located to the side or behind such buildings).
  - The façade facing Monroe Road shall have no blank walls greater than 20 feet in length and the wall will be activated with display windows.
  - Added a note that to ensure a uniform buffer between Development Area 3 and Development Area 1B, at a minimum, a 38-foot Class "B" buffer reduced by the use of a berm, fence or wall to 28.5 feet, as indicated on the rezoning plan, will be provided at the rear of Area 3. The Class "B" buffer is to be installed as development occurs within Area 3. If Development Area 3 is subdivided then each individual parcel within Development Area 3 will be responsible for its portion of the 28.5-foot Class "B" buffer as part of development of that parcel. If an industrial use is developed on Area 3 then the size and planting standards of the buffer will be increased per the zoning regulations for the parcel on which the industrial use is located. If the industrial use is located on all of Area 3 then the entire buffer will be increased in size.
  - An administrative amendment will be submitted for Petition 2009-23 to adjust development rights that may be amended by Petition 2015-36 prior to a decision on Petition 2015-36, if needed.
  - The existing CATS bus pad, bench and bike rack along the site's Monroe Road frontage shall remain or be relocated at the petitioner's expense.
  - Building elevations provided for Development Area 3. Elevations include a combination of clear glass, awnings, sunshades and changes in material or similar architectural elements, in combination with landscaping to provide visual interest along Monroe Road, at the pedestrian level.
  - Committed to dedicating 50 feet of right-of-way as measured from the existing centerline along the site's frontage on Monroe Road
- **Public Plans and Policies**
    - The *Independence Boulevard Area Plan* (2011) recommends office/industrial/warehouse distribution uses for the subject parcel. When the plan was adopted the land use recommendation anticipated the 70,000 square feet of retail that would be allowed in the existing I-1 (light industrial) zoning classification and the recently approved rezoning petition 2009-23.
    - The petition is consistent with the plan recommendation for the subject parcel as described in the *Independence Boulevard Area Plan* (2011).
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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 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 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 Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Sonja Sanders (704) 336-8327