

REQUEST	Current Zoning: R-3 (single family) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 4.98 acres located on the south side of Mallard Creek Road between Kings Grant Drive and Carolina Lily Lane. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a maximum of 20,000 square feet of commercial uses allowed in the NS (neighborhood services) district with one accessory drive-through service window.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	CDS Family Limited Partnership and Frank & Joan Helms Prime Business, LLC David W. Murray/ The Odom Firm
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Northeast District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends residential, institutional, office, and/or retail land uses for the site. <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 the petition:</p> <ul style="list-style-type: none"> • Limits the commercial square footage to 20,000 square feet; and • Allows only one drive-through service window; and • Limits the number of buildings to five with associated parking envelopes; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Labeled and showed eight-foot planting strips and six-foot sidewalks along Carolina Lily Lane and Mallard Creek Road. 2. Provided a six-foot planting strip and five-foot sidewalk along one side of the private drive and labeled on the site plan. 3. Added a note that the drive-through lane will be screened with a low masonry wall and landscaping if located along a public street. 4. Modified Note "e" under transportation to read an eight-foot planting strip and six-foot sidewalk will be provided along site's frontage. 5. Added a note that residential dwelling units are a prohibited use on the site. 6. Labeled the building setbacks along Mallard Creek Road and Carolina Lilly Lane. 7. Added a note that the building façade facing the corner of Mallard Creek Road and Carolina Lily Lane will have windows and other architectural features. 8. Addressed the right-turn slip lanes and public street connections as per CDOT's request.
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VOTE	Motion/Second: Nelson/Walker Yeas: Dodson, Eschert, Labovitz, Nelson, Sullivan, and Walker Nays: None Absent: Ryan Recused: None
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ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that there were several outstanding issues during the public hearing but only one remained. Charlotte Department of Transportation requested that the petitioner modify a proposed driveway entrance to right-in and right-out along Mallard Creek Road.

One Commissioner asked about the proposed transportation improvements along Mallard Creek Road and the request for the driveway restriction. Staff responded that Mallard Creek Road is proposed to be widened in the future with a possible State project. The request was made to restrict movements since that full movement access is close to an existing intersection and future development will construct a full movement access point south of the subject. The petitioners agent addressed the Committee and noted that they requested to have the full movement access until the time North Carolina Department of Transportation may possibly restrict access with a median for the proposed road project. There was not further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 20,000 square feet of commercial uses, with one accessory drive-through service window.
 - Maximum of five principal structures.
 - The site has been divided into five building and parking envelopes.
 - Access to the site is provided along Mallard Creek Road, Grafton Regis Lane, and Carolina Lily Lane. Up to five access points proposed along the site's frontages and private drive.
 - Eight-foot planting strips and six-foot sidewalks will be provided along all public streets.
 - A six-foot planting strip and five-foot sidewalk will be provided along one side of the private drive.
 - The proposed drive-through lane will be screened with a low masonry wall and landscaping if located along a public street.
 - Residential dwellings units are a prohibited use.
 - Four-sided elevations of the proposed structure.
 - Large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood.
 - Detached lighting limited to 25 feet in height and will utilize full cut-off luminaries.
 - Proposed public street and internal driveway with possible on-street parking.
 - Opaque and landscape screening will be provided for any part of the development that adjoins and would be visible from the right-of-way of Grafton Regis Lane for the portions of any use that would require screening per the ordinance.
- Public Plans and Policies**
- The *Northeast District Plan* (2000) recommends residential, institutional, office and/or retail uses for the subject property.
 - This petition is consistent with the *Northeast District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** Modify the proposed driveway entrance along Mallard Creek Road to be right-in

and right-out.

- **Charlotte Fire Department:** No comments received.
 - **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

- 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: Solomon Fortune (704) 336-8326