

REQUEST Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

LOCATION Approximately 0.81 acres located on the northwest corner at the intersection of Wilkinson Boulevard and Ashley Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION The petition proposes to allow fuel sales with a small convenience store located within the existing surface parking lot of a Walmart Shopping Center.

PROPERTY OWNER Wal-Mart Real Estate Business Trust
PETITIONER Murphy Oil USA, Inc.
AGENT/REPRESENTATIVE Greg Sistrunk

COMMUNITY MEETING Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4

ZONING COMMITTEE ACTION The Zoning Committee voted 6-0 to **DEFER** this petition to a special called meeting to be held on October 5, 2015.

VOTE Motion/Second: Wiggins/Eschert
Yeas: Eschert, Labovitz, Lathrop, Nelson, Sullivan and Wiggins
Nays: None
Absent: Dodson
Recused: None

ZONING COMMITTEE DISCUSSION Staff presented this item to the Committee, noting that all outstanding issues had been addressed including the provision of a landscape detail and elevations. A Committee member noted the number of existing gas stations in the immediate vicinity, and indicated that parking conditions at the Walmart was an issue. The Committee member was also concerned about potential for crime activity as a result of introducing this proposed use to this site, and stated that the proposed use did not add value to the area.

Another Committee member noted that a nearby convenience store owner who spoke at the public hearing indicated that during the rezoning process for the Walmart there was a promise made to never allow a convenience store with fuel sales on the site. Another Committee member noted that the location may actually be a deterrent to crime because of security and cameras. A Committee member inquired if the use was permitted on the original site plan. Staff clarified that the use was not listed as a prohibited use, but that the site plan amendment was necessary due to the proposal to add another outparcel to the shopping center.

Staff further noted that an administrative amendment would be required as part of the approval. A Committee member noted concerns about "picking and choosing" projects to approve due to certain criteria such as crime, or concerns from another store owner. The Committee suspended the rules to allow the agent for the petition to specify the hours of operation, which would be 6 a.m. to midnight.

The Committee proceeded to vote on the consistency statement, with a vote 3-3 (Eschert, Lathrop, and Labovitz in support; Nelson, Sullivan, and Wiggins in opposition). The Committee then voted on the motion to approve the petition, with a similar result 3-3 with Eschert, Lathrop, and Labovitz in support; Nelson, Sullivan, and Wiggins in opposition.

As a result, this petition was deferred to a special meeting on October 5, 2015.

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

PLANNING STAFF REVIEW**• Background**

- The property was rezoned via rezoning petition 2004-052 to CC (commercial center) from B-2 (general business) to allow for a retail center with a number of outparcels. All uses allowed in the CC (commercial center) zoning district would be permitted as well (which includes gasoline sales). The building layout for the proposed bank was amended by petition 2007-75.
- The site plan for the 2004 rezoning was a product of a charrette involving adjacent property owners, neighbors, City staff and other stakeholders. The resulting plan, which incorporated a Walmart and four outparcels, was designed to strengthen the pedestrian character of Wilkinson Boulevard, and support internal walkability and future transit.

• Proposed Request Details

The site plan amendment contains the following changes:

- Allows a convenience store containing up to 1,400 square feet of gross floor area, with fuel sales (a maximum four gas pumps and eight fueling stations).
- Prohibits drive-through windows on the subject site.
- Proposes five parking spaces, including one handicap space.
- Proposes five-foot-wide sidewalks to connect to existing sidewalk system in parking lot.
- Includes a landscape plan with a plant schedule and identifies the shrub and tree plantings and treatment around the perimeter of the proposed use.
- Includes color front (south) and rear (north) elevations, along with an overall perspective of the proposed use.

• Public Plans and Policies

- The *Central District Plan* (1993) recommends retail land uses for this site and recognizes Wilkinson Boulevard as a redeveloping commercial and employment center.
- The *2030 Transit Corridor* (2006) recommends that a future phase of the City LYNX Gold Line serve the Wilkinson Boulevard/Airport Corridor. Sprinter Enhanced Bus is currently operating along Wilkinson Boulevard.
- The petition supports the *General Development Policies – Environment* by accommodating an additional use within an existing shopping center, thereby minimizing further environmental impacts.

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 issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **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.

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
- Department Comments
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services 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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