

<b>REQUEST</b>	Current Zoning: R-4 (single family residential) Proposed Zoning: NS (neighborhood services)
<b>LOCATION</b>	Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a vacant site to be developed for up to 13,000 square feet of office and retail uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Various Charlotte Merlane FDS 713525 Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	The Zoning Committee found this petition to be inconsistent with the <i>Central District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends residential development at up to four dwelling units per acre for this site.</li> </ul> <p>However, this petition was 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 petition will bring new development and encourage future development in the area;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications: <ol style="list-style-type: none"> <li>1. Clarified note under Architectural Standards to state that the primary building entrance for each building will be a corner entrance that is oriented to West Sugar Creek Road.</li> <li>2. Depicted an eight-foot wide planting strip and six-foot wide sidewalk along the site's frontages on Merlane Drive and West Sugar Creek Road.</li> <li>3. Committed to dedicate in fee simple 40 feet of right-of-way as measured from the existing centerline of West Sugar Creek Road.</li> <li>4. Aligned the maximum square footage listed under "Permitted Uses" and in the "Development Data Summary" to reflect 13,000 square feet.</li> <li>5. Committed to specify the boundaries of the ten-foot "Class C" buffer, and provide a buffer at the rear of the property abutting single family residential uses and zoning.</li> </ol>
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<b>VOTE</b>	Motion/Second: Eschert/Sullivan Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins Nays: None Absent: Dodson Recused: None
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<b>ZONING COMMITTEE DISCUSSION</b>	Staff provided an overview of the petition and gave an update on outstanding issues as follows:  The two remaining outstanding issues are: 1) The petition is inconsistent with the <i>Central District Plan</i> recommendation for residential development up to four dwelling units per acre; and
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- 2) Delete the alternative use for tax parcel 08707125, which shows the parcel being used for a public or private road.

The following outstanding issues were rescinded:

- 1) Add a note that minimum building height for both buildings will be 22 feet;
- 2) Add a minimum 30-foot wide tree save on the site plan.

It was further explained that staff does not recommend approval of the petition for the following reasons:

- The petition is inconsistent with the *Central District Plan* recommendation for residential development up to four dwelling units per acre.
- The subject site is located at the intersection of West Sugar Creek Road and Merlane Drive and is located along a predominantly residential section of West Sugar Creek Road.
- The remainder of the parcels along Merlane Drive are planned and zoned for single family residential and the proposed non-residential development does not integrate with or provide a transition to the residential area.
- The adjacent site on the corner of Wilson Lane and West Sugar Creek Road, the properties directly across West Sugar Creek Road and to the south are planned and zoned for residential.
- The *Central District Plan* recommends that retail uses in this area be clustered near the I-85 interchange with West Sugar Creek Road.
- Approval of this development will result in additional strip commercial along West Sugar Creek Road and will negatively impact the residential character of the immediate area.

The Commission suspended the rules to ask the petitioner's agent, Walter Fields, the reason for the alternate plan, which is not supported by staff due to the uncertainty of alternate plan scenarios. Mr. Fields explained that the property owner wants to retain access to the smaller lot to serve the property to the rear. If not allowed per this rezoning, the site would need to be rezoned again to allow an access point on Merlane Drive. A Commissioner asked the number of recent rezonings in the immediate area. Staff pointed out that there have been a number of preapplication meeting but not many rezonings submitted for the surrounding area. Staff also mentioned that there is a lot of existing commercial zoning north of the property around the I-85 interchange.

#### **STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee for the reasons listed above.

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

#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Office, retail and neighborhood service uses at a maximum of 13,000 square feet.
- Drive-through service windows prohibited.
- Maximum of two buildings: One building for a retail store; the second building for office and/or retail.
- A 10-foot "Class C" buffer along the northern and southern property boundaries, and at the rear of the property abutting residential uses and zoning.
- Access via West Sugar Creek Road and Merlane Drive.
- A CATS concrete bench pad for a new bus stop to be constructed by the petitioner, at a location to be determined.
- Large expanses of wall exceeding 20 feet in length to be avoided though articulated facades.
- Primary building entrance for each building to be a corner entrance oriented to West Sugar Creek Road.
- A minimum 25% of the building façade on West Sugar Creek Road to have transparent windows

- or doors with active uses visible from the street.
- Maximum building height of 30 feet.
- **Public Plans and Policies**
  - The *Central District Plan (1993)* recommends residential development up to four units per acre for this site and the other properties on the north side of Merlane Drive.
- **TRANSPORTATION CONSIDERATIONS**
  - No issues.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Engineering and Property Management:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Charlotte Fire Department:** No comments received.

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**OUTSTANDING ISSUES**

- The petition is inconsistent with the Central District Plan recommendation for residential development up to four dwelling units per acre; and
- The petitioner should delete the alternative use for tax parcel 08707125, which shows the parcel being used for a public or private road.

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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
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Engineering and Property Management Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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