

<b>REQUEST</b>	Current Zoning: R-5 (single family residential) and B-2(CD) (general business, conditional) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
<b>LOCATION</b>	Approximately 1.85 acres located on the northeast corner at the intersection of Brookshire Boulevard and North Hoskins Road. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a site located on Brookshire Boulevard, north of Interstate 85, currently built with a convenience store with gas sales, accessory car wash, and single family residential uses, to be redeveloped with a QuikTrip convenience store with gasoline sales.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Pert Investment, LLC et al QuikTrip Corporation John Carmichael
<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>	<ul style="list-style-type: none"> <li>• The Zoning Committee found the portion of the subject property that includes an existing gas station to be consistent with the <i>Thomasboro/Hoskins Area Plan</i>, but the remaining portion of the property to be inconsistent with the <i>Northwest District Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The <i>Thomasboro/Hoskins Area Plan</i> recommends retail land use for the portion of the site with the existing gas station; and</li> <li>• The <i>Northwest District Plan</i> recommends single family residential at up to six dwelling units per acre for the remaining eastern portion of the site.</li> </ul> </li> <li>• 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: <ul style="list-style-type: none"> <li>• The use is of the same use currently on the site and would be an improvement and benefit to the area; and</li> <li>• The abutting property owners support the rezoning; and</li> <li>• There has been no expressed opposition to the rezoning; and</li> <li>• The petitioner provides rigorous security and site monitoring; and</li> <li>• The use will provide enhanced food availability consistent with the Livable Cities Policies;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Sullivan seconded by Labovitz).</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> <p><u>Land Use</u></p> <ol style="list-style-type: none"> <li>1. Staff rescinded the request to complete the alley abandonment prior to the decision on this rezoning petition.</li> </ol> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>2. Revised the site plan to include an eight-foot planting strip and six-foot sidewalk along each of the site's three public street frontages, including right-of-way dedication and/or a sidewalk utility easement (two feet behind back of sidewalk) if needed.</li> <li>3. Revised the site plan to maintain the existing centerline and widen Cloudman Street to accommodate the following half street section along the site's Cloudman frontage: 12-foot travel lane, two-and-a-</li> </ol>
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half-foot curb and gutter, eight-foot planting strip, and six-foot sidewalk.

4. Revised the site plan to provide a diagonal sidewalk connecting the northeast corner of the Brookshire Boulevard/Hoskins Road intersection to the site (in the direction of the convenience store’s front door). Additionally, revised the eastern and western pedestrian access to the site from Hoskins Road to better align to the eastern access of the convenience store.
5. Added a note under Transportation that the petitioner will dedicate and convey right-of-way along North Cloudman Street.
6. Specified that sidewalks or portions thereof may be located in an easement rather than in the public right-of-way.
7. Committed to modifying the site plan to reduce the driveway width between the building and canopy/fueling stations from 65 feet to 63 feet thus increasing the width of the drive between the canopy/fueling stations and Brookshire Boulevard by two feet.

Infrastructure

8. Included the following notes on the plan sheet under “Environmental Features”: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”

Site and Building Design

9. Increased the setback on Brookshire Boulevard from 10 feet to 15 feet.
10. Reduced the width of the rear driveway and increased the distance from the setback along Brookshire Boulevard to the fueling stations from 43 feet to 50 feet. (Note: The distance will be increased to 52 feet with the modification committed to in Note 7 above.)
11. Added a double sided, six-foot tall, wooden fence along the Cloudman Street frontage across from the single family homes.

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

12. Amended the label on the site plan for the setback along Brookshire Boulevard to reflect the 15-foot setback that is provided.
13. Amended the maximum height of detached lighting to 21 feet to match industry standards.
14. Added a note under “Streetscape and Landscaping” committing to the installation of a wood fence along the northern property line. This fence was depicted on the site plan for hearing.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and changes since the public hearing. Staff indicated that there were four issues that remain outstanding and that the items were requests by staff and not Zoning Ordinance requirements. The proposed driveway on Brookshire Boulevard remains a concern for CDOT but the petitioner has worked with CDOT to make changes to the site plan so the item is no longer an outstanding issue. Staff noted that the portion with the existing gas station is consistent with the plan but the proposed encroachment of the use into the single family neighborhood was inconsistent with the adopted plan.

A Commissioner stated they saw this proposal as more of an expansion of an existing use than further commercial encroachment into the

neighborhood because the proposal replaces an existing gas station.

Another Commissioner stated that they normally do not like to go against staff's recommendation but in this case since there is already a gas station on the site and because of the security provided by the petitioner they do not have an issue with the proposal. The Zoning Committee then suspended the rules to ask the petitioner to describe the security measures. John Carmichael the petitioner's agent spoke and stated the petitioner has security cameras that monitor the entire site 24/7 and the video feed is sent to their headquarters. A Commissioner asked if the video was available to law enforcement. Carmichael responded that yes, the petitioner works closely with law enforcement. Judy Allie, representing the petitioner, added that the neighboring property owners had signed a letter in support of the rezoning.

A Commissioner pointed out that the expanded use provides additional food availability to the area.

There was no further discussion of the rezoning.

#### **STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee because the rezoning includes parcels within an established neighborhood which are recommended for continued single family use. The rezoning will eliminate existing homes resulting in commercial encroachment into the neighborhood with the proposed gas station located across from single family homes on Cloudman Street and North Hoskins Road.

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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:

- Allows a maximum 6,000-square foot convenience store with gasoline sales at 16 fueling positions.
- Allows incidental and accessory uses including an eating/drinking/entertainment establishment.
- Prohibits accessory drive-through service windows.
- Proposes a maximum building height of 25 feet.
- Provides a 20-foot setback from the right-of-way on North Hoskins Road and Cloudman Street and provides a 15-foot setback from the right-of-way along Brookshire Boulevard.
- Provides a 33-foot "Class B" buffer along the east property line that abuts parcels zoned R-5 (single family residential). Prohibits the buffer from being reduced with the installation of a wall, fence, or berm.
- Provides a six-foot tall, double sided, wooden fence along North Cloudman Street and the northern property line across from and abutting single family uses.
- Proposes the abandonment of a portion of the abutting alley which will then be incorporated into the rezoning site. The abandonment will be completed prior to issuance of a building permit for the new building.
- Proposes driveway connections to Brookshire Boulevard, North Hoskins Road, and North Cloudman Street.
- Installs new six-foot sidewalks along Brookshire Boulevard, North Hoskins Road and North Cloudman Street.
- Dedicates and conveys street right-of-way to the City of Charlotte for those portions of the site immediately adjacent to North Hoskins Road and North Cloudman Street as depicted on the site plan.
- Widens North Cloudman Street and extends the existing curb and gutter as more particularly depicted on the site plan.
- Constructs a new waiting pad for the existing bus stop located on Brookshire Boulevard to CATS standards.
- Provides architectural renderings of the proposed building, including identification of building materials.
- Provides a detailed landscaping plan with schedule of trees and shrubs to be installed internal to

- the site and around the perimeter.
- Notes that any freestanding lighting fixtures will have a maximum height of 21 feet.
  - **Public Plans and Policies**
    - The *Thomasboro/Hoskins Area Plan (2002)* recommends retail land uses for the portion of the subject property that includes the existing gas station.
    - The remaining parcels of the subject rezoning are recommended for single family residential up to six dwelling units per acre, as per the *Northwest District Plan (1990)*.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site is on a major thoroughfare between a signalized intersection with a minor thoroughfare and an unsignalized intersection with a local street. CDOT remains concerned with the proposed access drive on Brookshire Boulevard with traffic stacking onto Brookshire Boulevard sidewalk and travel lanes due to the short driveway throat length and distance to the site's fueling pumps as shown on the site plan. The latest site plan, submitted after the public hearing, increases the distance to the fuel pumps, which reduces CDOT's concern for this issue.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 1,870 trips per day (based on gas station with 12 fueling positions, convenience mart and carwash, and two single family dwellings).
        - Entitlement: 1,900 trips per day (based on gas station with 12 fueling positions, convenience mart and carwash, and five single family dwellings).
      - Proposed Zoning: 8,700 trips per day (based on convenience mart with gasoline pumps with 16 fueling positions).

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do 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:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ. The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - "Air Quality Permits." A letter of notification and copy of the regulations will be mailed directly to the petitioner by MCAQ.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**OUTSTANDING ISSUES**Land Use

1. Remove the parcels recommended for residential use from the proposed rezoning.

Site and Building Design

2. Increase the setback on Brookshire Boulevard to 20 feet to be consistent with the required setback for nearby properties fronting Brookshire Boulevard.
  3. Increase the setback to 27 feet on Hoskins Road and Cloudman Street for the portions of the site across these streets from existing single family homes.
  4. Provide a "Class C" buffer along the street frontage on Hoskins Road and Cloudman Street for the portions of the site across these streets from existing single family homes to minimize the impact of the encroachment into the established neighborhood.
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- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Fire Department 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
  - Transportation Review

**Planner:** John Kinley (704) 336-8311