

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
LOCATION	Approximately 0.9 acres located on the southeast corner at the intersection of Elm Lane and Williams Pond Lane. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes construction of a retail, office or financial institution up to 4,500 square feet on a vacant development pad in the area west of Rea Road and south of the Stonecrest Shopping Center.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Pembroke Partners LP Michael L. Lavelle NA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>South 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 retail land use as amended by the prior rezoning. • Therefore, 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"> • The subject outparcel is a part of a commercial center approved by rezoning petition 2006-081; and • The approved site plan for the overall center allows commercial, office, and eating/drinking/ entertainment establishments; however, it limits the use of the subject outparcel to a financial institution; and • The proposed request expands the allowable uses for the subject outparcel to include office and retail uses as well as a financial institution, and prohibits the following: <ul style="list-style-type: none"> • auto-oriented retail uses; • convenience stores; • gasoline sales; and • drive-through windows other than those associated with a financial institution; and • The proposed changes do not alter the character of the overall center as: <ul style="list-style-type: none"> • The proposed building occupies the same area as a previously approved financial institution; • The proposed building is generally the same size with a slight increase of only 100 square feet; and • The building height is reduced from 48 feet to 35 feet; <p>By a 7-0 vote of the Zoning Committee (motion by Labovitz seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Revised the site plan indicate that the existing planting strip and sidewalk along Elm Lane and Williams Pond Road will remain as constructed by the City of Charlotte. Removed the depiction of the earlier sidewalk and planting strip conditions. 2. Amended the site plan to show that wheel stops will be installed
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	<p>abutting the sidewalk adjacent to the building.</p> <p>3. Provided building elevations referenced in Note D1.</p> <p>4. Deleted Note G2 regarding detached monument project identification signs.</p> <p><u>Environment</u></p> <p>5. Removed the words “except where existing CDOT ROW improvements do not allow” from Note 1 under “Tree Save Area.”</p> <p>Requested Technical Revisions</p> <p><u>Site and Building Design</u></p> <p>6. Changed references from petition number 2016-013 to petition number 2016-148.</p> <p>7. Changed the word “may” to “shall” and added the words “consistent with Section 12.303 of the Zoning Ordinance” to Note I2 regarding adding shrubs to screen the parking.</p> <p><u>Environment</u></p> <p>8. Deleted Note 1 under “Storm Water Management” and replaced with the following: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Storm Water Ordinance.”</p>
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VOTE

Motion/Second: Watkins / Labovitz
 Yeas: Eschert, Labovitz, Lathrop, Majeed, Wiggins, Watkins, Spencer
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that all the outstanding issues had been addressed. Staff also noted that the petition is consistent with the adopted area plan. There was no further discussion.

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 amendment contains the following changes:

- Changes the proposed use from only a financial institution to retail, office, or financial institution; however, specifically prohibits convenience stores, gasoline sales, retail tenants over 4,500 square feet, and drive-through service windows as accessory to any use other than a financial institution or financial institution.
- Adds a limit to the maximum building square footage of 4,500 square feet.
- Proposes the building to be constructed on the established building pad. The existing parking and maneuvering will remain instead of constructing a drive-through facility as shown on the previously approved plan.
- Provides building elevations that reflect similar architecture as the adjacent, existing, commercial development.
- Reduces the maximum building height from 48 feet to 35 feet.
- Maintains the existing sidewalk and planting strip along Elm Lane and Williams Pond Road recently reconstructed in 2014 when improvements were made to the intersection of Elm Lane and Williams Pond Road.
- Adds landscaped screening for the parking along Elm Lane and Williams Pond Road.

• **Public Plans and Policies**

- The *South District Plan* (1993) as modified by the prior rezoning (petition 2006-081) recommends retail use for the subject parcel.

• **TRANSPORTATION CONSIDERATIONS**

- Site is at the unsignalized intersection of two major collectors. Transportation improvements were accomplished as part of the original rezoning. CDOT does not have any outstanding issues

relative to this petition.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on existing parking lot).

Entitlement: 905 trips per day (based on 4,600 square-foot financial institution).

Proposed Zoning: 905 trips per day (based on 4,500 square-foot retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **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:** Charlotte Water has water system availability via an existing 12-inch water distribution main located along Elm Lane and a 16-inch water main located along Williams Pond Lane. Charlotte Water currently does not have sewer system availability for the parcel under review. The closest available sewer main is approximately 320 feet northeast of parcel 229-101-16 on Williams Pond Lane. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.
 - **Engineering and Property Management:** No trees can be removed from or planted in the right-of-way on Elm Lane without permission of NC Department of Transportation and the City Arborist's office. No trees can be planted in the right-of-way of Williams Pond Lane without permission of the City Arborist's office.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** 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 Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311