

REQUEST	Current Zoning: I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) SPA (light industrial, conditional, site plan amendment)
LOCATION	Approximately 2.12 acres located on the east side of West Tyvola Road between Billy Graham Parkway and Cascade Pointe Boulevard (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes the development of 10,000 square feet for retail, office, and EDEE (eating/drinking/entertainment establishments) and to remove the restriction for no drive-through accessory windows, near the Lake Pointe Corporate Office Park and Veterans Administration Government Building.
PROPERTY OWNER	Lakepointe Corporate Center Associates, c/o Childress Klein Properties, Inc.
PETITIONER	Childress Klein Properties, Inc.
AGENT/REPRESENTATIVE	Collin Brown and Bailey Patrick Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent 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"> • The plan recommends industrial and retail uses for the subject parcel as amended by petition 1998-125. • 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 proposed commercial use is accommodated by the adopted plan; and • Current I-1(CD) zoning allows for retail and restaurant uses without drive-throughs; and • The use with the drive-through is attached to other commercial uses, and the window will be to the side of the building; and • The proposed building will provide support services for the proposed office and hotel buildings developing in the surrounding area; <p>By a 5-0 vote of the Zoning Committee (motion by McClung seconded by Fryday).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 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. A pedestrian connection to the adjacent hotel under construction has been provided. Staff is rescinding this request since the location of the proposed path will not aid pedestrians. 2. The request that allows for up to two buildings to be built on the subject site has been removed. 3. The five-year vested rights in the development data table and on the rezoning application have been removed from the request. 4. The 20-foot setback required along Cascade Pointe Boulevard has been shown and labeled on the site plan. 5. Building elevations with outdoor dining area and annotated building materials have been provided.
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	Yeas:	Fryday, Lathrop, McClung, Spencer, and Watkins
	Nays:	None
	Absent:	Majeed and Wiggins
	Recused:	None
ZONING COMMITTEE DISCUSSION		Staff presented this item noting that all outstanding issues had been addressed and that this petition is consistent with the <i>Central District Area Plan</i> . There was no further discussion of this request.
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:

- Allows for the development of a 10,000-square foot commercial building that will allow retail, office, EDEE, and industrial use in the I-1 district.
- One drive-through window will be allowed and required to be oriented internal to the site.
- Outdoor seating area with building frontage along West Tyvola Road.
- Building materials will include stucco, EIFS, and other masonry materials.
- Building elevations annotated with building materials.
- Prohibited uses include, free-standing EDEE uses with accessory drive-through windows, convenience stores with gasoline sales, car washes and automotive service stations.
- Existing sidewalks along the public street frontage will remain.
- Pylon identification signs will be prohibited.
- Vehicular access will be provided by Cascade Pointe Boulevard. No vehicular access will be provided by West Tyvola Road.
- Detached lighting will be limited to 30 feet in height.

• **Public Plans and Policies**

- The *Central District Plan* (1993), as amended by rezoning petition 1998-125, recommends retail and industrial uses.

• **TRANSPORTATION CONSIDERATIONS**

- The site is at the signalized intersection of a major thoroughfare and a local street. Sidewalks recently constructed by others will remain along Cascade Point Boulevard frontage and the petitioner has declined to pursue sidewalk along Tyvola Road frontage within NCDOT and development association property.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant parcel).
Entitlement: 1980 trips per day (based on 15,000 square feet of retail and restaurant uses).
Proposed Zoning: 1,520 trips per day (based on 10,000 square of retail use).

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 Water:** Charlotte Water has water availability to the rezoning boundary via an existing eight-inch water distribution main located along Cascade Pointe Boulevard and an existing twelve-inch water main along West Tyvola Road. Charlotte Water has sewer availability to the rezoning boundary via an existing 36-inch gravity sewer main located along Billy Graham Parkway/West Tyvola Ramp and an eight-inch gravity sewer main located along Cascade Point Boulevard.
- **Engineering and Property Management:**
 - **Arborist:** No issues.

- **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.

 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **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 Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326