
REQUEST	Current Zoning: R-4 (single family residential), O-6(CD) (office, conditional) and B-2(CD) (general business, conditional) Proposed Zoning: NS (neighborhood services), with five-year vested rights.
LOCATION	Approximately 4.68 acres located on the east side of Norland Avenue south of Central Avenue. (Council District 5 - Ajmera)
SUMMARY OF PETITION	The petition proposes to expand the site for an existing eating/drinking/entertainment establishment located in the Eastway/Sheffield Park neighborhood.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	SMS Catering Service, Inc. SMS Catering Service, Inc. Collin Brown, Bailey Patrick Jr., and Brittany Lins, K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be <i>consistent</i> with the <i>Eastland Area Plan</i> recommendation for retail use for the half of the property closest to Central Avenue where the main SMS Catering Inc. structure is located. The proposal is inconsistent with the plan for the remainder of the site, which is recommended for office and residential use at up to eight dwelling units per acre based on the information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends retail use for the portion of the site located closest to Central Avenue where the main SMS Catering Inc. structure is located.• The plan recommends office and residential uses up to eight dwelling units per acre for the remainder of the site.• 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">• The subject property is located on a local street (Norland Avenue) off of Central Avenue, and a portion of the site is currently developed with an existing eating/drinking/entertainment establishment; and• The location of the property is somewhat isolated, with the southern and western sides of the site bounded by Evergreen Cemetery, and Eastway Middle School located to the southwest of the site; and• Abutting Norland Avenue and across the street are existing businesses toward Central Avenue, as well as four residential structures; and• These four residential structures directly across Norland Avenue from the rezoning site are zoned R-4 (single family residential); however, the part of the rezoning site across from these properties will be limited to parking and reuse of the existing three residential structures; and• Due to the limited number of nearby residential uses, negative impacts related to the expansion of this business are not anticipated. In addition, this petition will result in greater compliance with current Zoning Ordinance regulations while accommodating expansion of an existing business;

By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by Spencer).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added Note II(c) pertaining to proposed residential uses on tax parcels 13102401, 13102402, and 13102407 as follows: "If the existing single family dwelling units are used for residential uses, the lots will be subdivided to separate the residential and nonresidential uses into separate parcels, and all subdivided lots will have frontage on Norland Road." 2. Added Note II(b) to indicate that the existing single family residential buildings on tax parcels 13102401, 13102402, and 13102407 are to remain and will retain residential character. 3. Clearly delineated and labeled boundaries of existing nonresidential uses (EDEE, existing parking lot and drive aisle), and for the proposed expansion to the EDEE. Added a note that the rear portion of tax parcels 13102401, 13102402, 13102406 and 13102407 will be used for the storage of SMS materials and buildings in this area are accessory to the EDEE use. 4. Deleted Note V under the heading of "Signage" in its entirety, and replaced with a note that existing signage shall be allowed to remain. 5. Amended Development Data Table to replace "banquet hall" with eating/drinking/entertainment establishment (EDEE)." 6. Specified the location of the EDEE and associated accessory uses/buildings, indicating how each building is to be used. 7. Showed the outdoor storage areas, and added Note II(a) indicating outdoor storage square footage shall not exceed 25% of the floor area of all buildings located on the site. 8. Specified the location of expansion areas, and expansions to existing buildings. 9. Revised Note IV(a) to state that existing buildings are to remain and that any new buildings to be built on the site will require a rezoning. 10. Deleted Note II related to maximum development on the site. 11. Deleted Note under heading of "Architectural Standards, Streetscape and Landscape" pertaining to screening of outdoor accessory storage, as it is a minimum ordinance requirement. 12. Clearly delineated the existing rezoning lines on the site plan. 13. Added the following note concerning sidewalk and streetscape improvements: "The petitioner is working with CDOT and Planning staff regarding the requirements related to the sidewalk and streetscape along Norland Avenue, and shall come to a mutually agreed upon standard before the City Council votes on this petition."
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VOTE

Motion/Second: Spencer / McClung
 Yeas: Fryday, Majeed, McClung, McMillan, Spencer and Sullivan
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition, noting that the one infrastructure note has been rescinded, and there are no outstanding issues. Staff noted that the petitioner will be required to meet the streetscape requirements for the proposed district, which may possibly be met through the dedication of right-of-way via an alternative means as there is a proposed Central/Kilborne and Norland city sponsored streetscape project, which is early in the design phase. Staff explained

that the petition is consistent with the *Eastland Area Plan* recommendation for retail use for the half of the property closest to Central Avenue where the main SMS Catering Inc. structure is located. The proposal is inconsistent with the plan for the remainder of the site, which is recommended for office and residential use, at up to eight dwelling units per acre. 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 accompanying this petition contains the following provisions:

- Permitted uses include retention of a banquet hall, an eating/drinking/entertainment establishment, associated parking, and three single family detached dwellings. Existing residential buildings are to remain and will retain residential character structures.
- Site plan reflects the location of the eating/drinking/entertainment establishment, and associated accessory uses/buildings, indicating how each building is to be used.
- Outdoor storage areas are reflected, and shall not exceed 25% of the floor area of all buildings located on the site.
- Expansions areas are specified.
- Vehicular access provided via existing driveways on Norland Avenue.
- All free-standing lighting will be shielded with full cut-off fixtures.

• Public Plans and Policies

- The *Eastland Area Plan* recommends retail use for the half of the property closest to Central Avenue where the main SMS Catering Inc. structure is located. The remainder of the site is recommended for office use, and residential uses up to eight dwelling units per acre.

• TRANSPORTATION CONSIDERATIONS

- The site is located on a major collector and is within the limits of the City's Central/Kilborne/Norland streetscape project. CDOT anticipates working with the developer during permitting to construct or provide a contribution for the envisioned streetscape improvements and dedicate right of way as needed

• Vehicle Trip Generation:

Current Zoning:

Existing Use: 920 trips per day (based on 9,700 square feet of EDEE use and three single family detached dwellings).

Entitlement: 990 trips per day (based on 9,700 square feet of EDEE use and nine single family detached dwellings).

Proposed Zoning: Too many uses to determine as currently proposed.

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 system availability for the rezoning boundary via an existing two-inch water distribution main located along Norland Road. The rezoning area is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right of way of Norland Road without permission of the City Arborist's office.
 - **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
- Site Plan
- Locator Map
- 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

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