

COMMUNITY MEETING REPORT
Petitioner: Albemarle Road Partners, LLC
Rezoning Petition No. 2019-107

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte Planning, Design and Development Department pursuant to the provisions of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on September 27, 2019. A copy of the written notice is attached hereto as Exhibit A-2.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Tuesday, October 8, 2019 at 6:30 PM at Cornerstone Baptist Church located at 8947 Albemarle Road in Charlotte, North Carolina.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit B. The Petitioner's representatives at the Community Meeting were Wes Thurmond of the Petitioner and John Carmichael of Robinson Bradshaw & Hinson, P.A.

SUMMARY OF ISSUES DISCUSSED:

The Petitioner's representatives utilized a power point presentation during the Community Meeting, a copy of which is attached hereto as Exhibit C.

John Carmichael welcomed the attendees to the Community Meeting and introduced himself and the Petitioner's representative. John Carmichael stated that this is the official Community Meeting relating to Rezoning Petition No. 2019-107.

John Carmichael provided the current schedule of events relating to this rezoning request. He stated that the Public Hearing is currently scheduled for Monday, November 18, 2019 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center located at 600 East 4th Street. John Carmichael stated that the Public Hearing is before City Council and the Zoning Committee. The Zoning Committee is a seven person appointed board that makes recommendations to City Council as to whether or not rezoning requests should be approved or denied. John Carmichael stated that November 18, 2019 is the earliest that the Public Hearing could be held with respect to this rezoning request. It is always possible that the Public Hearing could be deferred.

The Zoning Committee Work Session is currently scheduled for Tuesday, December 3, 2019 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center. Although this is a public meeting, it is not a Public Hearing. This means that the public is welcome to attend the meeting, however, neither the public nor the Petitioner typically speaks at this meeting. Once again, the Zoning Committee will make a recommendation to City Council as to whether or not this Rezoning Petition should be approved or denied.

City Council is currently scheduled to render a decision on this rezoning request on Monday, December 16, 2019 at 5:30 P.M. at the Charlotte-Mecklenburg Government Center.

John Carmichael shared a map and aerial photographs of the site. John Carmichael stated that the site subject to this Rezoning Petition contains approximately 1.22 acres and is located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. The site is next to the O'Reilly's Auto Parts, across Albemarle Road from BB&T.

John Carmichael shared a zoning map that depicts the current zoning of the site and surrounding and nearby parcels of land. John Carmichael stated that the site is currently zoned B-1(CD). The parcels to the west and north of the site are zoned R-3, the parcels to the east of the site are zoned B-1(CD) and the parcels to the south of the site across Albemarle Road are zoned Commercial Center.

John Carmichael shared the currently approved B-1(CD) conditional rezoning plan for the site. John Carmichael stated that the approved conditional rezoning plan contemplates a garden center on the site.

John Carmichael stated that the Petitioner is requesting that the site be rezoned from the B-1(CD) zoning district to the Neighborhood Services zoning district to accommodate the development of a maximum 4,700 square foot building on the site that may be devoted to uses allowed in the Neighborhood Services zoning district. The uses allowed in the Neighborhood Services zoning district are uses allowed in the B-1 zoning district. The thought at this point is that the proposed building would contain two restaurant type uses, one with an accessory drive-thru window. There would also be an outdoor dining patio.

John Carmichael then shared the Petitioner's rezoning plan. He stated that vehicular access for the Site would be from Albemarle Road and the O'Reilly's Auto Parts parcel located to the east of the site. A 20 foot landscape area planted to the standards of a Class B buffer would be installed on the western and northern boundary lines of the site. The maximum height of any building located on the site would be 40 feet.

John Carmichael then shared a slide that shows the land use plan for the site. The relevant land use plan is the East District Plan, and the East District Plan recommends retail uses for the site.

The Community Meeting was then devoted to a question, answer, and comment session. Set out below is a summary of the responses to the questions as well as the comments and concerns that were expressed at the meeting.

- In response to a question, John Carmichael stated that the Petitioner is requesting that the site be rezoned from the B-1(CD) zoning district to the Neighborhood Services zoning district for several reasons. First, the site has to be rezoned in any event to accommodate the contemplated uses because the currently approved conditional rezoning plan for the site limits the allowed uses on the site to a garden center. The Petitioner has chosen the Neighborhood Services zoning district as opposed to the B-1(CD) zoning district because the Neighborhood Services zoning district provides some relief from the off-street parking requirements of the Zoning Ordinance, and it accommodates a narrower buffer. As previously stated, the Petitioner would install a 20 foot wide landscape area planted to the standards of a Class B buffer along the western and northern boundary lines of the site. In terms of the parking, the Petitioner is able to provide a fewer number of parking spaces on the site under the Neighborhood Services zoning district.

- In response to a question, John Carmichael stated that he believes that storm water detention would be accommodated by way of an underground structure. However, he will need to speak with the engineer to confirm that an underground detention structure would be installed on the site.
- In response to a question, Wes Thurmond stated that it is currently contemplated that a Starbucks and a Jersey Mike's would be located in the proposed building. The Starbucks would have an accessory drive-thru window as well as indoor seating. The Jersey Mike's would not have an accessory drive-thru window, but it would have indoor seating. There would also be an outdoor dining patio to serve both uses.
- In response to a question, John Carmichael reviewed some of the comments of the Planning Staff and CDOT to the Petitioner's rezoning plan.
- In response to a question, Wes Thurmond shared the currently proposed architectural elevations of the building proposed to be constructed on the site.
- In response to a question, John Carmichael stated that the landscape area planted to the standards of a Class B buffer would have a width of 20 feet.
- In response to a question, Wes Thurmond stated that a contractor to perform the excavating work on the site has not been selected. The individual who asked the question needs some dirt for his property. Wes Thurmond stated the topography of the site is relatively flat.
- In response to a question, John Carmichael stated that the maximum height of any free standing lighting fixture installed on the site would be 21 feet. All free standing lighting fixtures installed on the site would be required to be fully capped and shielded.
- A general discussion regarding LED lighting then ensued.
- In response to a question, John Carmichael stated 17 property owners and 15 organizations and/or neighborhood leaders located within a mile of the site were invited to this meeting. John Carmichael stated that the City provides the invitation lists for community meetings.
- In response to a question regarding the opinion of the church located to the west of the site about this rezoning request, Wes Thurmond stated that he has not heard from any representatives of the church.
- In response to a question, Wes Thurmond stated that his group is working with the owner of the O'Reilly's Auto Parts site on shared access issues.
- A general discussion regarding Sunrise Biscuits then ensued.

John Carmichael thanked the attendees for attending the meeting, and the meeting was adjourned.

CHANGES MADE TO THE PETITION AS A RESULT OF THE COMMUNITY MEETING AS OF THE DATE HEREOF:

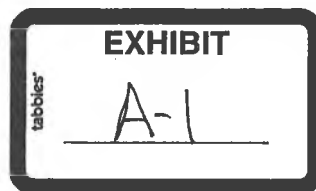
No changes have been made to the rezoning plan or to the Rezoning Petition as of the date of this Community Meeting Report solely as a result of the Community Meeting.

Respectfully submitted, this 14th day of October, 2019.

Albemarle Road Partners, LLC, Petitioner

cc: Mr. Richard Hobbs, Charlotte-Mecklenburg Planning Department (via e-mail)

2019-107	TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2	CITY	STATE	ZIPCODE
2019-107	10908202	ZEMAN	JOSEPH FRANCIS JR	TINA JAN	ZEMAN	5316 HOLLIROSE DR		CHARLOTTE	NC	28227
2019-107	10908203	CURRIE	RODNEY DALE			5308 HOLLIROSE DR		CHARLOTTE	NC	28212
2019-107	10908204	HICKS	ELIZABETH W			5300 HOLLIROSE DR		CHARLOTTE	NC	28227
2019-107	10908206	MCCABE	STEPHEN L	MARTHA O	MCCABE	8801 ALBEMARLE RD		CHARLOTTE	NC	28227
2019-107	10910201A	NEW HEAVEN MINISTRY CHURCH OF	GOD IN CHRIST			8823 ALBEMARLE RD		CHARLOTTE	NC	28227
2019-107	10910201B	BELLSOUTH TELECOMMUNICATIONS	INC		C/O TAX DEPT/16H02 CAMPANILE	PO BOX 7207		BEDMINSTER	NJ	07921
2019-107	10910203	NORWOOD	BENNY F	CAROL S	NORWOOD	8837 ALBEMARLE RD		CHARLOTTE	NC	28227
2019-107	10910204	ALBERMARLE ROAD PARTNERS LLC				1300 BAXTER ST STE 300		CHARLOTTE	NC	28204
2019-107	10910206	CORNERSTONE BAPTIST	CHURCH OF CHARLOTTE			8947 ALBEMARLE RD		CHARLOTTE	NC	28227
2019-107	10910208	CHARLOTTE ALBEMARLE LLC			C/O ARCTRUST EQUITIES LLC	1401 BROAD ST		CLIFTON	NJ	07013
2019-107	10910209	DHRUVIN AND MARGI INC				3021 WILLOWSTONE DR		DULUTH	GA	30096
2019-107	10930172	ARC PSCLTNC002 LLC			C/O THE PANTRY INC	1130 W WARNER RD,BLD B UNIF DC17		TEMPE	AZ	85284
2019-107	10930173	ALBEMARLE OUTPARCEL #1 LLC			JLJ LLC	4015 POMFRET LN		CHARLOTTE	NC	28211
2019-107	10930174	HYDE FAMILY LIVING TRUST(THE)		MARK G	C/O HYDE	4320 E WAILOA LOOP		KIHEI	HI	96753
2019-107	10930175	DT RETAIL PROPERTIES LLC				500 VOLVO PARKWAY		CHESAPEAKE	VA	23320
2019-107	10930177	LOWE'S HOME CENTERS INC			C/O PROPERTY TAX DEPT	1000 LOWES BLVD		MOORESVILLE	NC	28117
2019-107	10930178	TARGET CORPORATION		T-1793	ATTN: PROPERTY TAX DEPT	C/O ALTUS GROUP US INC	PO BOX 72028	PHOENIX	AZ	85050



2019-107	ORGANIZATI	FIRST_NAME	LAST_NAME	STREET_ADD	UNIT_NUM	CITY	STATE	ZIP
2019-107		Kellie	Cartwright	8532 Pence Road		Charlotte	NC	28215
2019-107	Applegate	Brad	Beaulieu	6438 Springbeauty Dr.		Charlotte	NC	28227
2019-107	Applegate	Melone	Gardner	5008 Abode Lily Ln		Charlotte	NC	28227
2019-107	Becton Park at Lynton Place Homeowners Association	Joe	Ayers	5652 Ebley Ln		Charlotte	NC	28227
2019-107	Becton Park at Lynton Place Homeowners Association	Vanessa	Coles	5606 Becton Park Drive		Charlotte	NC	28227
2019-107	Lynton Place Homeowners Association	George	Carter	8101 Sherington Way		Charlotte	NC	28227
2019-107	Marlwood Acres	Carrie	Dirks	1016 Timber Lake Drive		Charlotte	NC	28227
2019-107	Marlwood Acres	Tekesha	Lorick	1566 Marlwood Circle		Charlotte	NC	28227
2019-107	Marlwood Association	Clifford	Johnson	8126 Forestdale Dr		Charlotte	NC	28227
2019-107	Marlwood Neighborhood Association	Cherlie	Maynor	1800 Marlwood Cr		Charlotte	NC	28227
2019-107	Marlwood Neighborhood Association	Judy	Jeffries	1504 Marlwood Cr		Charlotte	NC	28227
2019-107	Marlwood Neighborhood Association	Wanda	Judson	1904 Marlwood Cr		Charlotte	NC	28227
2019-107	Martin Lake HOA	Lucille	Ivey	6313 Martin Lake Road		Charlotte	NC	28227
2019-107	Old Farm Subdivision	Cindy	Flehan	6533 Olde Savannah Rd		Charlotte	NC	28227
2019-107	Sherbrook HOA Of Mecklenburg County	Darryl	Yokley	6426 Schubert Place		Charlotte	NC	28227

**NOTICE TO INTERESTED PARTIES
OF COMMUNITY MEETING**

Subject: Community Meeting - **Rezoning Petition No. 2019-107** filed by Albemarle Road Partners, LLC to request the rezoning of an approximately 1.217 acre site located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road (Tax Parcel No. 109-102-04 -- 8837 Albemarle Road)

Date and Time of Meeting: Tuesday, October 8, 2019 at 6:30 p.m.

Place of Meeting: Cornerstone Baptist Church
8947 Albemarle Road
Charlotte, North Carolina 28227

We are assisting Albemarle Road Partners, LLC (the "Petitioner") in connection with a Rezoning Petition it has filed with the Charlotte Planning, Design & Development Department requesting the rezoning of an approximately 1.217 acre site located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road (Tax Parcel No. 109-102-04 – 8837 Albemarle Road) from the B-1 (CD) zoning district to the Neighborhood Services (NS) zoning district. The purpose of this rezoning request is to accommodate the development of a maximum 4,700 square foot building on the site that could be devoted to uses permitted by right and under prescribed conditions in the NS zoning district and to incidental and accessory uses. Permitted uses would include eating, drinking and entertainment establishments with and without accessory drive-through service lanes/windows and with an outdoor dining patio.

The Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte Planning, Design & Development Department's records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the site.

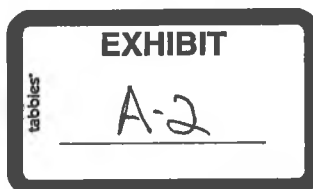
Accordingly, on behalf of the Petitioner, we give you notice that representatives of the Petitioner will hold a Community Meeting regarding this Rezoning Petition on Tuesday, October 8, 2019 at 6:30 p.m. at Cornerstone Baptist Church located at 8947 Albemarle Road in Charlotte. Representatives of the Petitioner look forward to sharing this rezoning proposal with you and to answering your questions.

In the meantime, should you have any questions or comments, please call John Carmichael at (704) 377-8341.

Robinson, Bradshaw & Hinson, P.A.

cc: Matt Newton, Charlotte City Council District 5 (via email)
Mr. Richard Hobbs, Charlotte Planning, Design & Development Department (via email)

Date Mailed: September 27, 2019



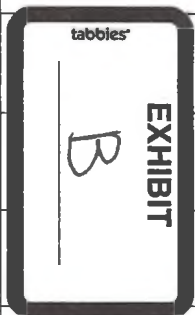
Community Meeting Sign-in-Sheet

Albemarle Road Partners, LLC, Petitioner -- Rezoning Petition No. 2019-107

Cornerstone Baptist Church
8947 Albemarle Road, Charlotte, NC 28227

Tuesday, October 8, 2019 at 6:30 P.M.

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>E-MAIL ADDRESS</u>
1.	John Sikes	8623 SUNFLOWER	704-305-4107	jsikes862@gmail.com
2.	STEPHEN MESCABE	8801 ALBEMARLE RD	704-536-5660	KE4IYH@YAHOO.COM
3.				
4.				
5.				
6.				
7.				
8.				
9.				



Rezoning Petition No. 2019-107

Albemarle Road Partners, LLC, Petitioner

Community Meeting
October 8, 2019

ROBINSON
BRADSHAW

Charlotte - Research Triangle - Rock Hill
robinsonbradshaw.com

Agenda

- I. Introduction of Team Members
- II. Current Rezoning Schedule
- III. Site/Current Zoning/Rezoning Request
- IV. Review and Discussion of the Site Plan
- V. Question, Answer and Comment Session

ROBINSON
BRADSHAW

Charlotte - Research Triangle - Rock Hill
robinsonbradshaw.com

Rezoning Team

- Wes Thurmond
- John Carmichael, Robinson, Bradshaw & Hinson

ROBINSON
BRADSHAW

Charlotte - Research Triangle - Rock Hill
robinsonbradshaw.com

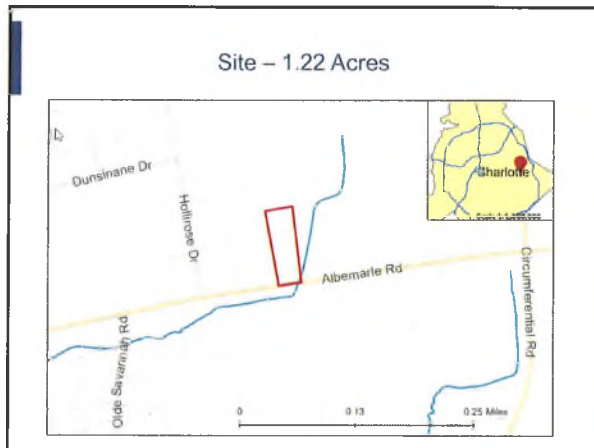
Current Rezoning Schedule

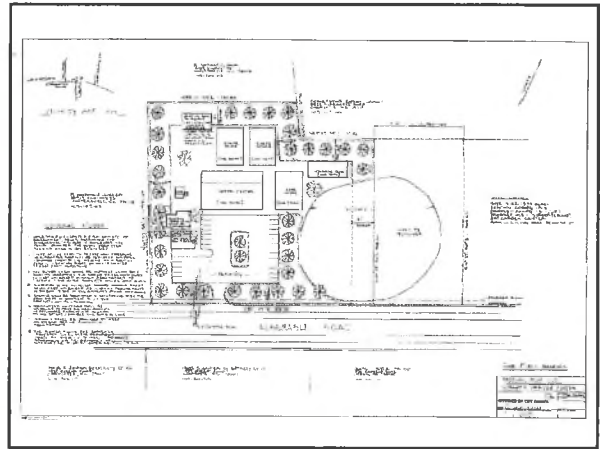
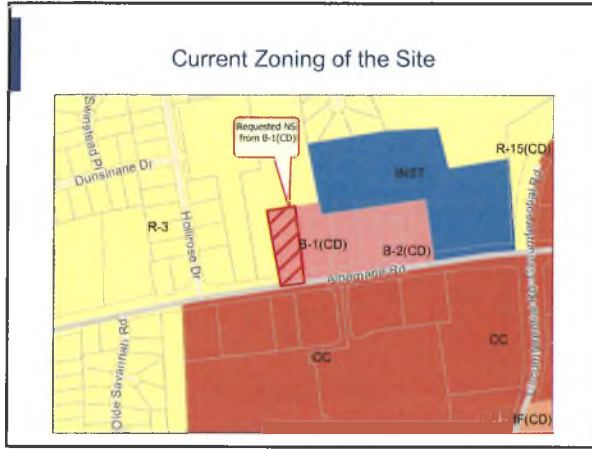
- Public Hearing: Monday, November 18, 2019 at 5:30 PM at the Charlotte-Mecklenburg Government Center
- Zoning Committee: Tuesday, December 3, 2019 at 5:30 PM at the Charlotte-Mecklenburg Government Center
- City Council Decision: Monday, December 16, 2019 at 5:30 PM at the Charlotte-Mecklenburg Government Center

ROBINSON
BRADSHAW

Charlotte - Research Triangle - Rock Hill
robinsonbradshaw.com





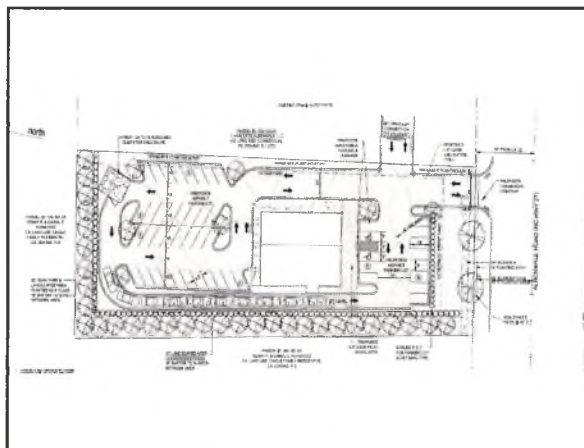
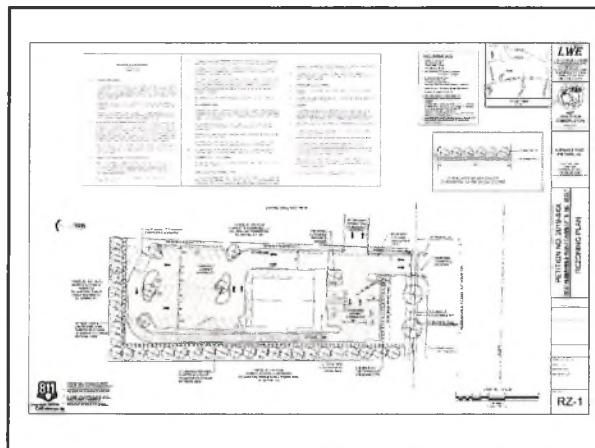


Rezoning Request

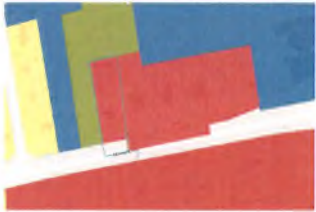
Requesting that the site be rezoned from the B-1 (CD) zoning district to the Neighborhood Services (NS) zoning district to accommodate the development of a maximum 4,700 square foot building on the site that may be devoted to uses allowed in the Neighborhood Services (NS) zoning district.

ROBINSON
Charlotte, Research Triangle, Rock Hill
robinsonbradshaw.com

Site Plan




Land Use Plan



Land Use Proposed: East District Plan

Planning District	East
Plan Name	East District Plan
Plan Adoption Date	11/28/1992 7:00 PM
Adoption Title	Rezoning
Proposed Land Use Code	RETA-L
Proposed Land Use District	Retail
Receiving Committee	J-60
Drawing Description	2-1-C01
Drawing Date	11/16/1992 7:00 PM
Drawing Revision	1992-070
Commission/Committee	Staff

Questions and Comments



16

Charlotte | Research Triangle | Rock Hill
 robinsonbradshaw.com