

**ZONING COMMITTEE
RECOMMENDATION
October 24, 2007**

Rezoning Petition No. 2007-133

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| Property Owner: | Jerry Helms |
| Petitioner: | Jerry Helms |
| Location: | Approximately 2.6 acres located on the north side of Albemarle Road between I-485 and Rocky River Church Road |
| Center, Corridor or Wedge: | Center |
| Request: | R-3, single family residential up to 3 dwelling units per acre to B-1(CD), general business, conditional |
| Action: | The Zoning Committee recommended APPROVAL of this petition. |
| Vote: | Yeas: Howard, Johnson, Lipton, Loflin, Randolph, Rosenburgh, and Sheild |
| | Nays: None |
| | Absent: None |

Summary of Petition

The request is to rezone approximately 2.6 acres of a 16-acre parcel from R-3 to B-1(CD) in order to accommodate the operation of a restaurant in an existing structure on the site. The existing building on the property was constructed in 1929 and is currently being used as an office.

The subject property is located in the *Albemarle Road/I-485 Interchange Study*, which identifies the site as part of Zone B. The study recommends up to 180 multi-family, up to 200,000 square feet of office, and up to 20,000 square feet of retail in Zone B. The study discourages stand-alone retail uses. The existing structure to be converted into a restaurant is a freestanding building that is not consistent with the recommendations in this study. Since the proposal is to re-use an existing non-conformity, staff is willing to recommend the request for approval.

Zoning Committee Discussion/Rationale

Keith MacVean summarized the petition, noting that a revised site plan had been submitted addressing staff comments. Mr. MacVean identified proposed improvements to the property to

accommodate the restaurant, including a 25% reduction of the required buffer along the west property line due to an existing driveway. Commissioner Lipton asked about the on-site contamination identified in a memorandum provided by Mecklenburg County Land Use and Environmental Services Agency. Mr. MacVean responded by stating that the petitioner had a study conducted of the property, and that any requirements pertaining to the contamination would be addressed at building permit.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin, the Zoning Committee voted unanimously 7-0 to find that the proposed rezoning was inconsistent with the *Albemarle Road/I-485 Interchange Study*, but reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Loflin, the Zoning Committee voted unanimously to recommend approval this petition.

Staff Opinion

Staff agrees with the decision of the Zoning Committee to approve this petition.