

**ZONING COMMITTEE
RECOMMENDATION
June 27, 2007**

Rezoning Petition No. 2007-075

Property Owner: Wal-Mart Real Estate Business Trust

Petitioner: Charlotte Metro Credit Union

Location: Approximately 1.19 acres located on the west side of Ashley Road between Greenland Avenue and Lumina Avenue

Center, Corridor or Wedge: Corridor

Request: CC SPA, commercial center site plan amendment

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The notes from the previous site plan will be attached.
- The sidewalk and planting strips will be labeled and dimensioned
- The building height will be limited to 4 stories with the actual height being approximately 2 stories.
- The site totals for floor area of the other out parcels on the site to assure that the 120,000 square feet limit will not be exceeded.
- A staggered row of landscaping materials along the drive entrance and internal driveways will be provided.

Vote: Yeas: Chiu, Lipton, Loflin, Ratcliffe, Sheild and Simmons

Nays: None

Absent: Rosenburgh

Summary of Petition

This petition proposes to amend a portion of the building layout approved as a part of petition 2004-052 for the Charlotte Metro Credit Union.

The proposed request moves the drive-through lanes to the south side of the building, eliminates the 35-foot “build to” line, and shows parking between the building and Ashley Road.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the site plan amendment for the Charlotte Metro Credit Union. There was a protest petition filled and it was deemed to be valid. The State Statutes say that if the request does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the . . conditional district then the protest petition does not apply.

The petitioner has addressed the outstanding site plan issues and the request is consistent with the adopted plans. Mr. Smith spoke at the hearing about what Wal-Mart promised as a part of the 2004 rezoning. Staff reviewed the old petition and Wal-Mart agreed to do more landscaping and a fence on the northern property line. Landscaping shown on the outparcels will be completed as a part of their development. There was a letter in the file from Mr. Smith dated June 10, 2004 (the rezoning was approved on June 21, 2004) stating that issues with Wal-Mart had still not been resolved. He originally wanted them to buy his property and turn it into a training center. Wal-Mart never agreed to do what he was asking however, they did agree to the additional buffer and fence as previously mentioned.

No further discussion followed.

Statement of Consistency

Upon a motion made by Commissioner Sheild and seconded by Commissioner Ratcliffe the Zoning Committee unanimously found this petition to be consistent with the Central District Plan and reasonable and in the public interest.

Vote

Upon a motion made by Commissioner Sheild and seconded by Commissioner Simmons the Zoning Committee voted unanimously to recommend approval of this petition as modified.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.