

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-133

Property Owner: Jerry N. Helms

Petitioner: Jerry N. 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

Staff is requesting deferral of this petition in order to allow adequate time to review the revised site plan.

Summary

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.

Consistency and Conclusion

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. While the existing structure to be converted into a restaurant it will be a freestanding building which is not consistent with this study. Since the proposal is to re-use an existing non-conformity, staff is willing to recommend the request for approval.

As such the site plan submitted with the rezoning request does not provide sufficient information for adequate review by staff. Based upon this, staff is unable to support this petition until such time a site plan considered sufficient for review.

Existing Zoning and Land Use

The site is surrounded to the north, east, and west are scattered single family residential development and vacant land on properties zoned R-12MF and R-3. To the south of the property in question is the Town of Mint Hill.

Rezoning History in Area

There have been no recent rezonings in the area.

Public Plans and Policies

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 which is not consistent with this study, but it is an existing non-conforming commercial use.

Proposed Request Details

The request is to rezone the property to accommodate the conversion of an existing 1,600 square foot building currently used as an office into a sit-down restaurant. The site plan submitted does not provide adequate information for sufficient review.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed the petition and indicates the current R-3 zoning could generate 70 trips per day. The proposed rezoning of the parcel could result in the generation of approximately 2,400 trips per day. CDOT has requested additional information on the site plan, as follows:

- As shown on the site plan, the proposed development (existing structure) occupies approximately ¼ of the property. The remaining portion of the property is designated as “all open area- additional parking, if needed”. The conditional site plan needs to be revised to include the entire property and/or be limited to only the existing structure, use, and development area (ft²).
- The site plan needs to be updated to show critical information for our review. The Albemarle Road right-of-way and centerline, edge of pavement, and median are needed to identify the setback and other items. For example, required parking/maneuvering are not permitted in the existing or proposed setbacks. The site plan appears to show required parking in the setback.
- The site plan shows two existing driveways accessing the site. Only one driveway is needed to provide adequate access to this site. One driveway will need to be removed. The site plan needs to be revised accordingly.
- More information is needed on delivery and waste removal services. Delivery and waste collection vehicles are not permitted to maneuver within the right-of-way or setback.

- The parking lot shows a large open area that appears to be unnecessary and would not normally be approved. A revised plan needs to clarify the intended use/function of this open area.
- The site plan needs to be drawn to an engineering scale for further review.

CDOT has also submitted comments pertaining to the following:

- Provision of 6-foot sidewalks and 8-foot planting strips on Albemarle Road
- Installation of an internal system of sidewalks connecting the building entrances to the sidewalks along the street
- Conveyance of right-of-way along Albemarle Road to meet the minimum 100-foot width
- Adequate sight triangles at the existing/proposed street entrances
- Driveway permit requirements, including site plan modifications to accommodate review and approval
- Right-of-way encroachment agreement (if necessary)

CATS. CATS has not submitted comments for this petition.

Connectivity. Access is proposed via an existing semi-circular paved area (two driveways) in front of the building, accessing the associated parking area. CDOT has requested that one driveway be removed, as it has been determined this site requires only one driveway.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has reviewed the petition and indicates the parcel is the location of contamination incident 36521, and any development on the parcel must comply with applicable State requirements for management of a contamination site. LUESA notes the parcel contains a private water supply well that must be protected from damage during site development or properly abandoned prior to commencement of site work. In addition, LUESA has identified the existence of an on-site wastewater disposal system (septic system) on the parcel and recommends that it be pumped by a licensed waste hauler to remove any residual contents, then crushed and backfilled. LUESA has also provided comments pertaining to air quality, requirement to submit a Solid Waste Management Plan, stream buffers, and storm water quality treatment and storm water volume and peak controls.

Charlotte-Mecklenburg Storm Water Services (SWS) has reviewed the petition and notes the site drains to a stream listed as impaired by the North Carolina Division of Water Quality, and identifies downstream complaints consisting of erosion. SWS has requested the addition of notes to the site plan pertaining to storm water quantity control and quality treatment, and volume and peak control.

School Information. CMS has not submitted comments on this petition.

Outstanding Issues

Land Use. The subject property is located in the *Albemarle Road/I-485 Interchange Study*, which identifies the site as part of Zone B, which is recommended for up to 180 multi-family, up to 200,000 square feet of office, and up to 20,000 square feet of retail. The study discourages stand-alone retail uses.

Site plan. The site plan as submitted does not provide enough information for staff review.

1. The site plan does not contain enough information for proper review.
2. In order to map the property, the petitioner must show required information on a boundary survey of property, which should incorporate existing conditions with proposed changes.
3. Petitioner must show date, scale, north arrow, and vicinity map on site plan.
4. Petitioner must clearly show portion of parcel to be rezoned on site plan.
5. Show all existing easements and reservations on site plan
6. Revise site plan and provide a site data table that lists existing and proposed zoning designations, number of acres to be rezoned, existing and proposed building square footage, building height, number of parking spaces, and proposed tree save area.
7. On site plan indicate required and proposed spaces.
8. On site plan show the parking area is being screened from Albemarle Road with a minimum 5' wide planting area. In addition, make certain the parking area is not in the setback.
9. Petitioner must add a note limiting permitted use of site as a restaurant not to exceed existing square footage.
10. Any building in a business district located on a lot abutting a lot in a residential zoning district with setbacks off the same street must meet the minimum setback requirement for uses allowed in the abutting residential zoning district.
11. On site plan identify zoning designations of adjacent properties.
12. Show existing drives opposite subject site on the site plan.
13. The amended application indicates that approximately 2.6 acres is proposed to be rezoned. A Class B Buffer is required along the property lines adjacent residential uses and residential districts. Class B Buffer must be a minimum 38 feet wide with 7 trees per every 100 feet and 40 shrubs for every 100 feet.
14. Add development note to the site plan indicating compliance with sign and lighting code requirements.
15. Add development note to the site plan pertaining to any required traffic improvements as requested by CDOT.
16. On site plan add development notes regarding storm water quality and treatment, as requested by Mecklenburg County Land Use and Environmental Services Agency and City of Charlotte Storm Water Services.
17. On site plan show internal pedestrian network and connections to sidewalks along Albemarle Road.
18. Show refuse collection area(s) on the site plan.