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<b>REQUEST</b>	Current Zoning: B-2(CD), general business, conditional Proposed Zoning: B-1(CD), neighborhood business, conditional
<b>LOCATION</b>	Approximately 7.07 acres located on the northeast corner at the intersection of Albemarle Road and Regal Oaks Drive.
<b>SUMMARY OF PETITION</b>	The petition proposes a maximum 16,000 square foot convenience store/gas station and a maximum 32,560 square foot nonresidential building for limited B-1 uses.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of the outstanding site plan issues. The proposed land uses are consistent with the <i>Eastland Area Plan</i> . However, the current site design does not adequately address the plan's goal of improving the appearance and pedestrian friendliness of Albemarle Road. The site plan should be updated to meet these goals.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Charles F. Theiling Jr. QuikTrip Corporation Collin Brown, K&L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Background**

This subject property was part of a larger 12.3-acre rezoning approved in 1994 (petition 1994-40). This previously approved rezoning allowed for a 90,000 square foot shopping center with two outparcels and included the adjoining property to the east.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Two developable parcels:
  - Parcel A limited to a 16,000 square feet building for a convenience store/gas station.
  - Parcel B limited to a maximum buildable area of 32,560 square feet for all uses within the B-1 district excluding convenience stores, service stations, and restaurants with drive-through windows.
- Building height limited to 30 feet.
- Building elevations provided for Parcel A development.
- Buildings within Parcel B shall front or have a side elevation along Regal Oaks Lane and such elevation shall be predominately brick or decorative masonry material.
- An eight-foot planting strip and six-foot sidewalk to be installed along both Albemarle Road and Regal Oaks Drive.
- All lighting shall be fully shielded with full cut-off fixtures.
- No "wall pak" type lighting shall be allowed. Wall mounted decorative lighting fixtures such as sconces are permitted.
- A cross access easement will be provided to allow a private street connection from Regal Oaks Drive to the vacant property east of the subject site.

- **Existing Zoning and Land Use**

The subject site is currently occupied with two single family homes. The property north of the site is zoned R-17MF and is occupied with multi-family apartments. The two properties to the east make up the balance of the 12.3 acres rezoned in 1994. One of the properties is vacant and the other contains a retail use. South of the site are O-1 zoned properties that contain office uses, a multi-family use, and a religious institution. Properties to the west are zoned O-15(CD) and contain office uses.

- **Rezoning History in Area**

Petition 2009-065 rezoned approximately 5.13 acres located on the northwest corner of Albemarle Road and Lawyers Road from R-17MF to O-2.

- **Public Plans and Policies**

- The *Eastland Area Plan* (2003) recommends a mix of residential, office and retail uses. The plan also encourages development to focus on improving the appearance and pedestrian friendliness of Albemarle Road.
  - While the land use of this petition is consistent with the *Eastland Area Plan*, the site design should be modified to enhance the proposed development's appearance along Albemarle Road and to be more pedestrian friendly.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:**
    - The east-west easement should be shown and documented in the conditional notes as a "proposed street" (public or private) to allow future connectivity to Harris Boulevard.
    - Within Note 3, indicate that the proposed street shall contain two 10-foot travel lanes, two 2.5-foot curb/gutter sections, two eight-foot planting strips and two six-foot sidewalks.
    - The proposed right-in only driveway closest to the intersection of Regal Oaks Drive and Albemarle Road (NC Hwy 27) should be limited to a width not to exceed 16 feet.
    - **Vehicle Trip Generation:**  
Current Zoning: 6,300 trips per day.  
Proposed Zoning: 4,000 trips per day.
    - **Connectivity:** See comments above.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - This site meets minimum ordinance standards.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide tree save/supplemental tree plantings along Regal Oaks Lane and Albemarle Road frontages.
  2. Add a note indicating that all drive through uses will be prohibited.
  3. Limit detached signs to monument style signage.
  4. Limit detached lighting to 25 feet in height including the base.
  5. Modify the second sentence within Note 4.a to read "...buildings that may be constructed on Parcel A shall be substantially similar in appearance to these building elevations and shall be constructed predominately of brick or decorative masonry materials."

6. Modify Note 4.b to read "Buildings located on Parcel B shall front ~~or have a side elevation along Regal Oaks Drive. Elevations facing Regal Oaks Drive will be of similar quality as the building located on Parcel A and such elevations shall be composed predominately of brick or decorative masonry materials. Regal Oaks Drive and/or the private street identified within Note 3.c. No rear elevations shall be oriented along these two street fronts. All elevations along these streets shall be constructed predominately of brick or decorative masonry materials and be designed with architectural elements to prevent blank walls in excess of 20 feet in length.~~"
7. Modify Note 3.c by replacing all "private drive" references with "private street".
8. Modify Note 3.c to read "Prior to the issuance of a building permit for development on Parcel B, a private ~~drive~~ street with a sidewalk and planting strip on both sides shall be constructed in order to provide a street connection from Regal Oaks Drive to the adjoining property to the east of the Site."
9. Provide a note to indicate that the completion of the private drive/access easement which extends from Albemarle Road across Parcel A north to the private street associated with Parcel B will be completed prior to the issuance of a building permit for development on Parcel B. Also, indicate the 5-foot internal sidewalk located on the eastern side of the private drive will be extended to the private street.
10. Remove information related to parking from the site data table on sheet RZ-1.
11. Site plan should be amended to reflect 7.07 acres.
12. Address CDOT issues.
13. Remove the second paragraph under Note 1 "General Provisions".

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

**Planner:** Shad Spencer (704) 353-1132