

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: NS (neighborhood services)
<b>LOCATION</b>	Approximately 1.25 acres located on the northeast corner at the intersection of Harrisburg Road and Camp Stewart Road. (Outside City Limits)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop the site by removing the existing convenience store and constructing a 6,000-square foot building for a convenience store, with an automotive service station.
<b>PROPERTY OWNER</b>	Weldegebriel Uebeab and Mihreteab Letebrehan
<b>PETITIONER</b>	Weldegebriel Uebeab
<b>AGENT/REPRESENTATIVE</b>	Brian Upton and William Pugh, The Isaacs Group, P.C.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 14
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be consistent with the <i>Rocky River Road Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>The plan recognizes the existing commercial use on the subject property and the need for neighborhood serving retail in the area.</li> </ul> <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>The proposed use is located at the intersection of two thoroughfares; and</li> <li>The use will replace a grandfathered commercial structure used as a convenience store located at this intersection; and</li> <li>A traffic signal, if warranted within two years from the approval of the rezoning, will be located at the intersection of Harrisburg Road and Camp Stewart Road and left turn lanes will be provided for driveways on Harrisburg Road and Camp Stewart Road; and</li> <li>Building walls facing public streets will not have blank walls exceeding 20 feet in length and no spandrel glass will be used on exterior building elevations;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Eschert).</p>

**ZONING COMMITTEE ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** this petition with the following modifications:

- Submitted an amended rezoning application that reflects the reduction of acreage.
- Amended information under heading of Development Data to reflect proposed uses as a convenience store and automotive service station.
- Amended note under heading of Permitted Uses to specify permitted uses as automotive service station and convenience store, and delete the following: "those uses and accessory uses that are permitted in the NS district."
- Amended note under heading of Purpose to delete reference to a carwash.
- Specified building materials under heading of Architectural Standards.
- Labeled elevations to reflect the abutting street names.
- Agreed to complete a subdivision recombination for tax parcel 111-091-21 prior to a decision on this petition so the required

- buffer will be located on the commercial property.
8. Providing a combination of berm, low masonry wall and/or landscaping to minimize the views of the drive-through lanes and pumps.
  9. Provided a detail of the screen wall along Harrisburg Road.
  10. Addressed Transportation issues as follows:
    - a. Ensured that a fuel delivery truck can maneuver through the site without encroaching upon the required vehicular queuing areas.
    - b. Set back of curb along Harrisburg Road a distance of 35 feet from the centerline of the existing roadway to accommodate a four-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
    - c. Set back of curb along Camp Stewart Road a distance of 24 feet from the centerline of the existing roadway to accommodate a two-lane Avenue cross-section, with center turning lane, and an eight-foot planting strip and six-foot sidewalk.
    - d. Access to Harrisburg Road may be limited to a right-in-right-out condition depending on available intersection sight distance and other variables, to be determined by NCDOT and CDOT during the permitting phase.
    - e. Commitment to pay \$60,000 toward the installation of a wood pole traffic signal to be located at the intersection of Harrisburg Road and Camp Stewart Road.
  11. Specified no spandrel glass will be used along front and side elevations.
  12. Noted that LED lights will be used.
  13. Added a note on the building elevations as follows: Window Note: All windows on this elevation are nontransparent, non-reflective, and non-mirrored, and not operable.

**VOTE**

Motion/Second: Walker/Eschert  
 Yeas: Dodson, Eschert, Labovitz, Nelson, Sullivan and Walker  
 Nays: None  
 Absent: Ryan  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Planning staff provided a summary of the rezoning request noting that there are no outstanding issues. Staff pointed out that the petitioner has committed to providing \$60,000 toward a traffic signal at the intersection of Camp Stewart Road and Harrisburg Road.

A Commissioner mentioned that the issue of crime in the area was raised at the public hearing and asked if staff had obtained crime statistics for the area. Staff responded that CMPD provided information for a one year period reporting 27 calls for service in the general area.

A Commissioner questioned the process by which the petitioner would be required to grant funds for the traffic signal. Staff responded that if a signal is warranted and justified then the funds would be requested within two years of approval, likely during the certificate of occupancy phase of permitting, and the funds would be placed in an escrow account via a developer agreement.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposed convenience store and automotive service station.
- Maximum one story, 6,000-square foot building.
- Site access proposed via Camp Stewart Road and Harrisburg Road.
- Left-turn lanes provided for driveways on Harrisburg Road and Camp Stewart Road.
- Dedication of 50 feet of right-of-way along Harrisburg Road and 37.5 feet of right-of-way along Camp Stewart Road.
- Back of curb along Harrisburg Road will be set 35 feet from the street centerline to accommodate a four-lane Avenue cross-section, with center turning lane, eight-foot planting strip and six-foot sidewalk.
- Proposed curb line along Camp Stewart Road will be set 24 feet from the street centerline to accommodate a two-lane Avenue cross-section, with center turning lane and an eight-foot wide planting strip and a six-foot wide sidewalk.
- Petitioner commitment to pay up to \$60,000 toward the installation of a traffic signal at the intersection of Camp Stewart Road and Harrisburg Road.
- Building elevations provided, which reflect brick as the primary building material. Canopies and dumpster enclosures will be constructed of same materials as the primary building.
- A 20-foot Class "C" buffer abutting single family zoning and/or land uses.
- Detached lighting limited to 20 feet in height and use of LED fixtures.
- No spandrel glass will be used along front and side elevations.
- All windows on this elevation are nontransparent, non-reflective, and non-mirrored, and not operable.

- **Public Plans and Policies**

- The *Rocky River Area Plan* (2006) recognizes the existing commercial use and the need for neighborhood serving retail in the area, which helps to reduce vehicular trips for local residents.
  - The petition is consistent with the *Rocky River Area Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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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*.
    - Minimizes impacts to the natural environment by building on an infill lot.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Sonja Sanders (704) 336-8327