

REQUEST	Current Zoning: R-4 (single family residential), INST(CD) (institutional, conditional) and B-1 (neighborhood business) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 1.03 acres located on the northwest corner at the intersection of Idlewild Road and East W.T. Harris Boulevard. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes to allow the development of a 4,084-square foot, one story building for an automotive service station and convenience store with accessory pumps.
PROPERTY OWNER	New Hope Baptist Church and Circle K Stores, INC
PETITIONER	Circle K Stores, INC
AGENT/REPRESENTATIVE	Mitch Craig / SEPI Engineering
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Eastland Area Plan</i> , based on information from the staff analysis and the public hearing, and because:

- The plan recommends institutional uses for the subject property.

However, 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:

- The site is located at the intersection of two major thoroughfares.
- The proposed development will replace an existing service station already located at this intersection;

By a 5-1 vote of the Zoning Committee (motion by Commissioner Labovitz seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added a note that signage will be allowed per the Ordinance. 2. Added a note that required parking for the existing religious institutional and dental office use on parcels 133-21-118 and 133-21-142 will be constructed prior to any Certificates of Occupancy for the proposed convenience store and gas station. 3. Parking for the church property and dental office has been shown on the site plan. 4. The word "possible" has been removed from the proposed parking plan for the existing church. 5. "Dwelling" has been removed from the site plan (which is located on the old sanctuary, the metal building, and the accessory buildings for the church on sheet C-2.0.) 6. Proposed building materials have been labeled. 7. The site plan has been amended to include the appropriate headings. 8. 50 feet dedicated from the centerline of Idlewild Road has been shown and labeled on the site plan.
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VOTE

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

**ZONING COMMITTEE
DISCUSSION**

Staff presented this item and stated that all outstanding issues had been addressed. Staff reviewed the modifications to the site plan since the public hearing. One commissioner had concerns that about the design of the site with accessory gas pumps along the public street frontage. There was no further discussion of this petition.

MINORITY OPINION

The minority of the Committee had concerns regarding the building and design of the overall project in relation to the public street.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

- Petition 2011-031 rezoned 1.67 acres located west of the site along Idlewild Road to INST(CD) (institutional, conditional) to allow 9,500 square feet for a nonprofit dental office use, religious facility and associated parking. Approximately 0.25 acres of the subject property were included in the previous petition and allowed accessory parking.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 4,084-square foot building for a convenience store with gasoline sales.
- Accessory service pumps and canopy to serve the convenience store use will be located along W.T. Harris Boulevard.
- Four-sided elevations of the proposed structure.
- Detached lighting limited to 20 feet in height.
- Building materials will be a combination of brick, brick veneer, precast stone, precast concrete, synthetic stone, and EIFS.
- Large expanses of wall exceeding 20 feet in length will be avoided through the use of articulated facades.
- A 14-foot Class "C" buffer, which may be reduced to 10.5 feet with the use of a fence, wall or berm, adjacent to religious institutional use.
- A 14-foot planting strip and six-foot sidewalk along W.T. Harris Boulevard and a 13-foot planting strip and six-foot sidewalk along Idlewild Road.
- Proposed six-foot sidewalk along the northern end of the site will taper to tie in with the existing five-foot sidewalk along East W. T. Harris Boulevard.
- Prohibition on drive-through service windows.
- Proposed tree save area of 6,903 square feet.
- Existing CATS bus shelter pad will be retained.
- Site access via driveways on East W. T. Harris Boulevard and Idlewild Road.
- Parking calculations provided for the existing abutting religious institution to show that additional parking can be provided to account for the spaces that will be removed as part of the subject rezoning petition.
- 50 feet dedicated from the centerline of Idlewild Road.

- **Public Plans and Policies**

- The *Eastland Area Plan* (2003) recommends institutional uses for the subject property.
 - This petition is inconsistent with the *Eastland 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.
 - **Urban Forestry:** 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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at 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
- Urban Forestry Review

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