

September 18, 2017

REQUEST	Current Zoning: O-1(CD) (office, conditional) Proposed Zoning: B-1 (neighborhood business)
LOCATION	Approximately 2.50 acres located on Mallard Oaks Drive, west of John Adams Road, and east of Interstate 85. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the B-1 (neighborhood business) district.
PROPERTY OWNER	MPV Mallard Oaks LLC
PETITIONER	The Church of Jesus Christ of Latter Day Saints
AGENT/REPRESENTATIVE	Michael R. McLeod Architect P.A.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Northeast Area Plan</i> recommendation for retail and office uses in the area.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none">• The site is located between John Adams Road and I-85, with indirect access to an I-85 access ramp.• The site is adjacent to large lot residential that is currently zoned R-3, however those parcels and all surrounding parcels are recommended to be redeveloped for a mix of office, retail, and research uses over time. The proposed B-1 district is compatible with those future uses.• The B-1 zoning district allows the types of neighborhood supportive retail and office that is consistent with the vision for a Neighborhood Center in this area.• There are no critical infrastructure projects, connections, or unique conditions that would warrant a conditional rezoning for this site.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
 - This is a conventional rezoning petition, which applies all the standards, regulations and uses in the B-1 (neighborhood business) zoning district. A site plan is not required.
 - The B-1 (neighborhood business) district is to create and protect business centers for the retailing of merchandise such as groceries, pharmacies, and household items and the provision of professional services for the convenience of dwellers of nearby residential areas. Standards are designed so that uses within this district may be soundly and permanently developed and maintained in such a way as to be compatible with adjacent residential properties.
 - Uses permitted in the B-1 (neighborhood business) district by-right and under prescribed conditions include: barber and beauty shops, dry cleaning and laundry establishments, health institutions, indoor recreation, and offices up to 100,000 square feet.
- **Existing Zoning and Land Use**
 - The subject property is zoned O-1(CD) (office, conditional) and is vacant. It was rezoned in 2006 (petition 2006-082) It proposed a site plan amendment to the existing conditional site plan to allow a total of 113 hotel rooms. It was never developed.
 - Abutting the site to the north is a single family residential use zoned R-3 (single family residential).
 - Surrounding properties are zoned O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) but are vacant.
 - West of the site is the Interstate 85 corridor.
 - See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Northeast Area Plan* (2000) recommends office and retail uses for the area in which the site is located. Retail uses should not exceed 100,000 square feet.
 - The plan recommends a Neighborhood Center in this vicinity, generally constituting the retail uses noted above.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is accessed from a private drive that connects to a local street.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 920 trips per day (based on 113-room hotel use).
 - Proposed Zoning: 2,720 trips per day (based on 25,000-square foot retail use).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning may generate zero students, while the development allowed under the proposed zoning may produce seven students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is seven students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
 - Stoney Creek Elementary from 119% to 120%;
 - James Martin Middle remains at 83%; and
 - Mallard Creek High remains at 123%.
- **Charlotte Water:** In relation to the parcel under review, Charlotte Water currently does not have water system availability via a water distribution main. The closest water distribution main is approximately 270 feet east of the property at the intersection of John Adams Road and Mallard Oaks Drive. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Mallard Oaks Drive.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of any state maintained street without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Park and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review

- Mecklenburg County Park and Recreation Review
- Transportation Review

Planner: Michael Russell (704) 353-0225