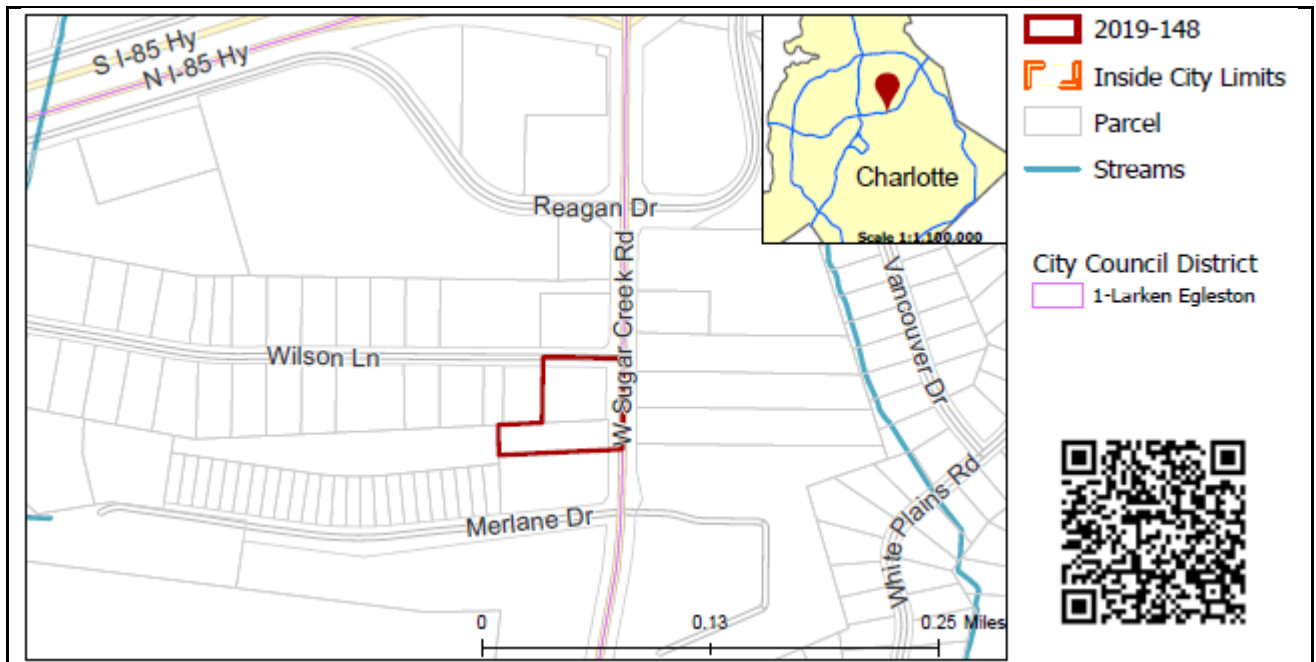


## REQUEST

Current Zoning: B-1(CD) (neighborhood business, conditional) and NS (neighborhood services)  
Proposed Zoning: NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment)

## LOCATION

Approximately 1.55 acres located on the west side of West Sugar Creek Road, south of Wilson Lane, south of Interstate 85.



## SUMMARY OF PETITION

The petition proposes to allow 5,000 square foot of gross floor area of retail and EDEE (eating, drinking, entertainment establishment) with an accessory drive-through window.

## PROPERTY OWNER

Branful, LLC

## PETITIONER

Branful, LLC

## AGENT/REPRESENTATIVE

Bridget Grant, Moore & Van Allen, PLLC

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 0

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *Central District Plan* (1993) recommendation for retail uses on the northern parcel and non-residential uses on the southern parcel, as amended by prior rezonings petitions 1988-089 and 2015-134.

### Rationale for Recommendation

- The site is currently used as an eating, drinking, and entertainment establishment with one accessory drive-through window. This petition limits the uses to 5,000 square feet of gross floor area of retail and eating, drinking, and entertainment establishment uses with one accessory drive-through window.

The petition is seeking an increase in developable square footage, not a change in use or an increase in accessory drive-through windows.

- The petition commits to enhancing the pedestrian environment through site design elements which include walkways from all entrances to sidewalks along public streets and building orientation.
- This petition commits to additional transportation improvements through coordination with CATS to construct an ADA compliant bus stop waiting pad on West Sugar Creek Road as part of site redevelopment.
- The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located. The Neighborhood Service District is considered compatible with the adjacent commercial and single-family development as the permitted uses are already existing on the site today.

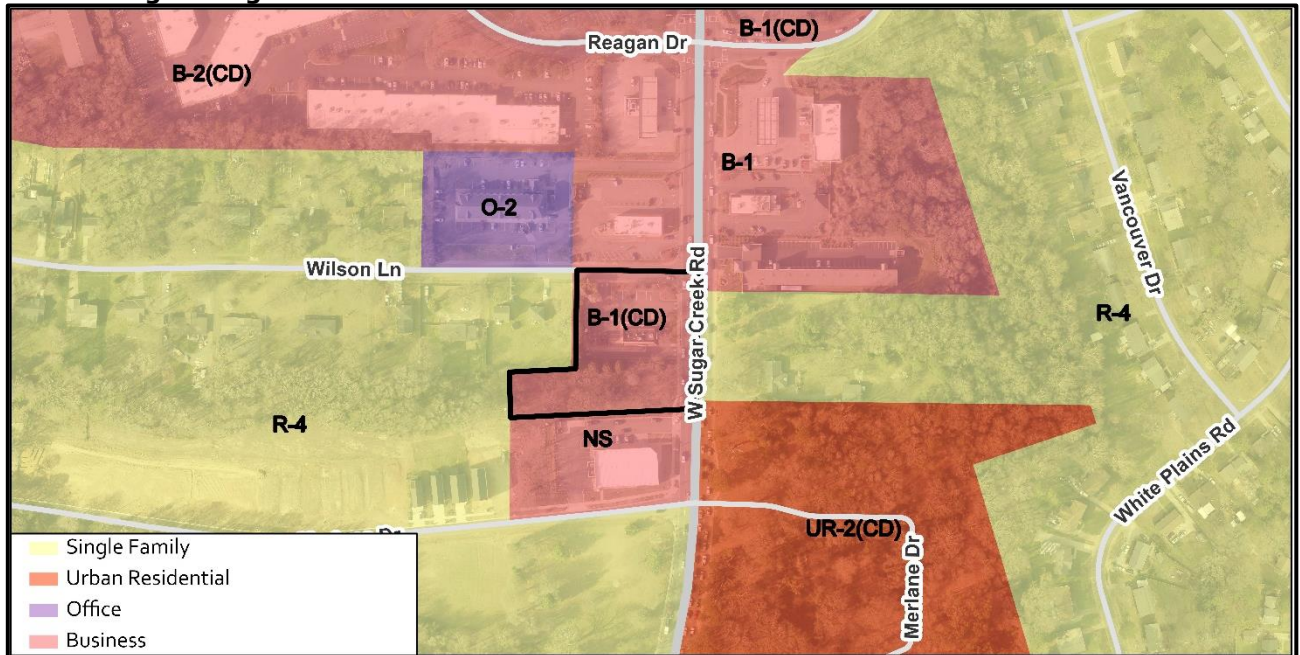
#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

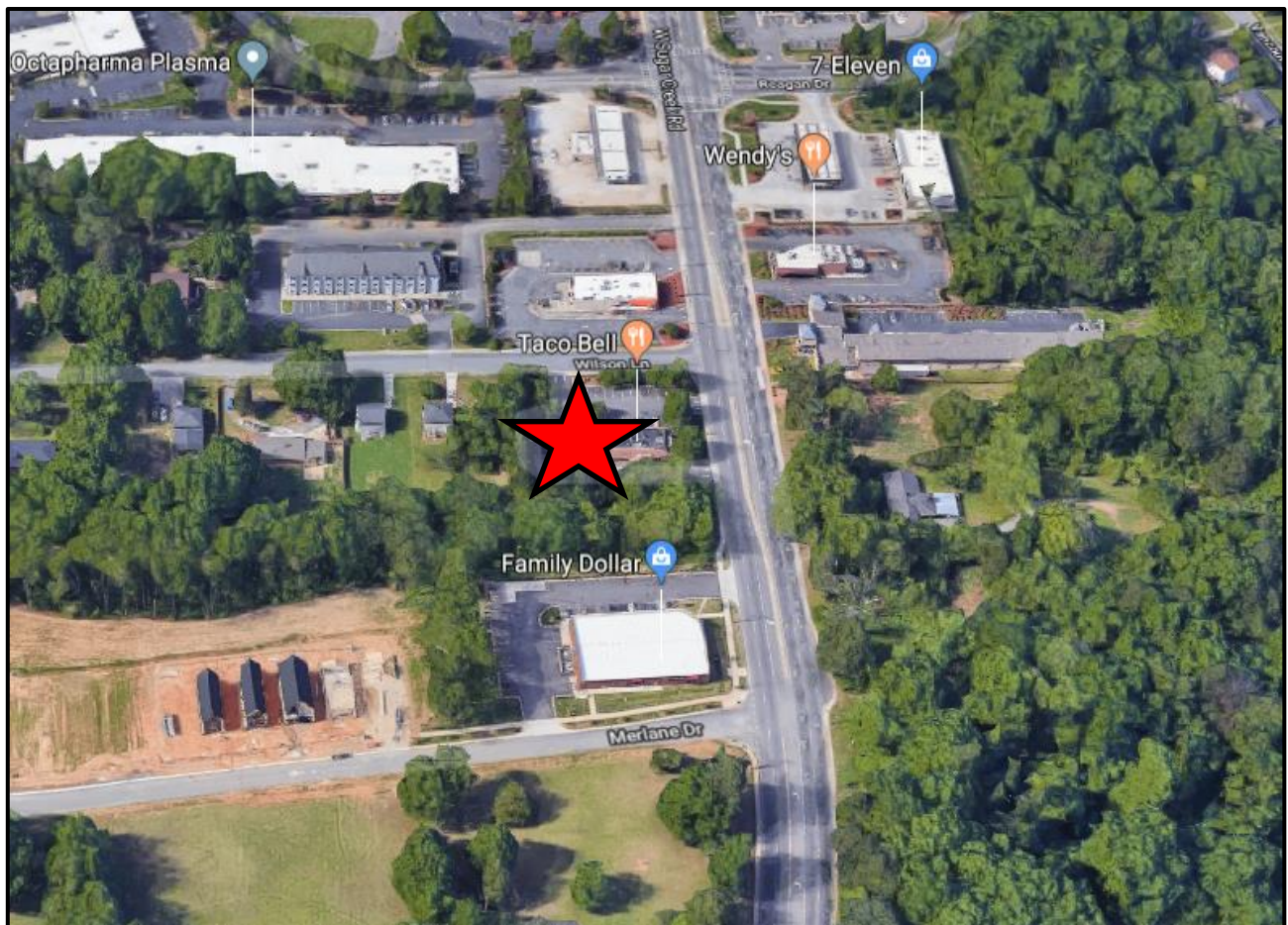
The site plan accompanying this petition contains the following provisions:

- Limits the uses to 5,000 square feet of gross floor area to retail and EDEE with one accessory drive-through window.
- Prohibits an automotive service station with or without a convenience store.
- Limits accessory drive-through window to only one.
- Access to the site will be from Wilson Lane and West Sugar Creek Road.
- Commits to dedicate a 50-foot right-of-way from centerline of West Sugar Creek Road.
- Provides a 5-foot sidewalk network that links the building to the sidewalks along the abutting public streets.
- Provides an intermittent masonry wall at least 3.5-feet tall along Sugar Creek Road in combination with landscaping to screen parking area and the drive-through lanes.
- Commits to an 8-foot planting strip and 6-foot sidewalk along Wilson Lane and West Sugar Creek Road.
- Provides building entrances to be oriented and connected to the sidewalk network towards Wilson Lane and West Sugar Creek Road.
- Limits lighting height to 26-feet.
- Building materials will be a combination of the following: Brick, stone, precast concrete, precast stone, hardi-plank, stucco, EIFS, and wood.

- Existing Zoning and Land Use



A portion of the site is developed with a Taco Bell restaurant. The surrounding land uses include single family neighborhoods, various retail uses, office uses, and Sugar Creek Community Park.



A portion of the site is developed with a Taco Bell restaurant, denoted by red star.



The property to the north along West Sugar Creek Road is developed with a Bojangles restaurant.



The property to the south along West Sugar Creek Road is developed with a Family Dollar store.

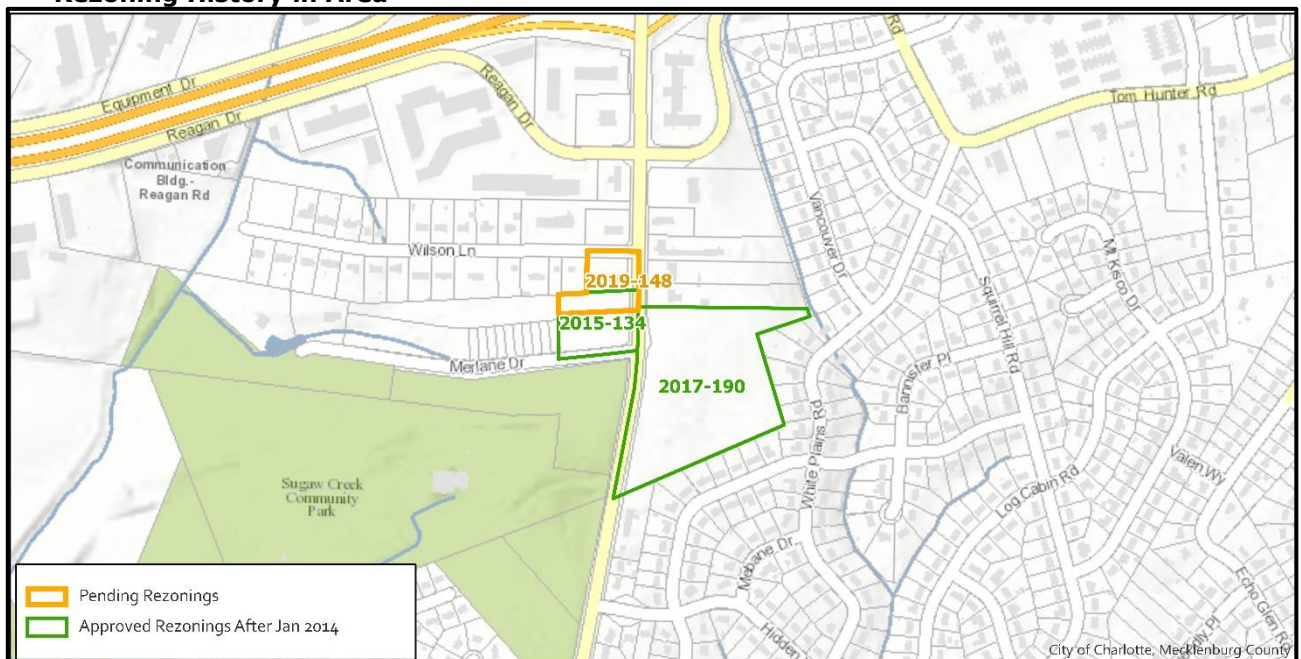


The property to the west along Wilson Lane is developed with single-family homes.



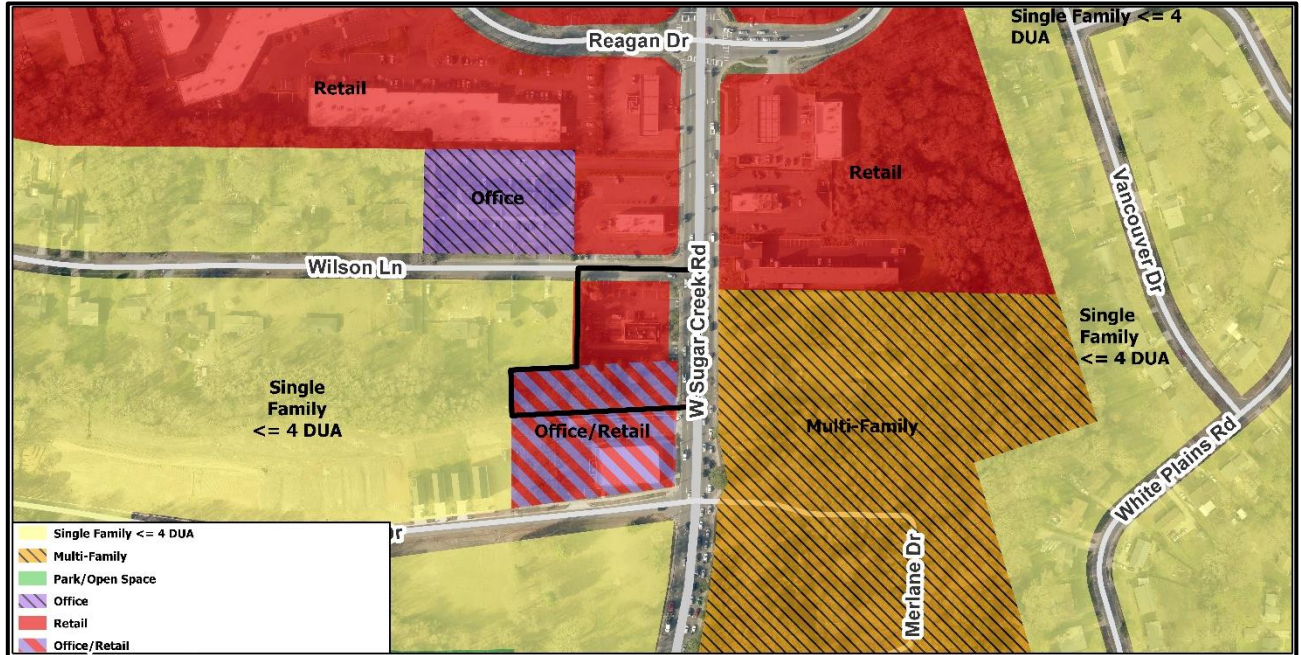
The properties to the east along West Sugar Creek Road include a motel and a Wendy's restaurant.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-134	Rezoned 1.84 acres to allow up to 13,000 square feet of office and retail uses.	Approved
2017-190	Rezoned 9.82 acres to allow 180 multi-family residential units at a density of 18.3 units.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (1993), as amended by rezoning petition 1988-089, recommends parcel 08707140 for retail uses. The *Central District Plan*, as amended by rezoning petition 2015-134, recommends parcel 08707125 for non-residential uses.
- **TRANSPORTATION CONSIDERATIONS**
- The site is located at the intersection of a major thoroughfare and a local road. The site plan commits to improving the streetscape along the site frontage meeting City standards, and providing multi-modal transportation options to the residents of the area. The site plan also reduces the number of driveways along West Sugar Creek Road to meet current City standards. In addition, the site plan also commits to dedication of right of way on Sugar Creek Road.
  - No outstanding issues.
  - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 1,910 trips per day (based on 4,540 square feet of retail, and 2,500 square feet of an EDEE with a drive thru).

Proposed Zoning: 780 trips per day (based on 5,000 square feet of retail).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** ~~See Outstanding Issues, Note 1~~ Addressed
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Little Hidden Valley North Sewer Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** ~~See Requested Technical Revisions, Note 1~~ Rescinded – See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

- ~~1. The site is served by CATS local bus route #211 along West Sugar Creek Road. CATS requests the petitioner to construct an ADA compliant bus waiting pad along West Sugar Creek Road. Below is the standard detail 60.01B to include a concrete pad in the planting strip. The exact location will be determined with CATS staff during the permitting process.~~ - Addressed

## REQUESTED TECHNICAL REVISIONS

### Environment

- ~~2. Add the following notes: (I) Storm Water Quality Treatment~~

~~For defined watersheds greater than 24% built upon area (BUA), construct water quality stormwater control measures (SCMs) designed for the runoff generated from the first 1-inch of rainfall for all new and redeveloped BUA associated with the project. SCMs must be designed and constructed in accordance with the Charlotte-Mecklenburg BMP Design Manual. (II) Volume and Peak Control.~~

~~For defined watersheds greater than 24% built upon area, control the entire volume for the 1-year, 24-hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual. For commercial projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-year, 6-hour storms.~~

~~For residential projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.~~ Rescinded – See Advisory Comments at [www.Rezoning.org](http://www.Rezoning.org)

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Michael Russell (704) 353-0225