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| REQUEST | Current Zoning: B-1SCD, shopping center district Proposed Zoning: B-1 (CD), neighborhood business, conditional |
| LOCATION | Approximately 1.24 acres located on the northwest corner of Providence Road and Arboretum Shopping Center Drive. |
| CENTER, CORRIDOR OR WEDGE | Center |
| SUMMARY OF PETITION | This petition proposes to allow the reconstruction of a fast food restaurant that was destroyed by fire. |
| STAFF RECOMMENDATION | Staff recommends approval of this petition upon the resolution of the outstanding issues. This petition is consistent with <i>The South District Plan</i> . |
| Property Owner | Taco Bell of American (A subsidiary of YUM! Brands, Inc.) |
| Petitioner | YUM! Brands, Inc. David Bohanon |
| Agent/Representative | Walter Fields and Susan Cannon |
| Community Meeting | Meeting is required and has been held. Report will be available online when received. |

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Building will not exceed 2,900 square feet.
- All conditions, covenants, and restrictions from the original rezoning for the Arboretum Shopping Center (rezoning petition 1986-112) are still applicable.
- Detached lighting will be limited to 30 feet in height and will be full cutoff fixtures.
- No wall pak lighting will be permitted.
- Parking requirements will be met on site.
- Elevations are provided.

Existing Zoning and Land Use

A fast food restaurant located on the site was destroyed by fire. The petitioned site as well as the properties to the north, west, and east are zoned B-1-SCD and a part of the Arboretum Shopping Center. The properties to the east, across Providence Road are zoned O-15 (CD) and are developed for predominantly office uses.

Rezoning History in Area

The most recent rezoning in the area was petition 02-136 for the property located at the corner of Pineville-Matthews Road and Raintree Lane. The property was rezoned for 33 single family for sale attached dwelling units.

Public Plans and Policies

The *South District Plan* (1993) recommends retail land uses for this location. *The South District Plan* was updated by rezoning petition 86-112, which approved a conditional plan for a retail center at this location, also known as the Arboretum Shopping Center. The approved zoning district, B-1SCD - Business (shopping center w/over 100,000 sq. ft.) (conditional zoning) - restricts the available retail space for this site. This petition is consistent with the *South District Plan*.

PUBLIC INFRASTRUCTURE (see full department reports online)**Vehicle Trip Generation:**

Current Zoning: 1200 trips per day.

Proposed Zoning: 1400 trips per day.

CDOT: The developer needs to construct a 6-foot sidewalk along Arboretum Shopping Center Drive. This sidewalk can be located and constructed so as to save existing trees.

Charlotte Fire Department: No issues.

CATS: No issues.

Connectivity: No issues.

Schools: CMS does not comment on non-residential petitions.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Storm Water: No issues.

LUESA: Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities.

Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.

Minimizes impacts to the natural environment by building on infill lot that scores high on GDP for Accessibility & Connectivity.

OUTSTANDING ISSUES

The petitioner should:

1. Correctly label the required building setback, buffer and covenant setbacks.
 2. Label the patio area.
 3. Show screening of parking from Providence Road and of the drive-thru from internal driveways.
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Attachments Online at www.rezoning.org

Application
CATS Review
CDOT Review
CFD Review
Community Meeting Report
LUESA Review
Site Plan
Storm Water Review

Planner: Tammie Keplinger (704) 336-5967