

REQUEST	Current Zoning: I-1, light industrial Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 2.99 acres located on the north side of Yorkmont Road between Oak Lake Boulevard and West Tyvola Road.
SUMMARY OF PETITION	The petition proposes to allow an approximately 5,000 square foot outdoor patio to be utilized as outdoor restaurant seating associated with uses within an existing mixed use commercial building.
PROPERTY OWNER	Tyvola Lake, LLC
PETITIONER	Tyvola Oak Lake, LLC
AGENT/REPRESENTATIVE	Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Southwest District Plan</i> but consistent with the current land use objective of the <i>Westside Strategic Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Zoutewelle seconded by Commissioner Griffith).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Griffith/Phipps
	Yeas: Allen, Firestone, Griffith, Phipps, Rosenburgh, and Zoutewelle
	Nays: None
	Absent: Dodson
	Recused: None

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and indicated it was recommended for approval.
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One Commissioner had concerns with rezoning a site to NS to reduce the parking requirements. Staff indicated the NS district would be considered appropriate as the uses on the site would serve the office employees and hotel customers of the surrounding neighborhood. It is expected that a portion of those individuals would walk to the subject property. In addition the outdoor dining area would create a more pedestrian oriented environment. Staff also indicated that the reduction in parking would be more of a concern if the property abutted a residential neighborhood.

STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**

The subject site was rezoned in 1997 (petition 1997-054c) from R-3 and I-1(CD) to I-1 at the time the parcel was established by the construction of West Tyvola Road and the relocation of Yorkmont Road.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Existing 24,982 square foot mixed use commercial building occupied with nonresidential uses permitted within the NS zoning district.
- A 4,625 square foot patio for outdoor restaurant seating associated with uses within the existing mixed use commercial building.

- A parking ratio at the following rate:
 - One space per 125 square feet for restaurant uses
 - One space per 300 square feet for all other uses
 - Existing five-foot sidewalk and planting strip of varying width to remain along all street frontages due to topography and existing trees.
 - **Public Plans and Policies**
 - The *Southwest District Plan* (1991) recommends light industrial land uses for this site.
 - The *Westside Strategic Plan* (2000) does not have a site specific land use recommendation for this parcel. It does recommend land uses for adjacent properties north of the subject site as office, business park, and industrial. However, the *Westside Strategic Plan* has a land use objective to encourage more cohesive and pedestrian oriented mixed use developments at major intersections where feasible.
 - The petition is inconsistent with the *Southwest District Plan*. However, it is consistent with the *Westside Strategic Plan* land use objective.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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
- Site Plan
- Community Meeting Report
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review

Planner: Shad Spencer (704) 353-1132