

<b>REQUEST</b>	Current Zoning: B-1(CD) (neighborhood business, conditional) Proposed Zoning: B-2(CD) (general business, conditional)
<b>LOCATION</b>	Approximately 1.95 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of a vacant site in the Hickory Ridge neighborhood with 15,000 square feet of eating/drinking/entertainment establishment, retail and personal services uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Nuga Properties, LLC Harris Doulaveris Jeff Brown, Keith MacVean and Bridget Dixon, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Eastside Strategy Plan</i> as updated by rezoning petition 2008-106, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends retail uses.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The proposal is consistent with the non-residential zoning and land use pattern along this section of Albemarle Road; and</li> <li>• The site was previously approved for office development and a retail pharmacy with an accessory drive-through window. Although the types of uses permitted to have a drive-through window has been expanded, the number of drive-through windows is still limited to one; and</li> <li>• The petition also commits to one sit down eating/drinking/entertainment establishment without an accessory drive-through window; and</li> <li>• While the proposed B-2(CD) (general business, conditional) zoning is located amid property zoned B-1(CD) (neighborhood business, conditional) and INST (institutional), the proposed conditional plan prohibits a number of potential uses, such as automotive service stations, automobile sales and repair, and contractor's offices, that would otherwise permitted in the B-2 (general business) district but are not allowed in the B-1 (neighborhood business) district;</li> </ul> </li> </ul>

By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Watkins).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Clarified distinction between the building envelope and parking envelope by relabeling Building Envelopes.</li> <li>2. Agreed to label Building Envelope #1 as Building/Parking Envelope #1.</li> <li>3. Agreed to amend Note 2E as follows: "On Building/Parking Envelope #1, parking and maneuvering areas for the proposed uses may be allowed subject to the restrictions listed in Note 2G."</li> </ol>
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	<p>4. Agreed to modify the Building and Parking Envelope #2 so as to not preclude construction of the cross-access easement to the adjoining property in the future.</p> <p>5. Provided sidewalk connections from both buildings to the sidewalk along Albemarle Road.</p> <p>6. Removed the compact labels from all parking areas.</p> <p><u>Environment</u></p> <p>7. Amended Note 2b under "Permitted Uses" as follows: "A sit down eating/drinking/entertainment establishment without an accessory drive-through window will be one of the uses constructed on the site."</p>
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**VOTE**

Motion/Second: Watkins / Eschert  
 Yeas: Eschert, Labovitz, Majeed, Spencer, Watkins and Wiggins  
 Nays: None  
 Absent: None  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and noted that the petitioner has agreed to address all outstanding issues. Staff noted that this petition is consistent with the *Eastside Strategy Plan*. There was not further discussion on this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum building area of 15,000 square feet in two building envelopes.
- Maximum building height of up to two stories and not to exceed 40 feet.
- Permitted uses include retail, personal service, eating/drinking/entertainment establishments and other uses permitted in the B-2 (general business) district as further defined below.
- Only one use with accessory drive-through window, or drive-in eating/drinking/entertainment establishment, will be permitted on the site and must be located in Building and Parking Envelope #2.
- One sit down style eating/drinking/entertainment establishment without an accessory drive-through window will be one of the uses constructed on the site.
- Prohibited uses include but are not limited to the following: commercial outdoor amusement, automotive service stations with or without convenience stores, automobile sales and repair including engine overhaul and tractor trucks, armories, auction sales, body and paint shops, car washes, contractor's offices with accessory storage, residential dwellings, motion picture theaters, wholesale sales within related storage and warehousing, and adult establishments.
- Construction on Building and Parking Envelope #1 must commence prior to issuance of a building permit on Building and Parking Envelope #2.
- On Building and Parking Envelope #1, parking is disallowed between the building and Albemarle Road.
- Site access from Albemarle Road and potential vehicular and pedestrian access may be provided to abutting tax parcel 109-102-06 subject to the petitioner securing a cross-access easement.
- Building and Parking Envelope #2 will not preclude construction of the cross-access easement to the adjoining property in the future.
- Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl may only be used on windows, soffits and on handrails/railings.
- The building façade on Building and Parking Envelope #1 facing Albemarle Road will have windows and a door oriented toward Albemarle Road.
- A concrete waiting pad and bench for CATS bus passengers will be provided along Albemarle Road.
- Sidewalk connections from both buildings to the sidewalk along Albemarle Road.

- **Public Plans and Policies**

- The *Eastside Strategy Plan* (2001), as updated by rezoning petition 2008-106, recommends retail uses on this site. The prior rezoning specifically allows a medical office and retail pharmacy with an accessory drive-through window.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major thoroughfare approximately 500 feet from a signalized intersection. The current site plan replaces existing, narrow back of curb sidewalk with wider, buffered sidewalk and includes notes to provide cross access if agreed to by owners of adjacent parcels.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing use: 0 trips per day (based on vacant land).
    - Entitlement: 1,170 trips per day (based on entitlements with the current zoning).
  - Proposed Zoning: 1,980 trips per day (based on 15,000 square feet of retail uses).

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along Albemarle Road. Sewer system availability for the rezoning boundary is provided via an existing eight-inch gravity sewer main located on the western edge of the parcel, near the southwest corner.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327