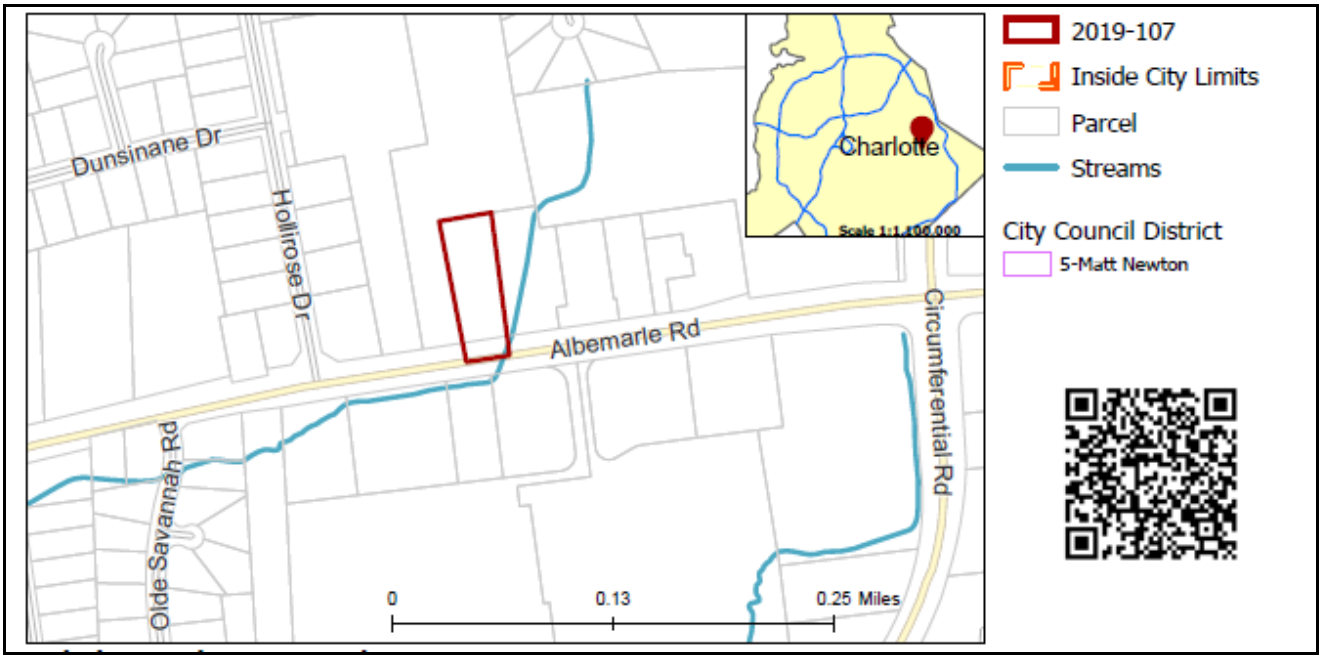
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-107
Final Staff Analysis
December 16, 2019

REQUEST	Current Zoning: B-1 (CD) (general business, conditional) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 1.217 acres located at 8837 Albemarle Road, east of Hollirose Drive and west of Circumferential Road.



SUMMARY OF PETITION	The petition proposes to rezone an existing conditionally zoned property to a new conditional zoning district to accommodate one eating, drinking and entertainment establishment (EDEE) (Type 1 and/or Type 2) with drive-in or drive through service lanes/windows and other specified uses allowed in the NS zoning district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Jeff Watson, Albemarle Road Partners, LLC Albemarle Road Partners, LLC (c/o Jeff Watson) John Carmichael (Robinson Bradshaw)
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

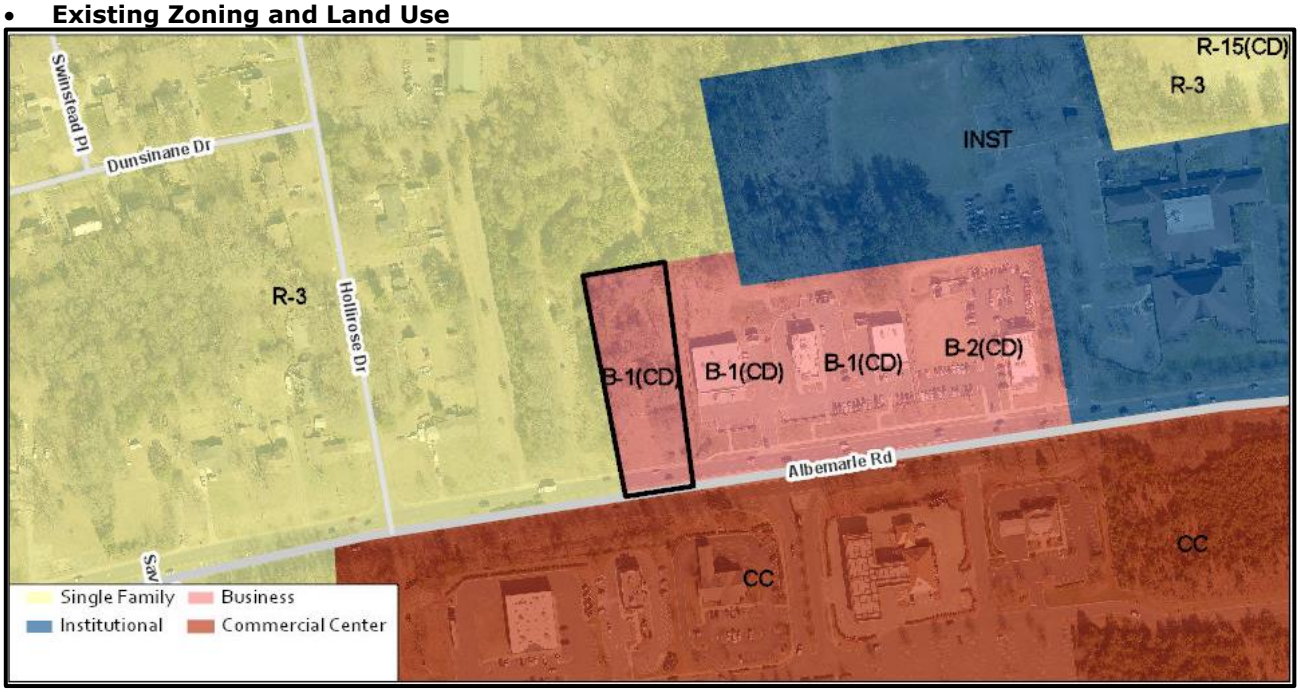
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to technical revisions and transportation. <u>Plan Consistency</u> The petition is **consistent** with the *East District Plan* recommendation for retail uses at the site. <u>Rationale for Recommendation</u> • The predominant surrounding land uses along this portion of the Albemarle Road corridor (retail, dining establishments, etc.) are uses that are interrelated and complimentary to the use proposed by this rezoning petition.

- The petition is in alignment with the recommended future land use for this parcel as amended upon the approval of rezoning petition 1992-070.
- By meeting existing ordinance requirements, by committing to front-loading the structure towards the street, by dedicating parking behind, and through the provision of a 12-foot multi-use path and other architectural elements, and by providing inter-parcel connectivity, this petition accomplishes the *East District Plan's* goal for a "livable and attractive community having a distinct identity."
- Upon approval of this petition, the last portion of undeveloped land recommended for retail uses on the northern portion of Albemarle Road will be developed, thus establishing a clear distinction between retail and residential areas to support neighborhood preservation.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Construction of one principal building with uses permitted under the zoning ordinance in the NS zoning district including an eating, drinking, and entertainment establishment with accessory drive-thru lanes/windows with indoor seating that may accommodate a minimum of 50 patrons.
  - Commits to providing an outdoor patio space not to exceed 1,000 square feet.
  - Provides joint access to the retail property to the east of the subject property and a stub out for future inter-parcel connectivity to the west.
  - Commits to construction of 12-foot multi-use path and 8-foot wide planting strip along the site's frontage with Albemarle Road.
  - Commits to a maximum height of any building constructed to 40 feet.
  - Commits to architectural design standards, including street-facing building facades as it relates windows and a door on the street facing building façade, screening restrictions, and identification of building materials that may be used.
  - Provides a direct pedestrian connection from place of business to multi-use path along Albemarle Road.
  - Commits to additional design standards which include elevations designed with limited expanses of blank walls along with bays or other architectural features which may include columns, pilasters, changes in materials or colors, awnings and other similar elements.
  - Provides that any lighting fixtures attached to building shall capped and downwardly-directed.

- **Existing Zoning and Land Use**



The subject property, although zoned for commercial uses as allowed by the approved site plan associated with rezoning petition 1992-070 (which entitled to site to construct a plant nursery and garden center

with a maximum building area of 30,000 square feet), currently contains a single-family dwelling and associated outbuildings. West and north of the subject property is established residential uses. Commercial uses and retail establishments surround the remainder of the site.

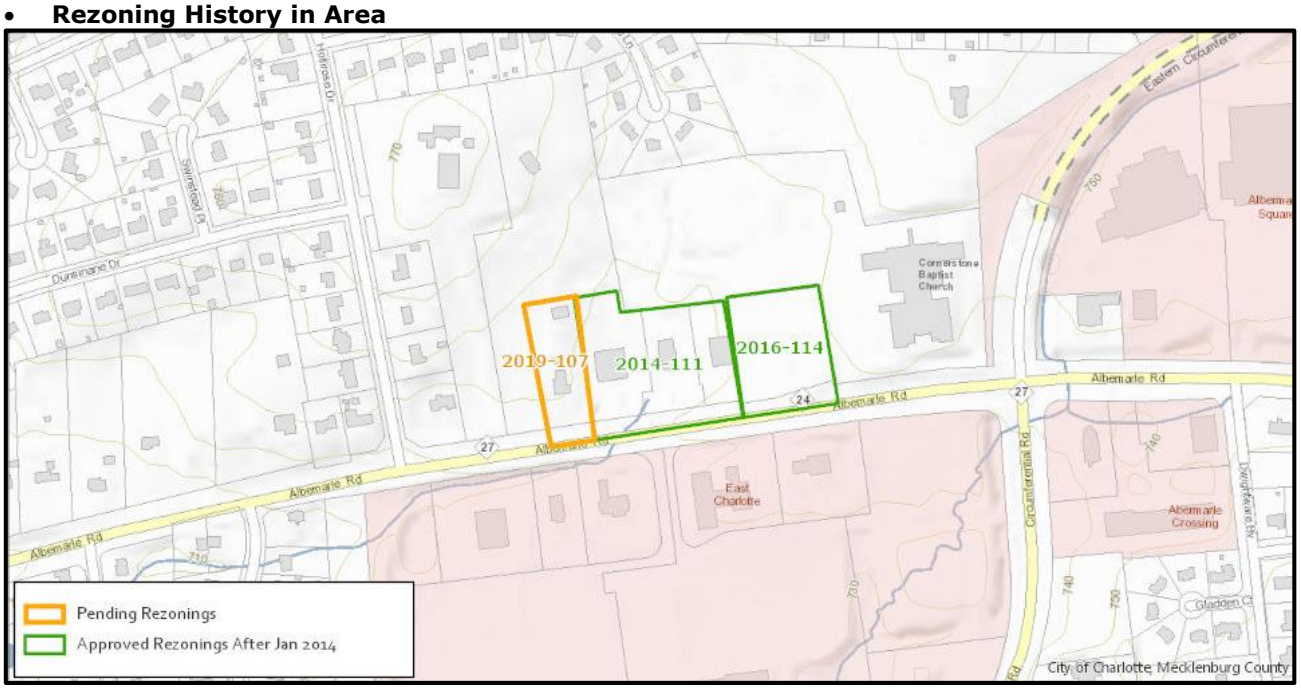
General site location denoted by star. The subject property is located between an established residential neighborhood to the west and a commercial center to the south and east.

Street view of subject property. Although the property is zoned for commercial uses, there is a single-family residence at the site.

Retail center to as seen looking south from the subject property.

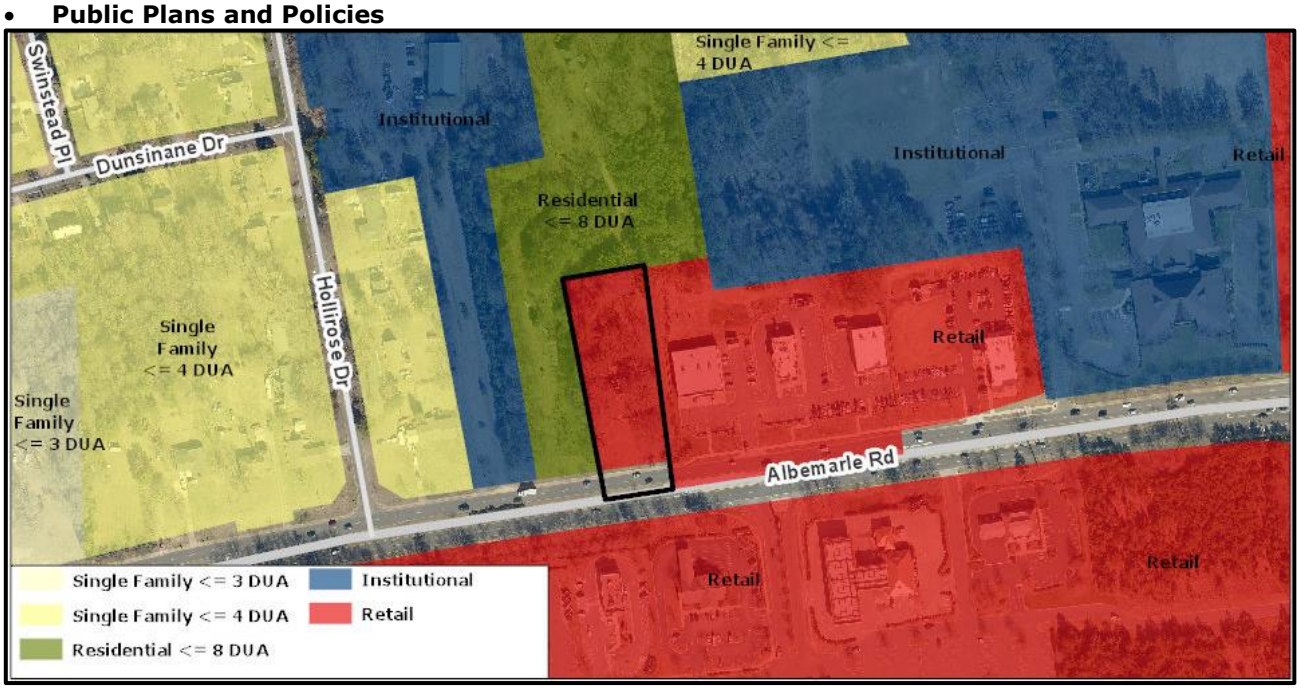
Additional retailers located to the east of the subject property.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-114	1.95 acres from B-1 (CD) (Neighborhood Business, Conditional) to B-2 (CD) (General Business, Conditional) to allow for the development of a vacant site with up to 15,000 square feet of EDEE, retail, and personal services uses.	Approved
2014-111	3.32 acres from R-3 (Single Family Residential) and B-1 (CD) (Neighborhood Business, Conditional) to B-1 (CD) SPA (Neighborhood Business, Conditional, Site Plan Amendment) to allow up to three commercial buildings on three individual lots.	Approved

- **Public Plans and Policies**



- The *East District Plan* (1990), as amended by rezoning petition 1992-070, recommends retail uses for the site.

TRANSPORTATION CONSIDERATIONS

- The site is served by a major thoroughfare maintained by NCDOT. The petitioner has committed to install a 12-foot multi-use path with an 8-foot planting strip along the frontage of Albemarle Road. The petitioner will install a right turn lane on Albemarle Road to access the site.
- No outstanding issues.
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 10 trips per day (based on 1 dwelling).
  Entitlement: 570 trips per day (based on 3,140 SF of retail uses).
  Proposed Zoning: 2,210 trips per day (based on 4,700 SF of fast food with drive thru).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** As this petition is non-residential, there is no impact to schools from the development of this site.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Albemarle Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Albemarle Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** See advisory comments at www.rezoning.org
  - **Storm Water Services:** See Requested Technical Revisions, Notes 3 - 4.
  - **Urban Forestry:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

OUTSTANDING ISSUES

Transportation

~~1. CDOT and NCDOT request that petitioner remove the proposed access on Albemarle Road, limiting access to the existing cross-access stub that is provided on the eastern property boundary.~~ ADDRESSED VIA IMPLEMENTATION OF OUTSTANDING ISSUE 2 (BELOW)

~~2. If the petitioner declines the request for cross-access, the petitioner should revise the site plan and conditional notes to relocate the proposed Albemarle Road access location toward the western property line. A 175-foot right-turn lane, to extend from the existing O'Reilly's driveway, will be required by NCDOT. The future proposed cross access stub to the west of the proposed site should accommodate for a future right-turn lane.~~ ADDRESSED

REQUESTED TECHNICAL REVISIONS

Environment

3. Add following note: 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. REQUEST NOT ADDRESSED
4. Add following note: 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 <u>and</u> perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, <u>or</u> if a downstream analysis is not performed, control the peak for the 10-yr and

25-yr, 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. REQUEST NOT ADDRESSED

Transportation

5. CDOT requests for the relocated 6-foot sidewalk along the proposed Albemarle Road right-turn land to be upgraded to a 12-foot multi-use path.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: William Linville (704) 336-4090