

REQUEST	Current Zoning: R-4 (single family residential), O-6(CD) (office, conditional) and B-2(CD) (general business, conditional) Proposed Zoning: NS (neighborhood services) with five-year vested rights
LOCATION	Approximately 4.68 acres located on the east side of Norland Avenue south of Central Avenue. (Council District 5 - Ajmera)
SUMMARY OF PETITION	The petition proposes to expand the site for an existing eating/drinking/entertainment establishment located in the Eastway/Sheffield Park neighborhood.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	SMS Catering Service, Inc. SMS Catering Service, Inc. Collin Brown, Bailey Patrick Jr., and Brittany Lins, K&L Gates LLP
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 land use, and site and building design. <u>Plan Consistency</u> The petition is consistent with the <i>Eastland Area Plan</i> recommendation for retail use for the half of the property closest to Central Avenue where the main SMS Catering Inc. structure is located. The proposal is inconsistent with the plan for the remainder of the site which is recommended for office and residential use at up to eight dwelling. <u>Rationale for Recommendation</u> • The subject property is located on a local street (Norland Avenue) off of Central Avenue, and a portion of the site is currently developed with an existing eating/drinking/entertainment establishment. • The location of the property is somewhat isolated, with the southern and western sides of the site bounded by Evergreen Cemetery, and Eastway Middle School located to the southwest of the site. • Abutting Norland Avenue and across the street are existing businesses toward Central Avenue, as well as four residential structures. • These four residential structures directly across Norland Avenue from the rezoning site are zoned R-4 (single family residential); however, the part of the rezoning site across from these properties will be limited to parking and reuse of the existing three residential structures. • Due to the limited number of nearby residential uses, negative impacts related to the expansion of this business are not anticipated. In addition, this petition will result in greater compliance with current Zoning Ordinance regulations while accommodating expansion of an existing business.
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PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permitted uses include retention of a banquet hall, an eating/drinking/entertainment establishment, associated parking, and three single family detached dwellings. Existing structures to remain.
- Maximum building height of 60 feet.
- Maximum floor area ratio for all uses on the site will not exceed a floor area ratio of 2.0.

- Vehicular access provided via existing driveways on Norland Avenue.
- All free-standing lighting will be shielded with full cut-off fixtures.
- **Existing Zoning and Land Use**
 - The site has been cited for nonresidential uses in residential zoning. The subject property is developed with an eating/drinking/entertainment establishment, and three single family detached dwellings zoned to R-4 (single family residential), O-6(CD) (office, conditional), and B-2(CD) (general business, conditional). Petition 1984-07 rezoned 1.83 acres of the subject property to O-6(CD) (office, conditional) and B-2(CD) (general business, conditional) to allow use of an existing 6,650 square foot building for an eating/drinking/entertainment use, with a covered picnic shelter, and associated parking.
 - Surrounding properties on the east side of Norland Road are zoned R-4 (single family residential), B-2 (general business), B-2 (neighborhood business), R-17MF and R-22MF (multi-family residential), and O-1(CD) (office, conditional) and developed with a cemetery directly behind the subject property, warehouse, retail, apartments, office and single family detached dwellings.
 - The west side of Norland Road contains single family detached dwellings, warehouses, office, retail uses, and Eastway Middle School in R-4 (single family residential), B-1 (neighborhood business) and B-2 (general business) zoning.
 - Properties across Central Avenue are zoned R-22MF (multi-family residential), O-2 (office), B-1 (neighborhood business) and INST(CD) (institutional, conditional) and developed with office, retail, multi-family residential uses and a religious institution.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Eastland Area Plan* recommends retail use for the half of the property closest to Central Avenue where the main SMS Catering Inc. structure is located. The remainder of the site is recommended for office use, and residential uses up to eight dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on a major collector and is within the limits of the City's Central/Kilborne/Norland streetscape project. CDOT anticipates working with the developer during permitting to construct or provide a contribution for the envisioned streetscape improvements and dedicate right of way as needed.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 920 trips per day (based on 9,700 square feet of EDEE use and three single family detached dwellings).
 - Entitlement: 990 trips per day (based on 9,700 square feet of EDEE use and nine single family detached dwellings).
 - Proposed Zoning: Too many uses to determine as currently proposed.

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 Water:** Charlotte Water has water system availability for the rezoning boundary via an existing two-inch water distribution main located along Norland Road. The rezoning area is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right of way of Norland Road without permission of the City Arborist's office.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with the Tree Ordinance.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESLand Use

1. Residential uses are listed as a proposed use. If single family residential dwellings are to remain on tax parcels 13102401, 13102402, and 13102407, they may not exist on the same lot as any nonresidential use, including parking as a principal use or accessory to a nonresidential use. Lots will need to be subdivided to separate residential and nonresidential uses. Add a note to this effect.
2. Delete residential uses from the heading of Permitted Uses if they are not to remain, or if the residential structures are not being used for residential.
3. Clearly delineate boundaries of nonresidential uses including parking as a principal or accessory use as two principal uses cannot be located on the same parcel.
4. Delete Note V under the heading of "Signage" in its entirety, and replace with a note that existing signage may remain.
5. Amend Development Data Table to replace "banquet hall" with "eating/drinking/entertainment establishment (EDEE)."
6. Specify the location of the EDEE and associated accessory uses/buildings. Indicate how each building is to be used.
7. Show the outdoor storage and the maximum square footage which cannot exceed 25% of the floor area of all buildings located on the site.

Site and Building Design

8. Specify location of any expansion areas, and expansions to existing buildings.
9. Revise Note IV(a) to state that existing buildings are to remain and that any new buildings to be built on the site will require a rezoning.
9. Delete Note II related to maximum development on the site.
10. Delete Note IV(b) as it is a minimum ordinance requirement.
11. Clearly delineate the existing rezoning lines on the site plan.
12. Add a note that existing residential buildings are to remain and will retain residential character.
13. Add a note indicating that

Infrastructure

14. Add a note concerning sidewalk and streetscape improvements. (Note: The petitioner should work with CDOT and Planning staff to determine the requirements related to sidewalk and streetscape prior to next submittal.)

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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