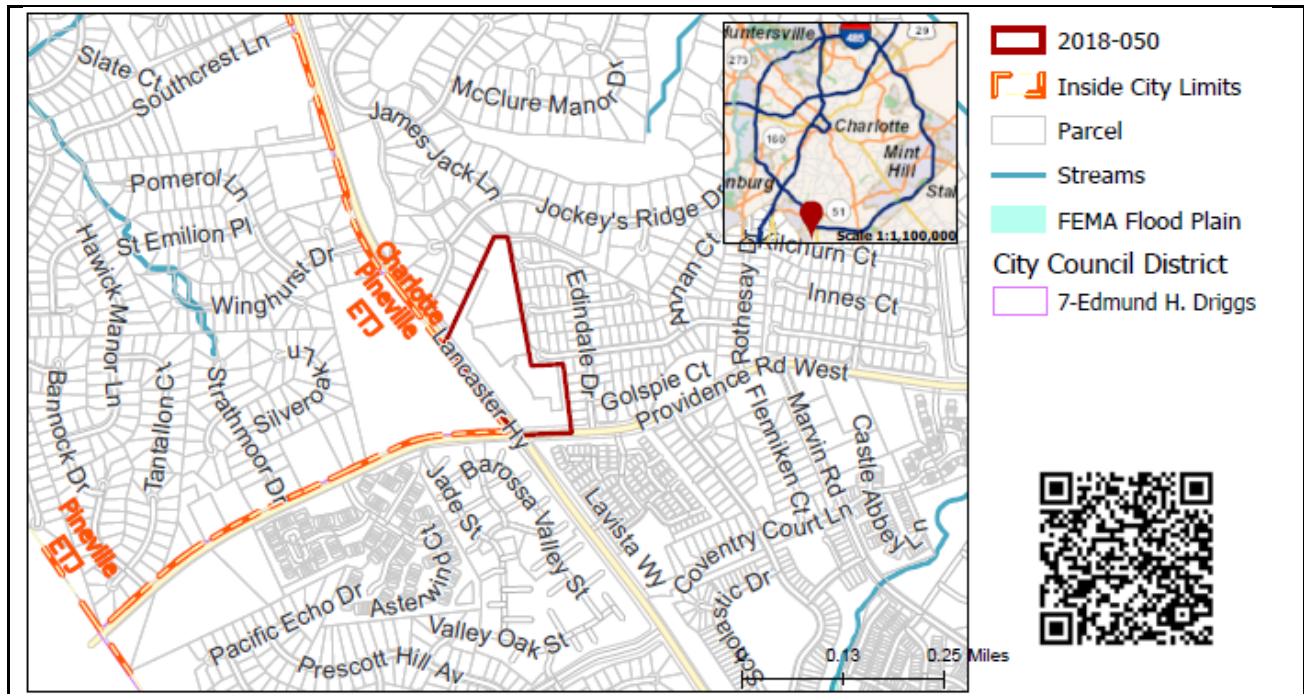


REQUEST

Current Zoning: NS (Neighborhood Services)
 Proposed Zoning: NS SPA (Neighborhood Services, site plan amendment)

LOCATION

Approximately 10.63 acres located on the northeast corner of Lancaster Highway and Providence Road West (Council District 7 - Driggs)



SUMMARY OF PETITION

The petition proposes changes to the development standards for the developed office/retail site to more clearly identify permitted and prohibited uses.

PROPERTY OWNER

Somera Lancaster Retail, Inc.

PETITIONER

Somera Road Inc.

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
 Number of people attending the Community Meeting: 15.

**STAFF
 RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *South District Plan* recommendation for mixed office and retail use.

Rationale for Recommendation

- The subject property is an existing mixed office and retail center built in 2005 with specific limitations on the location, quantity, and types of uses within the center.
- The petition seeks to clarify the uses permitted, and specify prohibited uses.
- The petition also amends the types of uses allowed for the multi-tenant buildings located along the public street frontages, away from adjoining residential properties. The petition does not propose any new buildings or building expansions on the site; the only changes would occur inside the existing buildings related to the types of uses allowed.

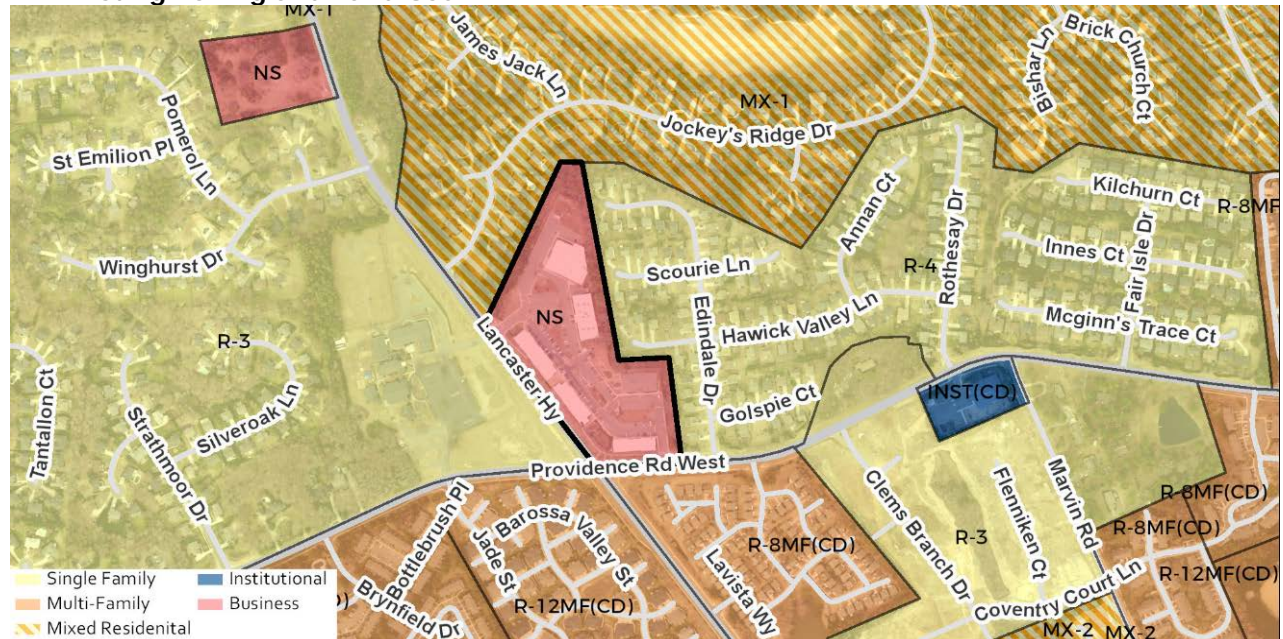
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan amendment contains the following changes:

- Changes the permitted uses note which reads “All uses permitted shall be “beauty shops, barbers, laundries, dry cleaning, eating/drinking/entertainment establishments, retail sales, grocery, drug store, cafeteria, bakery, florist shop, optician, theaters, bank, day care facilities, office and office condos.” to add the following uses: indoor pet services, and other personal services (uses that primarily provide or sell a service to customers versus selling of goods, may also sell products or merchandise but the sale is typically ancillary. Examples include spas, yoga and exercise studios, nail salons, martial art training, locksmiths, indoor swimming training and veterinarian services.)
- Adds that the following uses are specifically not permitted: outdoor pet services, animal crematoriums, automotive service stations, funeral homes and embalming, car washes and accessory drive-in service windows.
- Revises the hours that no dumpster collection will occur to match the hours for the noise ordinance from between 11 pm and 6 am to 9 pm and 7 am.
- Changes the word “retail” in the development data table to “other non-office uses as permitted herein” to clarify which uses count toward the non-office square footage entitlement and non-office parking requirement.
- Changes the word “restaurant” in the development data table to “Eating/drinking/entertainment establishments” (EDEE) to match the Zoning Ordinance.
- Changes the label on the site plan to clarify what uses would be allowed in the existing buildings along the public streets. The two buildings along Lancaster Highway are changed from “retail” to “office/ other non-office uses as permitted herein” and the building along Providence Road West is changed from “office” to “office/other non-office uses as permitted herein”. Buildings internal to the site remain limited to office and daycare/office use.
- Moves 9,000 square feet from the “office” category to the “other non-office uses permitted herein” category. The actual building square footages remain the same.

• Existing Zoning and Land Use



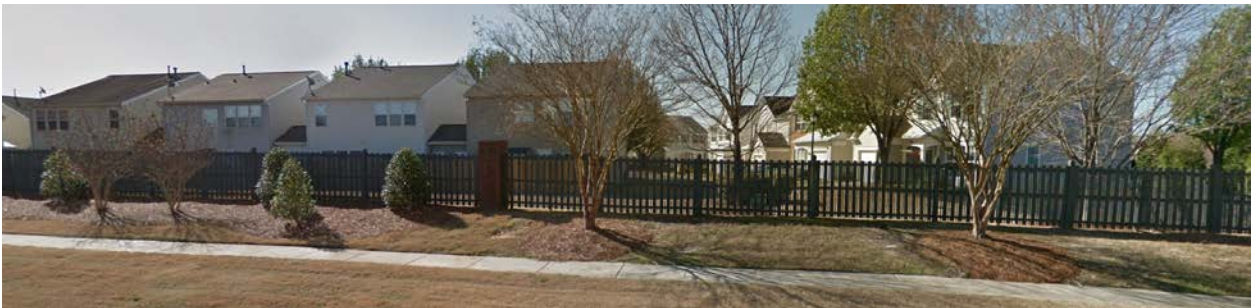
- The subject site was originally rezoned by petition 1999-125 from R-3 (single family residential) to O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) to allow 32,385 square feet of office uses and 31,250 square feet of retail, restaurant and/or office uses. The site was rezoned again by petition 2005-156 from O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) to NS (neighborhood services) to allow up to 44,000 square feet of office, 10,000 square feet of office or daycare use and 23,000 square feet for retail uses.
- The site is currently zoned NS (neighborhood services) and developed with six buildings with a mixture of office, daycare, retail and restaurant uses.



- East of the site are single family homes zoned R-4 (single family residential).



- North of the site are single family homes zoned MX-1 (mixed use).



- South of the site, across Providence Road West, are townhomes zoned R-8MF(CD) (multi-family residential, conditional).



- West of the site, across Lancaster Highway, is Harrison United Methodist Church zoned R-3 (single family residential).

• Rezoning History in Area

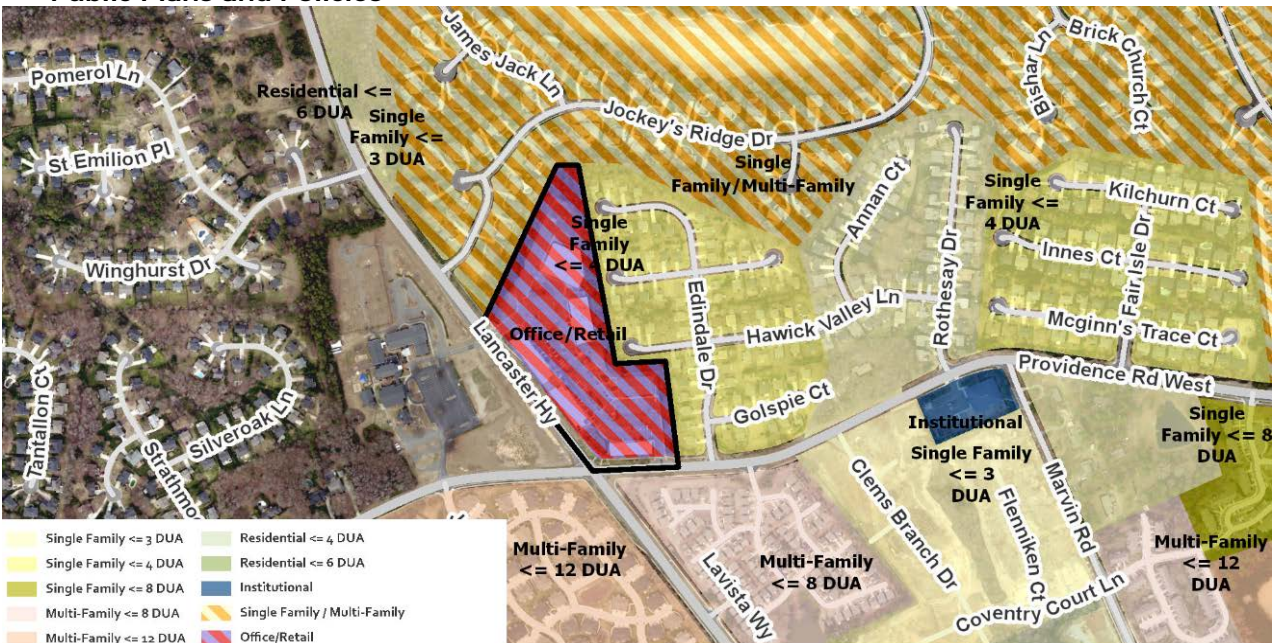
Orange outline: Pending Rezoning

Green outline: Approved Rezoning After Jan 2013



Petition Number	Summary of Petition	Status
2014-001C	Rezoned 3.78 acres, northwest of the site across Lancaster Highway, to NS (neighborhood services) to allow up to 24 multi-family dwelling units and 10,000 square feet of office.	Approved

• Public Plans and Policies



- The *South District Plan* (1993) as amended by prior rezoning petition 2005-156 recommends mixed office and retail uses.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the intersection of two major thoroughfares. The petition is a site plan amendment to the approved 2005-156 rezoning. All traffic mitigations were built as part of the original rezoning.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 4,060 trips per day (based on 44,000 sf office, 23,000 sf retail and 10,000 sf daycare use).
Entitlement: 4,060 trips per day (based on 44,000 sf office, 23,000 sf retail and 10,000 sf daycare use).
Proposed Zoning: 4,060 trips per day (based on 35,000 sf office, 23,000 sf retail, 10,000 sf daycare use, and 9,000 sf animal hospital).

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 Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not increase the number of students in schools.
- **Engineering and Property Management:**
 - **Arborist:**
No trees can be removed from the right of way without explicit authorization from the City Arborist or his designee. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right of way; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right of way.
No trees can be removed from or planted in the right of way of any State maintained street (Lancaster Highway) without permission of NC Department of Transportation and the City Arborist's office. If trees are to be planted, they must be planted to meet NCDOT planting guidelines. A tree planting permit shall be obtained from NCDOT in coordination with the Arborist's office prior to planting trees in the NCDOT right of way following plan approved by the City.
No trees can be planted in the right of way of any City maintained street (Providence Road West) without explicit permission of the City Arborist's office. Tree species must be approved by the City Arborist's office prior to tree planting. ~~See Outstanding Issues, Note 4.~~
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Land Use

1. ~~Remove signage from note 11 under permitted uses as signage isn't permitted as a "land use". The development standards already specify that signage will comply with the standards of the Zoning Ordinance.~~ Addressed
2. ~~Change "restaurant" to "eating/drinking/entertainment establishments (EDEE)" in note 11 under permitted uses to match up with the Zoning Ordinance.~~ Addressed
3. ~~Change the development data table to decrease the office square footage from 54,000 square feet to 45,000 square feet and increase other non-office uses from 23,000 to 32,000 square feet to reflect the change of category for the building along Providence Road West.~~ Addressed

Environment

4. ~~Provide a tree survey for all trees two (2) inches in diameter at breast height (DBH) or larger located in the public right of way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ Addressed, the site plan amendment only changes the uses allow in the existing buildings. The petitioner has provided the original tree survey from when the development was built and provided a statement that no buildings will be added or removed and no trees will be added or removed.

REQUESTED TECHNICAL REVISIONSSite and building design

1. ~~Change the underlying plan from the original approval to the administratively approved plan completed in 2006, the administratively approved plan includes the correct layout for the existing buildings and parking as well as elevations for the existing buildings.~~ Addressed.
 2. ~~Move the label on the building fronting Providence Road West so that the building letter and building square footage is visible.~~ Addressed.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing Staff Analysis
- Post Hearing Staff Analysis
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Engineering and Property Management Review
 - City Arborist
 - 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

Planner: John Kinley (704) 336-8311