



Zoning Committee

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**REQUEST**

Current Zoning: NS, R-3 (neighborhood services, residential)  
Proposed Zoning: NS (SPA), NS (neighborhood services, site plan amendment, neighborhood services) with 5-year vested rights

**LOCATION**

Approximately 11.24 acres located at the NW intersection of Rocky River Church Road and Albemarle road in unincorporated Mecklenburg County.

(Outside City Limits)

**PETITIONER**

Albemarle Property Investors, LLC

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend DENIAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *Albemarle Road/I-485 Interchange Study* with respect to proposed land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential/office/retail and multi-family/office/retail for the site.

Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to "create a viable pedestrian environment".
- While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
- The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection.
- The provision of a grocery anchor proximal to a large amount of residential units provides necessary

neighborhood services to a growing area of far east Charlotte.

- The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas, and will be more geared toward pick-up options and less auto-intensive uses.

Motion/Second: Spencer / Rhodes

Yeas: Blumenthal, Chirinos, Rhodes, Samuel, Spencer and Welton

Nays: None

Absent: Ham

Recused: None

## **ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Staff gave a brief update on this petition as it was deferred from a tie vote at November's ZC meeting.

Committee member Welton asked staff to synopsise the differences between last month's recommendation (approval base upon resolution of outstanding items) with this month's recommendation to deny and between what is left regarding outstanding issues.

Staff noted that the recommendation relates to the inability to find common ground – that the recommendation to approve was directly related to the request to restrict menu boards on outparcel 1. Language that attempts to qualify the types of restaurants remain from last month's meeting and staff is still requesting that it is removed.

Committee member Blumenthal asked if one of the drive-thrus would be for a pharmacy use only.

Staff responded in the affirmative, as that drive-thru window is intended to be a part of the grocer/anchor tenant and then the two would be located at the two outparcels along Albemarle. Overall entitlements for accessory drive-thru windows remain from the original Cresswind rezoning.

Committee member Chirinos asked staff how many pharmacies are in the vicinity. Staff was not sure of the answer to that question and a concrete answer was not provided.

Committee member Blumenthal asked staff if this petition were to be denied, what would the petitioner be left with? Staff responded that they would have the original entitlement which would allow nearly everything they are currently proposing, however the rezoning request stemmed previously approved architectural notes and concept plans that had buildings in a location that did not work for the petitioner.

Committee member Chirinos asked if staff felt that every opportunity to resolve these issues had been made. Staff responded in the affirmative, reminding that the decision to

recommend denial was not meant to be punitive but simple reflected the disconnect between staff's vision for the site through the originally approved Cresswind plan and the petitioner's desires for the portion of the development that they currently control. Common ground was attempted many times but never materialized in a fashion that made staff comfortable to recommend approval.

Chairwoman Samuel gave a quick reminder of when this case went to public hearing how the split vote resulted in a deferral at the last Zoning Committee meeting. The Chair continued by mentioning that, for her, this petition was a matter of timing with the adoption of the 2040 plan and the advances we want to see with more pedestrian friendly developments (and noting that this one could be just so), adding additional drive-thrus does not align with recently adopted plans. She continued by noting that she does not believe she can support in the form presented but appreciates the work that was done to improve pedestrian infrastructure around the periphery of the project.

After the vote to unanimously recommend denial, Blumenthal added a comment to note that if the petitioner wasn't left with drive-thru entitlements, his vote would have been different. He acknowledges that this area is near what some could consider highway-centric development where auto-oriented uses are compatible with.

Committee member Welton agreed and noted that this petition became an issue about entitlements. Auto-oriented uses are still useful and hope that the committee considers that in the future.

Commissioner Rhodes echoed her support for Blumenthal's and Welton's closing thoughts.

Chairwoman Samuel closed the discussion by noting that the original 2015 petition entitled a large number of residential at this location and converting from what would normally be an auto-centric development pattern to a more pedestrian-oriented pattern does not happen overnight but is certainly something that can happen over time in areas such as this.

There was no further discussion of this petition.

**PLANNER**

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