

REQUEST	Current Zoning: R-22MF, multi-family residential Proposed Zoning: B-2(CD), general business, conditional
LOCATION	Approximately 1.82 acres located on the southwest corner of the intersection of Park Road and Tyvola Road and Fairview Road.
SUMMARY OF PETITION	The petition proposes to rezone property in order to accommodate a car wash facility.
PROPERTY OWNER	BRLR NC, LLC
PETITIONER	CAH Holdings, LLC
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King and Spalding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion Commissioner Griffith seconded by Commissioner Zoutewelle).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The "Proposed Uses" under "Rezoning Summary" have been amended by removing references to institutional or office uses, and leaving a car wash facility as the only proposed use. 2. Staff has removed the request to eliminate the note stating the accessory buildings and structures will not be considered in any limitations on the number of buildings on the site. 3. The zoning of adjacent properties has been labeled. 4. A minimum five-foot pedestrian connection from the building to the proposed sidewalk along Park Road has been provided. 5. The existing 5-foot sidewalk (along back of curb) has been labeled to remain along Tyvola Road. 6. The wording "possible location" has been added to the water quality areas identified on the site plan. 7. The proposed directional sign locations have been removed from the site plan. 8. A detail of the proposed 6-foot masonry wall has been provided (to be finished with precast concrete product similar to "Suretouch" by Oldcastle). 9. Elevations have been provided showing the building, proposed water feature and wall signs. Sheet RZ1 also identifies location of proposed water feature. 10. A note has been added to RZ3 "Preliminary Planting Plan" stating plant species may be administratively modified and such modifications will be in conjunction with Urban Forestry. 11. A CDOT comment has been addressed by relocating the proposed driveway further north. 12. The following sentence has been added to Note 2b: "The vacuuming equipment used must meet the following specification: the vacuum equipment utilized may not generate more than 71 decibels at ten (10) feet."
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- 13. The following sentence has been added to Note 3a: "The Petitioner, if allowed by CDOT, will install white tubular delineator markers to delineate this left turn from the outside through lane on Park Road.
- 14. The following sentence has been added to Note 5e: "An automatic irrigation system will be installed in these landscape areas."
- 15. Development Standard Note 8 has been changed from "Lighting" to "Lighting and Security" and reads as follows: "The Petitioner will install a motion activated security system that will activate a two-way speaker system that notifies trespassers that they must leave or the police will be notified."
- 16. Language has been added to Note 8e allowing the petitioner to reserve the right to install a six foot black vinyl coated chain link fence along the southwestern boundary of the site as generally indicated on sheet RZ-1.

VOTE

Motion/Second:	Griffith/Zoutewelle
Yeas:	Allen, Fallon, Griffith, Johnson, Lipton and Zoutewelle
Nays:	None
Absent:	Phipps
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that all outstanding items had been addressed, and identifying items that had been added to the site plan in an effort to continue to work with the nearby residential areas on the proposed facility. Committee members discussed the uses directly abutting the subject property and the existing traffic in this area, noting that the parcel does not have a "residential" feel to it. A Committee member stated that the product as proposed is much better than the existing vacant building that is open to vandalism, and more than what the nearby neighborhoods could ask for. Another Committee member noted that the conditional site plan process is a tool that can be used to promote compatibility. There was no further discussion of this petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee. The *South District Plan* recommends parks and open space for the subject property. Although parks and open space may not be as realistic as it once was, other uses that are not automobile oriented would be more acceptable than the proposed car wash. Examples would include institutional uses such as schools, churches, daycares and other low impact office uses.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
On March 31, 1980, City Council approved Special Use Permit (SUP) 1980-02 to allow the operation of a child care facility on the subject property. The approved child care center is no longer in operation.

- **Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
 - Proposed car wash facility.
 - Car wash facility to be limited to following hours of operation: 7:00 a.m. to 8:00 p.m.
 - Primary vacuuming and cleaning operation to be located within the building. The proposed vacuuming equipment will be outfitted with a muffling device at the discharge point to lessen the noise. Some minor touch up vacuuming will be allowed behind the proposed building. Vacuum equipment not to exceed 71 decibels at ten feet.
 - Proposed building to be located at the corner of Park Road and Tyvola Road, with no parking, driveways or maneuvering for parking or driveways to be allowed between the proposed building and the rights-of-way.
 - Implementation of the following transportation improvements (subject to CDOT approval):
 - Construction of a southbound left turn lane on Park Road into Closeburn Road.
 - Construction of an eastbound directional cross-over in the median of Tyvola Road to the existing driveway for the SouthPark Corners condominiums.
 - Installation of a no U-Turn sign on Park Road, at its intersection with Tyvola Road.
 - A 30-foot landscape setback along Park Road and a 20-foot landscape setback along Tyvola Road, to be improved with a series of layers of evergreen and deciduous trees and shrubs.
 - An eight-foot planting strip with street trees and a new six-foot sidewalk along Park Road. The existing sidewalk will remain along Tyvola Road due to the existing topography.
 - Water feature and associated landscaping proposed at the corner of Park Road and Tyvola Road.
 - Proposed improvements to the existing landscaping located in the City right-of-way in the northeast quadrant of the intersection of Tyvola Road and Park Road, utilizing landscape materials that will complement the landscaping and appearance of the landscaping located in the other quadrants of the intersection (with City approval).
 - Proposed building to be designed and constructed with a modular green roof system that will utilize a mix of sedum plants.
 - Four-sided architecture to consist of a combination of brick, stone, simulated stone, pre-cast stone, stucco, synthetic stucco and glass.
 - Roof top HVAC and related mechanical equipment not allowed and to be located behind the building with screening.
 - A six-foot masonry wall along Park Road and a portion of Tyvola Road.
 - Maximum building height of 28 feet.
 - Detached lighting not to exceed 20 feet in height.
 - One ground mounted detached sign proposed at entrance onto Park Road, not to exceed seven feet in height or contain more than 48 square feet of sign face area. Sign will have a base constructed of the same building materials used on the proposed building (reduced from the permitted 30-foot maximum height and 100 square-foot maximum sign face area).

- **Public Plans and Policies**

- The *South District Plan* (1993) shows the subject property as park/open space. The district plan calls for clustering of retail and commercial uses along Park Road to the north in the Selwyn Road vicinity, and to the south in the Gleneagles Road/Sharon Road West vicinity. The segment of Park Road between these commercial clusters is shown as residential and institutional uses.
- This petition is inconsistent with the *South District Plan*.

- **Staff Recommendation (Updated)**

- Staff disagrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.

- **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Reduces ground level temperatures by proposing a modular green roof system that will utilize a mix of sedum plants.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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