

<b>REQUEST</b>	Current Zoning: R-22MF, multi-family residential Proposed Zoning: B-2(CD), general business, conditional
<b>LOCATION</b>	Approximately 1.82 acres located on the southwest corner of the intersection of Park Road and Tyvola Road and Fairview Road.
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone property in order to accommodate a car wash facility, institutional uses or office uses.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of this petition. This petition is inconsistent with the <i>South District Plan</i> . Further, this auto-oriented commercial use is inconsistent with the residential character of the surrounding area.
<b>PROPERTY OWNER</b>	BRLR NC, LLC
<b>PETITIONER</b>	CAH Holdings, LLC
<b>AGENT/REPRESENTATIVE</b>	Jeff Brown and Keith MacVean, King and Spalding, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

#### **PLANNING STAFF REVIEW**

- **Background**
  - On March 31, 1980, City Council approved a Special Use Permit (SUP) 1980-02 to allow the operation of a child care center 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 uses include car wash facility, institutional uses or offices.
  - 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.
  - 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).
- **Existing Zoning and Land Use**
  - The subject site contains a vacant 5,713 square-foot building that was constructed in 1980 and previously accommodated a child care facility. To the north, northeast, east, and southeast are single family homes, townhomes and condominiums on properties zoned R-3, R-12MF, R-17MF, R-22MF and UR-C(CD). To the south, southwest, west and northwest are a public park, a Duke Power sub-station, and the Sugar Creek Wastewater Treatment Facility on properties zoned R-4.
- **Rezoning History in Area**
  - Recent rezonings approved in the area include:
    - Rezoning Petition 2007-053 rezoned approximately 3.0 acres located west of Park Road on the north side of Fairview Road from R-8MF and R-3 to UR-C(CD) in order to accommodate a maximum of 65 residential units.
    - Rezoning Petition 2009-035 rezoned approximately 3.98 acres located at the southwest corner of Fairview Road and Park South Drive from R-43MF to MUDD-O to add 50 age-restricted residential units and 10,000 square feet of ground floor retail to a site containing 163-unit age restricted housing units.
- **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.
  - The petition is inconsistent with the *South District Plan*.

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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:**
  - The proposed driveway to Park Road is located too close to Closeburn Drive. CDOT recommends that the site plan be modified to relocate the driveway approximately 25 feet further north.
  - **Vehicle Trip Generation:**  
Current Zoning: 400 trips per day.  
Proposed Zoning: 300 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.

- **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.

**OUTSTANDING ISSUES**

- The petitioner should:
    1. Amend Note 2 to include institutional and office uses as permitted uses as referenced in "Permitted Uses & Development Limitations".
    2. Remove the note stating the accessory buildings and structure will not be considered in any limitations on the number of buildings on the site.
    3. Label the zoning of adjacent properties.
    4. Provide a minimum five-foot pedestrian connection from the building to the proposed sidewalk along Park Road.
    5. Label width and location (i.e., back of curb) of existing sidewalk proposed to remain along Tyvola Road.
    6. Add "possible location" to the water quality areas identified on the site plan.
    7. Remove the proposed directional sign locations from the site plan.
    8. Provide a detail of the proposed six-foot masonry wall.
    9. Provide elevations referenced in Note 4, Note 7.c and Note 5.d.
    10. Add a note to RZ3 "Preliminary Planting Plan" to allow the plant species to be administratively modified. Such modifications will be in conjunction with Urban Forestry.
    11. Address CDOT comment.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- 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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