

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
LOCATION	Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Moss Road Development Partners Moss Road Development Partners Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<p>The proposed office building is found to be consistent with the <i>Steele Creek Area Plan</i> and the proposed retail/automobile services use is found to be inconsistent with the <i>Steele Creek Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends office uses for the subject property. <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The proposed retail use is less intense than office from a traffic perspective and the applicant has worked to develop a plan that addresses building elevations, site design and relationship to the neighborhood; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A Development Data Table has been provided that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum). 2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road. 3. CATS, CDOT, Engineering and Property Management, and Storm Water Services comments have been addressed as per the following: <ol style="list-style-type: none"> a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements. b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting. c. In response to Engineering and Property Management's request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.
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d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.

4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaries, and will be limited to a maximum 25 feet in height.

VOTE

Motion/Second:	Nelson/Sullivan
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Planning staff reviewed the request with the Committee, noting that all outstanding issues were addressed by the petitioner except for the inconsistency of the proposed retail use with the adopted plan. A Commissioner requested clarification regarding the sale of parts, and the Committee suspended the rules to allow the agent to speak.

Mr. Walter Fields clarified that parts would be sold only to customers having vehicles serviced at the proposed facility and is not a place to go to buy a case of oil or tires. Committee members then discussed transportation related items, including the angled intersection and trip generation for retail versus office.

Another Commissioner questioned staff’s rational for recommending denial when it is based on the existing conditional site plan which simply reflects what was previously approved. Staff noted that prior to the 2007 rezoning the site was zoned R-3 (single family residential) and that staff did not support the rezoning of the site to NS (neighborhood services).

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee, as the retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office uses. In addition, the subject property is adjacent to single family residential and there are other opportunities for this type of use on South Tryon Street.

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

PLANNING STAFF REVIEW

• **Background**

- The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the *Southwest District Plan*, which recommended single family residential up to three dwelling units per acre.

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
- Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
- Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the

requirements of the ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.

- Removes 25-foot height maximum for detached lighting.
 - Provides elevations of the proposed automotive services building.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends office land uses for this site.
 - The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

1. The retail component of the proposed request is inconsistent with the adopted plan recommendation from office uses.
 2. Limit uses to personal services and eliminate retail uses.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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