

<b>REQUEST</b>	Current Zoning: R-3 (single-family) and NS (neighborhood services) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
<b>LOCATION</b>	Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating/drinking/entertainment uses.
<b>PROPERTY OWNER</b>	Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	QuikTrip Corporation John Carmichael; Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STATEMENT OF CONSISTENCY</b>	<p>This petition is found to be inconsistent with the <i>Northeast Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The Northeast District Plan recommends residential land uses for the site; and</li> <li>• The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and</li> <li>• The proposed site design and layout is inconsistent with the adopted policies.</li> </ul> <p>Therefore, this petition is found not 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"> <li>• The petition is inconsistent with the adopted area plan; and</li> <li>• The proposed site design and layout is inconsistent with adopted policies;</li> </ul> <p>By a 5-2 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-2 to recommend <b>DENIAL</b> of this petition. The following modifications have been made:</p> <ol style="list-style-type: none"> <li>1. A note has been added that accessory service windows will not be allowed on the site.</li> <li>2. The proposed parking has been removed from the 30-foot setback along Salome Church Road.</li> <li>3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension.</li> <li>4. A note has been added that "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area."</li> <li>5. Possible tree save areas have been labeled and shown on the site plan.</li> <li>6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."</li> <li>7. The proposed building materials on the proposed elevations have</li> </ol>
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- been labeled.
8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
  9. A note has been added that pole signs will not be allowed.
  10. References to the proposed signage have been removed from the site plan.
  11. Amended Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."
  12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
  13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
  14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management.
  15. Identification signage will be limited to 50 square feet and a height of seven feet.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented the petition and stated all except one outstanding issue had been addressed. After reviewing the modifications to the site plan since the public hearing, staff stated that the rezoning request is inconsistent with the adopted area plan and it was recommended for denial.

A committee member asked if the design of the gas station changed would staff be able to recommend approval. Staff responded that even with the changes the request would still be inconsistent with the adopted area plan.

Another member asked if the West Pavilion Boulevard extension had been funded yet. Staff responded that the extension had not been funded but is on the adopted Thoroughfare Plan. Staff provided information to the committee that the existing commercial development along the southern side of North Tryon Street had a pre-submittal meeting to discuss developing a new gas station. The committee discussed whether the site could be developed with residential land uses. Staff responded that they could not provide that information but noted that the area plan recommended up to 12 residential units per acre for the subject property. A member of the committee expressed concerns that the proposed building could not be designed to be pulled to the street and address staff's design comments.

Several members brought up concerns that they thought the area was changing with Interstate 485 and the adopted area plan was not consistent with the transition and change in the area along North Tryon Street and felt they could support the petition.

There was no further discussion of the petition.

**MINORITY OPINION**

The minority of the Commissioners felt that the proposal was appropriate given the age of the area plan and age of the existing multi-family in the area. With the extension of Pavilion Boulevard they

felt the dynamics and transition in the area was changing along the north side of North Tryon Street.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Background**

- Petition 2007-143 rezoned 0.93 acres of the subject site located at the intersection of North Tryon Street and West Pavilion Boulevard to NS (neighborhood services) to allow the possible development of a 10,000-square foot building for general and medical office uses.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- An 8,000-square foot building for a convenience store with gasoline sales; eating/drinking/entertainment establishments; and retail uses.
  - Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
  - An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
  - Elevations of the proposed structures.
  - Maximum building height of 25 feet.
  - Detached lighting limited to 24 feet in height.
  - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
  - A 49-foot Class "B" buffer adjacent to residentially zoned properties.
  - Proposed screening shrubs and tree plantings provided along all public street frontages.
  - Site access from Salome Church Road and West Pavilion Boulevard.
  - Accessory service windows will not be allowed on the site.
  - 0.57 acres to be dedicated for the future West Pavilion Boulevard Extension.
  - Large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
  - A northbound right-turn lane with a minimum of 100 feet of storage on Salome Church Road. Extension of the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
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- **Public Plans and Policies**
    - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
    - This petition is inconsistent with the *Northeast 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 issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Charlotte-Mecklenburg Utilities:** 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.
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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**

- Land Use
    - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.
  - The petitioner should:
    1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

**Planner:** Solomon Fortune (704) 336-8326