

REQUEST	Current Zoning: R-3 (single-family) and NS (neighborhood services) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	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)
SUMMARY OF PETITION	The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating, drinking and entertainment uses.
STAFF RECOMMENDATION	Staff recommends denial of this petition. This petition is inconsistent with the <i>Northeast Area Plan</i> , which recommends residential land uses, up to 12 units per acre for the parcels zoned R-3 (single family, residential) and office land uses for the parcels zoned NS (neighborhood services). In addition, the adopted area plan limits most of the retail uses to the opposite side of North Tryon Street and there exists a large amount of undeveloped land zoned appropriately for the proposed use. The proposed site design and layout is inconsistent with adopted policies.
PROPERTY OWNER	Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.
PETITIONER AGENT/REPRESENTATIVE	QuikTrip Corporation John Carmichael; Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

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 and 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.
 - Dedication of future right-of-way for future West Pavilion Boulevard Extension.
 - Site access from Salome Church Road and West Pavilion Boulevard.
- **Existing Zoning and Land Use**
 - The subject property is currently zoned R-3 (single family residential) and NS (neighborhood services) and is vacant.
 - The surrounding properties are zoned R-3 (single family residential), R-12MF (CD) (multi-family

residential, conditional), R-22MF(multi-family residential), NS (neighborhood services), and CC (commercial center) and are vacant or developed with residential and commercial structures.

- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **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*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petitioner should show and add the following transportation improvements to the site plan:
 - Add a southbound right turn-lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
 - Provide a northbound right turn-lane with a minimum of 100 feet of storage on Salome Church Road at the site's proposed access "A."
 - Extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
 - **Vehicle Trip Generation:**
Current Zoning: 600 trips per day.
Proposed Zoning: 10,800 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Petitioner should provide a wetlands letter for the subject site.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

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.

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.

- If considered for approval, the petitioner should:
 1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
 2. Add a note that accessory service windows will not be allowed on the site.
 3. Remove the proposed parking from the 42-foot setback along Salome Church Road.
 4. Remove the proposed dumpster from the 42-foot setback along Salome Church Road.
 5. Label the width and amount of land being dedicated for West Pavilion Boulevard extension. Petitioner should dedicate 65 feet from centerline along both sides of the proposed thoroughfare.
 6. Show possible tree save areas on the site plan.
 7. Modify conditional note under Maximum Gross Floor Area to read "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 square footage."
 8. Modify Note 1 under Architectural Standards to add "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."
 9. Remove Note 3 under Architectural Standards. Label the proposed building materials on the proposed elevations.
 10. Add a note 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.
 11. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to seven feet in height and 50 square feet.
 12. Remove references to proposed locations for detached signage.
 13. Amend Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."
 14. Replace "restaurant" with "eating, drinking and entertainment establishment" under Permitted Uses.
 15. Address discrepancy of site area as listed in Note 1 under General Provisions and the Site Data Table.
 16. Address Transportation comments.
 17. Address Engineering and Property Management comment.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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