

REQUEST	Current Zoning: B-1SCD (business shopping center) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up 10,000 square feet of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	PMT Partners V, LLC PMT Partners V, LLC Jeff Brown and Keith MacVean/Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent 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 retail uses for this site. <p>Therefore, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and • The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and • The proposed use does not create additional impervious surface area; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The language in the Site Data Table has been amended to prohibit a convenience store with gasoline sales and an automobile service station with gasoline sales. 2. The parking information in the Site Data Table has been amended to specify that the rezoning site will be looked at as part of the York Ridge Shopping Center for the purposes of calculating required parking for the allowed uses. Parking will be provided at the rate of one space per 250 square feet of gross floor area. Parking for the site may be located on the area zoned B-1 (neighborhood business) as well as portions of the site zoned B-1SCD (shopping center). 3. Permitted Uses and Development Area Limitation Note 2.a. has been amended to read: "The site may be developed with 10,000 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1 zoning district, including without limitation, personal service uses as defined below and one fast food restaurant with an accessory drive-through window, subject, however, to the restrictions and requirements in section 2.b. and 2.c. below." 4. Permitted Uses and Development Area Limitation Note 2.b. has been modified to read: "In no event shall a convenience store with
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- gasoline sales or an automotive service station with gasoline sales be located on the site.”
5. Language defining “gross floor area” or “GFA” has been removed from paragraph under Permitted Uses and Development area Limitation Note 2.b.
 6. Permitted Use and Development Area Limitation Note 2.c. has been added to read: “Administrative Amendment as to Adjacent York Ridge Shopping Center. Prior to issuance of a building permit for the uses permitted on the Site as described in Section 2a. above, the Petitioner shall have received approval from the Planning Department of an administrative site plan amendment associated with the Conditional Rezoning Plan/Petition governing the adjacent York Ridge Shopping Center stating that:
 - I. the total combined gross floor area of the uses located on the adjacent York Ridge Shopping Center and the Site (including the pending approval uses) does not exceed 120,000 square feet;
 - II. in the event that a restaurant with an accessory drive-through window is constructed and operational on the site as allowed in Section 2.a. above, the adjacent York Ridge shopping Center shall not be allowed to contain a restaurant with an accessory drive through window;
 - III. no convenience store with gasoline sales or automotive service station with gasoline sales will be permitted; and
 - IV. if the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.”
 7. Notes have been removed related to minimum ordinance requirements for: Access and Transportation, Environmental Features, Streetscape, Buffers, Yards, and Landscaping, and Signage.
 8. Streetscape, Buffers, Yards, and Landscaping Note 5.d. has been amended to read “Storm water and water quality structures may be located within the setback/buffers established along S. Tryon Street as generally depicted on the rezoning plan (the existing BMP is located in the setback).”
 9. “Alternate Plan” has been modified to show a building footprint with a (new) possible drive-through service window.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed the background on and presented the petition to the Zoning Committee. Staff noted that the site plan was amended to allow a new outparcel with up to 10,000 square feet of retail, or a restaurant with a drive-through service window. The uses were modified to prohibit convenience store with gasoline sales and an automobile service station with gasoline sales. In addition, if the outparcel develops as a restaurant with a drive-through accessory window, no additional restaurants with drive-through accessory windows will be allowed in the overall center. Staff noted that the petition is consistent with the *Steele Creek Area Plan*, which recommends retail uses for the property.

One Commissioner noted that the community was happy about the changes to the plan. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• **Background**

- Rezoning petition 1988-005C rezoned approximately 130 acres to allow a mix of single family and multi-family residential development, an institutional use, and up to 120,000 square feet of commercial uses. The subject property was included in the 13.9 acres that allowed commercial uses. The approved site plan for the commercial uses provides 50-foot landscaped buffers along Moss Road and South Tryon Street, a 50-foot landscaped buffer along the east property line, and a 25-foot landscaped buffer along the north property line. Subsequent administrative approvals for the site pertained to modifications to design to accommodate a new building on the outparcel, and a reduction in the 50-foot setback along South Tryon Street with the setback varying due to right-of-way required by NCDOT.
- At its June 24, 2015 meeting, the Zoning Committee voted 6-0 to recommend approval of the subject rezoning petition subject to modifications. The petitioner name has since changed (formerly Childress Klein). The site plan has been amended and convenience stores with gasoline sales or automobile service stations with gasoline sales have been eliminated as allowed uses on the site. In addition, one restaurant with an accessory drive-through window is now permitted subject to conditions.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 10,000 square feet of gross floor area of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
- Prohibits a convenience store with gasoline sales use, or an automobile service station.
- Commits to filing an administrative amendment and receiving approval prior to issuance of a building permit that:
 - Restricts total combined gross floor area of the uses located on adjacent York Ridge Shopping Center and rezoning site to 120,000 square feet;
 - In the event an EDEE (eating drinking entertainment establishment) with an accessory drive-through window is constructed and operational on the site, the adjacent York Ridge Shopping Center will not be allowed to contain an EDEE (eating drinking entertainment establishment) with an accessory drive-through window;
 - Prohibits a convenience store with gasoline sales use, or an automobile service station with gasoline sales on the site;
 - If the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.
- Provides an "Alternate Plan" that shows proposed building footprint with an accessory drive-through service window.
- Commits to acquiring an administrative approval request accurately reflecting permitted and prohibited uses, maximum square footage, and required parking for the overall shopping center prior to the issuance of building permits.
- Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
- Buildings will be architecturally compatible with the existing shopping center.
- Maximum of one (1) principal building.
- Modifications to existing shopping center parking lot to accommodate the new use and vehicular circulation.
- Modifications to an existing driveway on South Tryon Street.
- Provides a new sidewalk connecting the proposed parking area to the existing sidewalk along South Tryon Street.
- Provides a 35-foot building setback along South Tryon Street where 20 feet is required per the B-1 (neighborhood business) district. Current B-1SCD (business shopping center) zoning requires a 35-foot setback, and the proposed 35-foot setback will provide for uniformity with existing buildings.
- Maintains the existing 50-foot buffer along the eastern property boundary.
- Retains the existing sidewalk and planting strip along the project frontage on South Tryon Street.

- Detached lighting limited to 25 feet in height. All new lighting shall be full cut-off type fixtures.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **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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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department 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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