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<b>REQUEST</b>	Current Zoning: B-1SCD (business shopping center) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
<b>LOCATION</b>	Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 10,000 square feet of uses permitted in the B-1 (neighborhood business) district including personal service uses and one accessory drive-through window.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Steele Creek Area Plan</i> . However, the petition needs to modify conditions to limit uses to gasoline sales with a small retail component as shown on the site plan.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	PMT Partners V, LLC Childress Klein (Attn: John Dosser) Jeff Brown and Keith MacVean/Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

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## **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.

### **• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Establishes an automotive service station on a 1.56-acre portion of an existing 12.58-acre shopping center.
- Allows up to 10,000 square feet of gross floor area of principal and accessory uses allowed in the B-1 (neighborhood business) zoning district.
- 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.
- Allows only one use with an accessory drive-through window on the site.
- Maximum of two principal buildings.
- 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 signage limited to 50 square feet in area and four feet in height.
  - Detached lighting limited to 35 feet in height. All new lighting shall be full cut-off type fixtures.
  - **Existing Zoning and Land Use**
    - The rezoning site is part of a shopping center constructed in 1999, which is surrounded by a mix of residential development, institutional, office, industrial/warehouse, and undeveloped acreage on properties in various zoning districts. An outparcel on the shopping center site is developed with a one-story building that was previously a retail use and is now occupied by a religious institution.
  - **Rezoning History in Area**
    - Petition 2014-042 rezoned approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road to NS SPA (neighborhood services, site plan amendment) 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.
    - Petition 2011-45 rezoned 20.6 acres located on the north side of South Tryon Street across from Savannah Club Drive to INST(CD) (institutional, conditional) to allow an age restricted multi-family development consisting of up to 240 elderly dwelling units, 13 disabled dwelling units, a 25,000-square foot adult care center and an accessory 100-seat chapel.
  - **Public Plans and Policies**
    - The *Steele Creek Area Plan* (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.
    - The petition is consistent 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 issues.
  - **Transportation:** No issues.
    - **Vehicle Trip Generation:**
      - Current Zoning: 7,650 trips per day.
      - Proposed Zoning: 8,800 trips per day.
  - **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.
  - **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.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Eliminate all uses except for the gas station.
  2. Adjust the west rezoning line so that it does not bisect parking spaces.

3. Submit an administrative approval request that accurately reflects uses, maximum square footage (not to exceed 120,000 square feet including proposed fuel sales), and required parking for the overall shopping center.
  4. Remove bullets under Note 1c as this information is already covered with reference to Section 6.207 of the ordinance.
  5. Modify Note 1d to note that the total number of principal buildings to be developed on the site shall not exceed one.
  6. Remove second sentence in General Provisions Note 1e.
  7. Modify language under heading Signage to state signage will be provided per ordinance.
  8. Limit detached lighting to a maximum height of 25 feet.
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**Attachments Online at [www.rezoning.org](http://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 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

**Planner:** Claire Lyte-Graham (704) 336-3782