

REQUEST	Current Zoning: B-1 (PED) (neighborhood business, pedestrian overlay) Proposed Zoning: MUDD-O (PED) (mixed use development, optional, pedestrian overlay)
LOCATION	Approximately 0.909 acres located on the south side of West Trade Street between Grandin Road and Interstate 77. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to redevelop the site with a new building with an accessory drive-through window to accommodate the existing eating/drinking/entertainment establishment or another non-residential use.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the <i>West End Land Use and Pedscape Plan</i> . The proposed site layout for the new building and the accessory drive-through window are inconsistent with the plan. The plan promotes an urban pedestrian experience along this segment of West Trade Street by moving buildings closer to the street and providing usable urban open space. However, the request involves the redevelopment of the site to accommodate an existing restaurant with drive-through services on a parcel that is located adjacent to a major interchange for Interstate 77. Enhancements to the site design make the proposed development more pedestrian friendly than the existing site development.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	South Central Oil Co., Inc. Bojangles' Restaurants, Inc. 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: 3

PLANNING STAFF REVIEW

- **Background**
 - Rezoning petition 2006-034 established the Pedestrian Overlay District (PED) on various properties totaling approximately 310 acres, including the subject site. The purpose of the overlay is to re-establish an urban fabric by promoting a mixture of uses in a pedestrian setting of moderate density as recommended in the *West End Land Use and Pedscape Plan*.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Redevelopment of the site containing an existing eating/drinking/entertainment establishment and construction of a new building with an accessory drive-through window and associated parking area.
 - Maximum height of a building devoted to an eating/drinking/entertainment establishment is 35 feet.
 - Allows all uses by right or under prescribed conditions in the MUDD (mixed use development) district.
 - In the event that the site is redeveloped with a building devoted to a use or uses other than an eating/drinking/entertainment establishment with an accessory drive-through window, the maximum gross floor area of the building shall be as allowed under the ordinance.
 - Allows a one-way drive aisle with a proposed entrance and a proposed exit onto West Trade Street (as site currently operates).
 - Proposes a 10-foot landscaped buffer along the northwest property line.
 - Dedication and conveyance to the City of Charlotte (subject to a reservation for any necessary utility easements) right-of-way measuring 40 feet from the existing centerline of West Trade Street.

- Allows the maximum height of any freestanding lighting to be 30 feet.
- Provides that the tree save is to be met via “payment in lieu” option.
- Building elevations (front, left side, right side and rear).
- Optional provisions being requested are:
 - Allow an accessory drive-through window associated with an eating/ drinking/entertainment establishment.
 - Allow dumpster enclosure to be located on site as depicted on the rezoning plan.
 - In lieu of constructing and installing an eight-foot planting strip and a six-foot sidewalk along the site’s frontages on West Trade Street and South Summit Avenue, the petitioner will, prior to the issuance of a certificate of occupancy for any new building constructed on the site, construct and install a new seven-foot sidewalk at the back of curb along the site’s frontage on West Trade Street, and a new six-foot sidewalk and accessible ramps along the site’s frontage on South Summit Avenue provided that the petitioner can obtain an encroachment agreement from CDOT and all required permits and approvals. If the petitioner cannot obtain such agreement, permits and approvals, the petitioner shall not be required to construct and install these sidewalks and accessible ramps and the existing sidewalks and accessible ramps may remain in place. Note that *The West End Land Use and Pedscape Plan* calls for an eight-foot planting strip with trees, an eight-foot sidewalk, and an eight-foot amenity area for landscaping, paved dining, extended sidewalk, or merchandising on this portion of West Trade Street. Also the plan allows an option for recessed on-street parking. South Summit Avenue requires a six-foot sidewalk and eight-foot planting strip.
 - Allow surface parking and maneuvering space to be located between the permitted use on the site and the required setback as depicted on the rezoning plan.
 - Allow the existing planting area located behind the sidewalk along the site’s frontage on West Trade Street to remain in place.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with an eating/drinking/ entertainment establishment, with an accessory drive-through service window. Surrounding parcels are zoned R-5 (single family residential), R-8MF (multi-family residential), R-22MF (multi-family residential), UR-2 (urban residential) and B-1 (neighborhood business) and MUDD(CD) (mixed use development, conditional) and developed with a mixture of single family, duplex, multi-family, institutional and commercial uses. Properties south and west of the site are within the Wesley Heights Historic District Overlay and properties to the north are located within the West End Pedestrian Overlay District.
- **Rezoning History in Area**
 - Petition 2014-89 rezoned 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue to UR-2(CD) (HD-O) (urban residential, conditional, historic overlay) and UR-2(CD) (HD-O) (PED) (urban residential, conditional, historic overlay, pedestrian overlay) to allow up to 48 for-sale residential units consisting of an existing quadraplex and 44 single family attached units.
 - Petition 2011-025 rezoned approximately 1.6 acres located on the northwest corner at the intersection of Wesley Heights Way and Duckworth Avenue to UR-3(CD) PED-O SPA (urban residential, conditional, pedestrian overlay, optional, site plan amendment) to allow a 40-unit elderly multi-family housing facility.
- **Public Plans and Policies**
 - The *West End Land Use and Pedscape Plan* (2005) recommends a mixture of multi-family, office, retail for the subject site.
 - The proposed land use is consistent with the *West End Land Use and Pedscape Plan* (2005). The proposed site design layout of the new building and the accessory drive-through window are inconsistent with the plan, which recommends that buildings be brought to the public sidewalk and that parking, and vehicular maneuvering be located to the side or rear of buildings.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** This site is located along the proposed alignment for a future extension of the LYNX Gold Line. The LYNX Gold Line project will partially realign West Trade Street along the front of this site, and the design includes new curb and sidewalk along the site’s frontage. For now, the petitioner may retain the curb and sidewalk in their current location. The petitioner is requested to dedicate public right-of-way along the site’s frontage to accommodate the new curb line, and to dedicate a sidewalk utility easement for the new sidewalk.

- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 5,600 trips per day.
Proposed Zoning: 2,800 trips per day.
 - **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 Water:** No comments received.
 - **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*.
 - Minimizes impacts to the natural environment by redeveloping on an infill parcel.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend zoning of property to the southeast to state UR-2(CD) (via petition 2014-089).
 2. Note zoning of other abutting and adjacent properties.
 3. Amend Development Data to state proposed zoning is MUDD-O (PED).
 4. Clarify the maximum height of new buildings. Architectural and Design Standards Development Note C has a blank for maximum height.
 5. Label setback along West Trade Street to indicate back of curb.
 6. Development notes specify maximum 4,100 square feet of building area. Footprint on site plan indicates 3,886 square feet. Correct this conflict.
 7. Remove portion of General Provisions Development Note E that allows redevelopment of the site devoted to any MUDD (mixed use development) use, as long as maximum height does not exceed 120 feet. Add a note that states that redevelopment of the site for any use other than the existing EEDE will comply with the standards of the B-1 PED (neighborhood business, pedestrian overlay) district.
 8. Optional request regarding streetscape incorrectly states that the required sidewalk along this portion of West Trade Street is six feet. Per the adopted plan, the required sidewalk width is eight feet.
 9. Remove references to an "alternative building" in General Provisions Development Note E.
 10. Specify what is requested in Optional Note B.
 11. Confirm if an optional provision is needed to accommodate the size of the menu board, or if it will meet ordinance requirements.
 12. Remove Notes B, C, and D under General Provisions and replace them with a statement that any modifications to the site plan shall comply with Section 6.207.
 13. Address CATS and Engineering comments.
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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

- 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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