

REQUEST	<p>Current Zoning: B-2 LLWPA (general business, Lower Lake Wylie Protected Area) and CC LLWPA (commercial center, Lower Lake Wylie Protected Area)</p> <p>Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)</p>
LOCATION	<p>Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)</p>
SUMMARY OF PETITION	<p>The petition proposes to allow the construction of a truck stop facility which includes a convenience store, attached restaurant drive-through service window, and a tire shop. The rezoning site is primarily vacant, with a small portion developed with an eating/drinking/entertainment establishment built in 1970 that will be demolished as part of this project.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>Jordan Sam Wilson Properties LLC Loves Travel Stop and Country Store N/A</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8</p>
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Catawba Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends retail land uses for this site. • 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: <ul style="list-style-type: none"> • The truck stop use, while only allowed in the I-2 (general industrial) zoning district, is in essence a retail use; and • The site is in a Growth Corridor, and is surrounded by existing industrial uses, or areas recommended for office/industrial land uses in the adopted area plan; and • The rezoning site sits at a major interchange (Interstate 85), making its location appropriate for a retail use as recommended by the area plan; <p>By a 6-0 vote of the Zoning Committee (motion by Majeed, seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> 1. Revised the site plan to locate the future back of curb for the northbound approach of Sam Wilson Road at West Pointe. 2. Revised the site plan to dedicate additional right-of-way in fee simple along the site's Sam Wilson Road frontage and to depict a 70-foot by 70-foot SUE (sidewalk utility easement) on the southeast quadrant of Sam Wilson Road and West Pointe Drive to provide for possible future traffic signal hardware or a future roundabout. 3. Added a conditional note stating: "All transportation improvements must be completed and approved before the site's first building certificate of occupancy is issued."
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	<p>4. Added a note indicating how the internal (inbound) storage for trucks waiting to fuel will be managed to prevent trucks queuing into the public street, which is a zoning violation.</p> <p>5. Added a conditional note to the site plan that states the following: "The petitioner agrees to contribute \$85,000.00 (i.e. estimated costs of a wooden pole traffic signal) for the design and implementation of a future transportation improvement at the subject intersection when warranted by NCDOT and CDOT. If Sam Wilson Road/West Pointe Drive intersection transportation improvements are not determined necessary five (5) years after City Council approval, funding will be returned to the petitioner at his request."</p> <p>6. Removed the note that calls out a future back of curb to be located 30.5 feet from Sam Wilson's centerline to back of curb.</p> <p><u>Land Use</u></p> <p>7. Clarified that the uses will be limited to a convenience store with associated restaurant with drive-through service, tire service shop, and fuel sales.</p> <p><u>Technical Revisions</u></p> <p>8. Indicated the percentage of impervious surface as the property is located in the Lower Lake Wylie Protected Area.</p> <p>9. Under Development Data Table, specified existing zoning of Tract B is B-2 LLWPA.</p> <p>10. Deleted the following language from General Provisions Note 2: "...regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the zoning administrator."</p> <p>11. Corrected typo to indicate rezoning petition 2016-049.</p> <p>12. Included the following note on the plan sheet under "Environmental Features": "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."</p>
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STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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VOTE

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

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

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Truck stop facility consisting of a 7,589-square foot retail convenience store, attached 3,253-square foot eating/drinking/entertainment establishment with drive-through service, and a 4,760-square foot tire service shop.
- Limits uses to a convenience store with associated restaurant with drive through service, tire service shop and fuel sales.
- Removes existing structure, pavement, and driveway entrances onto Sam Wilson Road on southwest corner of the site. No development will occur within this portion of the site to allow project to meet Lower Lake Wylie Protected Area impervious surface criteria.
- Limits access to two points on West Pointe Drive.
- Provides new curb 31.5 feet from centerline along the entire northbound frontage of Sam Wilson Road to accommodate two 11-foot wide travel lanes, a six-foot bike lane, and a two and a half-foot curb and gutter section. Improvements will extend from westbound Interstate 85 exit

ramp to West Pointe Drive. Curb line will terminate at West Pointe Drive as a right-turn lane lane.

- Improves pedestrian crossing at the existing southbound Interstate 85 exit ramp, which may include pedestrian refuge islands to make the crossing/area ADA compliant.
 - Extends northbound Interstate 85 exit ramp to provide 200 feet of storage. The single lane will end as the right-turn lane.
 - Extends the southbound Interstate 85 exit ramp to provide 200 feet of storage. The single lane ramp will end as the left-turn lane.
 - Located the future back of curb for the northbound approach of Sam Wilson Road at West Pointe.
 - Committed to dedicate additional right-of-way in fee simple along the site's Sam Wilson Road frontage and to depict a 70-foot by 70-foot SUE (sidewalk utility easement) on the southeast quadrant of Sam Wilson Road and West Pointe Drive to provide for possible future traffic signal hardware or a future roundabout.
 - Provides that: "All transportation improvements must be completed and approved before the site's first building certificate of occupancy is issued."
 - Indicates in a note how the internal (inbound) storage for trucks waiting to fuel will be managed to prevent trucks queuing into the public street, which is a zoning violation.
 - Includes a note on the site plan the states the following: "The petitioner agrees to contribute \$85,000.00 (i.e. estimated costs of a wooden pole traffic signal) for the design and implementation of a future transportation improvements at the subject intersection when warranted by NCDOT and CDOT. If Sam Wilson Road/West Pointe Drive intersection transportation improvements are not determined necessary five (5) years after City Council approval, funding will be returned to the petitioner at his request."
 - Provides the percentage of impervious surface as the property is located in the Lower Lake Wylie Protected Area.
 - Proposes parking lot fixtures to be a maximum height of 42 feet.
- **Public Plans and Policies**
 - The *Catawba Area Plan* (2010) recommends retail land uses for this site, specifying that retail land uses such as restaurants and gas stations are appropriate at this interstate interchange area.
 - The site lies within the West Growth Corridor, per the *Centers, Corridors and Wedges Growth Framework*, and is surrounded by properties recommended in the Catawba Area Plan for industrial and office/industrial land uses.
 - *General Development Policies-Environment* - The site lies within the Lower Lake Wylie Protected Area watershed zoning overlay district, and will be required to adhere to the impervious surface development regulations under that zoning overlay district.
 - **TRANSPORTATION CONSIDERATIONS**
 - This petition is in the ETJ (extraterritorial jurisdiction) and access is provided from two NCDOT maintained roadways. A Traffic Impact Study (TIS) was conducted and reviewed/approved by both NCDOT and CDOT. The petitioner is making substantial off-site transportation improvements including: providing turn lanes on both I-85 exit ramps, widening Sam Wilson Road, providing a thru/right-turn lane, and a six-foot bike lane improvement. The petitioner agreed to fund a wooden pole traffic signal if justified during the first five years after rezoning approval.
 - **Vehicle Trip Generation:**
Current Zoning: 1,800 trips per day (based on 5,600 square feet of restaurant use and 7,830 square feet of retail uses).
Proposed Zoning: 7,900 trips per day (based on 7,400 square feet of gas station/convenience store use and 3,300 square feet of restaurant use).

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 comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** Include the following note on the plan sheet under "Environmental Features": The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in

order to accommodate actual storm water treatment requirements and natural site discharge points.

- **Charlotte Water:** Charlotte Water currently has water system availability for the rezoning boundary via an existing 12-inch water main located along West Pointe Drive and sewer system availability for the rezoning boundary via an existing eight-inch sewer main located along West Pointe Drive.
- **Engineering and Property Management:** Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** The proposed project may be subject to certain air quality permit requirements in accordance with Mecklenburg County Air Pollution Control Ordinance Section 1.5200 - "Air Quality Permits." A letter of notification and copy of the regulations will be mailed directly to the petitioner by Mecklenburg County Air Quality.

Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

- **Mecklenburg County Parks and Recreation Department:** 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
- 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
- Transportation Review

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