

REQUEST	Current Zoning: B-2 LLWPA (general business, Lower Lake Wylie Protected Area) and CC LLWPA (commercial center, Lower Lake Wylie Protected Area) Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area)
LOCATION	Approximately 10.22 acres located on the southeast corner at the intersection of Sam Wilson Road and West Pointe Drive. (Outside City Limits)
SUMMARY OF PETITION	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.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Jordan Sam Wilson Properties LLC Loves Travel Stop and Country Store N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and allowed uses, and resolution of technical revisions.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Catawba Area Plan</i> recommendation for retail land uses for this site.</p> <p><u>Rationale for Recommendation</u></p> <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. • 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. • The rezoning site sits at a major interchange (Interstate 85), making its location appropriate for a retail use as recommended by the area plan.
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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 establishment with drive-through service, and a 4,760-square foot tire service shop.
- Prohibits the following uses: airports, amusements, heliports, tattoo establishments, abattoirs, adult establishments, jails and prisons, and junkyards.
- 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 center line along the entire north bound frontage of Sam Wilson Road to accommodate two 11-foot wide travel lanes, a 6-foot bike lane, and 2.5-foot curb and gutter section. Improvements will extend from west bound Interstate 85 exit ramp to West Pointe Drive. Curb line will terminate at West Pointe Drive as a right-turn lane only 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.
- Proposes parking lot fixtures to be a maximum height of 42 feet.
- **Existing Zoning and Land Use**
 - The site is predominantly vacant, with the exception of an eating/drinking/entertainment establishment built in 1970 that is located at the southwest corner of the site and will be demolished as part of this project.
 - Approximately 9.44 acres of the 10.22-acre rezoning site is part of 61.6 acres rezoned from B-1SCD (business shopping center) to CC (commercial center) and I-1(CD) (light industrial, conditional) via petition 1996-21C, to allow 85,000 square feet of retail uses and 500,000 square feet of warehouse/light manufacturing.
 - East of the rezoning site are warehouses zoned I-1(CD) (light industrial, conditional).
 - To the north are single family detached homes and warehouses zoned R-17MF (multi-family residential) and I-1(CD) (light industrial, conditional).
 - To the west, across Sam Wilson Road, are commercial, office, and industrial/warehouse uses zoned B-2 (general business), I-1 (light industrial), and BD (distributive business).
 - The site is bounded to the south by Interstate 85.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Catawba Area Plan* (adopted 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 Rd. providing a thru/right turn lane, and a 6-foot bike lane improvement. The petitioner agreed to fund a wooden pole traffic signal if justified during the first five years after rezoning approval. The petitioner has verbally agreed to address all outstanding transportation issues as noted below before the Zoning Committee Meeting.
 - See Outstanding Issues, Notes 1-5, and Requested Technical Revisions, Note 9.
 - **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:** See Requested Technical Revisions, Note 11.
- **Charlotte Water:** See Advisory Comments, Note 12.
- **Engineering and Property Management:** See Advisory Comments, Note 13.

- **Mecklenburg County Land Use and Environmental Services Agency:** See Advisory Comments, Notes 14 and 15.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. The petitioner has provided a dimension of 30.5 feet from the existing Sam Wilson Road centerline (see resolved comments #1 above) to accommodate a "typical mid-block pavement cross-section." However the petitioner needs to further revise the site plan to locate the future back of curb for the northbound approach of Sam Wilson Road at West Pointe Drive needs to be located 41.5' from the existing double yellow marking to accommodate three 11-foot travel lanes (a left-turn storage lane, thru lane, and a right-turn only lane) and a 6-foot wide bike lane. If one included the existing 12-foot wide departure lane, the full Sam Wilson Road pavement widening 150 feet south of West Pointe Drive needs to be 53.5' from edge of pavement on the west side to the future back of curb on the east (site) side.
2. Revise the site plan to dedicate additional right-of-way in fee simple or place the future six-foot sidewalk in a permanent Sidewalk Utility Easement (SUE) along the site's Sam Wilson Road frontage. The site plan also needs to be revised to depict a 70-foot by 70-foot SUE 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. Add a conditional note to the revised site plan stating: "All transportation improvements must be completed and approved before the site's first building certificate of occupancy is issued."
4. Revise the site to "reverse" the truck fueling stations so that the internal (inbound) storage for trucks waiting to fuel can be substantially increased. This increased storage should prevent trucks queuing into the public street which is a zoning violation. CDOT received a letter from Mr. Chad Bruner with Love's, dated March 16, 2016 and understand the site has been designed to accommodate approximately 18 large trucks waiting to fuel should the fueling configuration stay as shown on the current site plan. Please provide written documentation that trucks will not back into the public right-of-way.
5. The Traffic Impact Study indicated a future traffic signal is needed at the intersection of Sam Wilson Road/Performance Road/West Pointe Drive. The petitioner needs to add a conditional note to 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.

Land Use

6. Clarify the uses allowed on the site. The "Development Data Table" and the "Permitted Uses" are not consistent. Specify if fuel sales are proposed.

REQUESTED TECHNICAL REVISIONS

7. Indicate the percentage of impervious surface as the property is located in the Lower Lake Wylie Protected Area. Clarify this compliance with respect to Tract B.
8. Under Development Data Table, specify existing zoning of Tract B is B-2 LLWPA.
9. Delete 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,~~"
10. Correct typo to indicate rezoning petition 2016-049.
11. 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.

ADVISORY COMMENTS

12. 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 8-inch sewer main located along West Pointe Drive.
13. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.
14. 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.

15. 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.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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

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