

<b>REQUEST</b>	Current Zoning: R-17MF LLWPA (multi-family residential, Lower Lake Wylie Protected Area) Proposed Zoning: I-2(CD) LLWPA (general industrial, conditional, Lower Lake Wylie Protected Area), with five-year vested rights
<b>LOCATION</b>	Approximately 16.5 acres located on the west side of Toddville Road, north of Freedom Drive. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow an offsite parking lot expansion south of the existing FedEx ground facility located in an industrial area south of Rozzelles Ferry Road and north of Freedom Drive on primarily undeveloped acreage.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Janet N. Hicks and Frances N. Jones FedEx Ground Package System, Inc. M. Jay DeVaney
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be inconsistent with the <i>Northwest District Plan</i> recommendation for single family residential uses up to four units per acre, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends single family residential uses at up to four units per acre for this site.</li> </ul> </li> <li>• However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The proposed rezoning will allow a primarily vacant site to be used for employee and tractor trailer truck parking for the nearby FedEx facility; and</li> <li>• The subject property is located adjacent to industrial uses and the Mount Holly Road /Highway 16 Industrial Activity Center on the north and east, and residential development on the south and west; and</li> <li>• The site layout has been designed to minimize impacts on abutting residential development by locating the parking on the portion of the site furthest away from the nearby residential properties, and by providing significant natural buffers and screening between the parking and residential uses; and</li> <li>• The proposal will support the expansion of the existing FedEx facility, which is growing in part due to the improved access to I-85 via the recently widened Freedom Drive; and</li> <li>• The character of the area has changed since the plan was adopted in 1990, and the use is consistent and compatible with the existing development pattern which has a greater emphasis on industrial/warehouse uses in the area;</li> </ul> </li> </ul> <p>By a 4-2 vote of the Zoning Committee (motion by Wiggins seconded by Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> <li>1. Amended Note 3 Permitted Uses to allow only parking for employees, tractor trailer trucks and trailers.</li> <li>2. Removed the list of prohibited uses from the site plan, as the only</li> </ol>
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permitted uses are the proposed uses allowed in Note 3.

3. Added that the petitioner is requesting five-year vested rights under General Provision in order to match the rezoning application.

#### Transportation

4. Revised the site plan to indicate a future cross-connection between the tractor parking and future trailer parking. This resulted in a reconfiguration of the proposed parking lot.
5. Revised the site plan to provide approximately 70 feet of truck storage length between the proposed driveway security gates stop line and the building setback line, so vehicles waiting for the gate to open do not maneuver within the site's building setback, per the zoning ordinance (i.e. both proposed site driveways).
6. Removed Transportation Note 4d related to declining to construct a bike lane for various reasons.
7. Revised the site plan to add a conditional Transportation Note 4d stating: "All proposed transportation improvements shall be implemented before the Phase 1 Parking Lot is operational."
8. Provided Note 4e under Transportation stating that the petitioner will construct a bus stop waiting pad for the existing bus stop on Toddville Road, per image of standard detail (60.01E) for the requested bus stop pad. This site is located on an existing bus route.
9. Added Note 4f under Transportation stating that FedEx is considering the feasibility of an internal drive connection to the existing parking off CSX Way.

#### Environment

10. Showed most restrictive buffer requirements per Lower Lake Wylie Watershed Overlay (Charlotte Zoning Ordinance) and Post-Construction Stormwater Ordinance, and adjusted construction/disturbance limits accordingly. Perennial and intermittent streams delineated on the rezoning plan are subject to stream buffer requirements.
11. Added Note 6e related to stream buffers required in the Lower Lake Wylie Watershed Overlay District.

#### Other

12. Committed to amending the proposed zoning in both development data tables to reflect five-year vested rights as identified on the application and the general provisions.
13. Replaced Note 6d under Streetscape and Landscaping related to minimum tree save widths with a note stating that tree save areas are encompassed in the 100-foot residential buffer.
14. Committed to amending Note 4f under Transportation to state "FedEx will provide an internal drive connection from the proposed parking lot to the existing parking lot on the abutting parcel (PID 05714201) north of site on CSX Way provided the connection is determined to be feasible by FedEx and CDOT during the construction permitting process and with the agreement of the abutting parcel (PID 05714201) owner from which FedEx leases the land."
15. Committed to remove the words "(Pilot Report is attached)" from Note 7d as the report is not part of the rezoning site plan.

#### **VOTE**

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

#### **ZONING COMMITTEE**

Staff provided a summary of the petition and the changes since the public hearing. Staff stated that the petitioner had committed in writing

**DISCUSSION**

to resolving the minor technical issues. Staff noted that the petition is inconsistent with the adopted area plan recommendation for single-family residential.

A Commissioner asked about the industrial changes in the area since 1997 that were referred to during the public hearing. Staff explained that since 1997 there had been several industrial expansions nearby including a parking expansion for FedEx off CSX Way. Another Commissioner asked staff to describe the buffers that were being provided. Staff explained that a 100-foot undisturbed buffer was proposed adjacent to single family uses and zoning. A 50-foot buffer was proposed along Toddville Road across from single family uses and zoning.

Several commissioners asked about the uses allowed on the property. Staff explained that the petitioner was asked to remove the list of prohibited use because the site plan was for only their proposed use. If this rezoning is approved, a rezoning would be required to change the uses allowed on the site.

There was some discussion between the committee members regarding the appropriateness of the proposed use and zoning. Some commissioners felt the rezoning encroached into the residential area while others felt the location near to the airport and the intermodal facility at the airport was a benefit.

Commissioner Sullivan made a consistency motion stating that the petition is inconsistent with the *Northwest District Plan* and is not reasonable and in the public interest. The motion was seconded by Commissioner Majeed. The Committee voted 2-4 against the motion which therefore failed.

A subsequent consistency motion was made as noted in the "Statement of Consistency" section above.

**MINORITY OPINION**

The proposed use and zoning is an encroachment into the residential area along Toddville Road. The proposed parking facility is adjacent to single family residential.

**STAFF OPINION**

Staff agrees with the recommendation of the majority Zoning Committee.

**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Provides an offsite parking lot expansion of existing FedEx Ground facility with 247 tractor spaces, 80 employee auto spaces, and 60 future trailer parking spaces. There will be no customer parking.
- Only permits proposed parking uses.
- Provides 100-foot "Class A" buffers along all property lines abutting residential zoning and/or use, and a 50-foot (one-half) "Class A" buffer along the portion of the property line along Toddville Road.
- Grants five feet of additional right-of-way along property line for Toddville Road.
- Proposes precast segmental block retaining walls (27 feet in height) where required to minimize site disturbance within the development.
- Proposes maximum height of freestanding light fixtures and poles installed on the site not to exceed 42 feet.

- **Public Plans and Policies**

- The adopted land use for this site is single family up to four dwelling units per acre, per the *Northwest District Plan (1990)*.
- The site is bordered on the north and east by the Mount Holly Road/Highway 16 Industrial Activity Center, per the *Centers Corridors & Wedges Growth Framework*.

**• TRANSPORTATION CONSIDERATIONS**

- This site has direct access to an existing minor thoroughfare with security gates at each driveway entrance. The primary concern for this site is the potential for large tractor-trailer vehicles to block southbound Toddville Road due to insufficient driveway stem length while waiting for gate access. Additionally, this site is within the Northwest Wedge where CDOT's transportation goals are to provide a multimodal transportation system to provide access to the adjacent activity center.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on a vacant single family structure).
    - Entitlement: 1,800 trips per day (based on 280 multi-family dwelling units allowed in the R-17MF (multi-family residential) zoning).
  - Proposed Zoning: 1,300 trips per day (based on 245 tractor trailer truck parking and 85 employee parking spaces).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No comments received.
- **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:** Charlotte Water does not currently have sewer system availability for the parcels under review. The closest sewer main is approximately 140 feet south of the southeast corner of the property at the intersection of Toddville Road and Brooktree Drive. If the applicant requires sewer service for the proposed parking, the applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** Because the proposed development will likely attract commuter trips, MCAQ recommends that the petitioner provide "preferred" (attractive, conveniently located, or reduced cost) parking for "Clean Commuters" (carpool, vanpool, hybrid vehicles and/or electric vehicles).
- **Mecklenburg County Parks and Recreation Department:** No issues.

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**Attachments Online at [www.rezoning.org](http://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 Fire Department
  - 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

