
REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment), with five-year vested rights
LOCATION	Approximately 3.28 acres located on the north side of West Tyvola Road and east of City Park Drive. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to revise the previously approved site plan to allow up to 20,000 square feet of commercial uses on a vacant site located within the City Park development.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	P&L Coliseum LP Aston Properties, Inc. Collin Brown and Bailey Patrick, Jr.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be consistent with the <i>Southwest District Plan</i> recommendation for a mix of residential/office/retail uses for the overall City Park Development as amended by rezoning petition 2007-082 and inconsistent with the specific limitation on uses with associated drive-through service windows, and design standards for drive-through service window and vehicular maneuvering locations established under the previous rezoning, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The proposal allows commercial uses on the site; and• The proposal allows drive-through service windows associated with one eating/drinking/entertainment establishment and one neighborhood food and beverage service use as specified in the optional provisions; and• The location of one proposed drive-through service window and lanes will be between the building and public street.• 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">• The subject property is located on West Tyvola Road, a major thoroughfare, and City Park Drive, at the entrance to the City Park development; and• The current zoning for the site allows commercial uses with drive-through accessory windows, but limits the specific types of uses with drive-through windows, and does not allow vehicular maneuvering between the uses and the streets; and• The proposed site plan amendment does not increase the number of uses with drive-through windows but simply expands the type of uses allowed to have drive-through windows to include two eating/drinking/entertainment establishments, one of which will have limited food preparation; and• The proposed site plan amendment also allows maneuvering for the drive-through service lane on the parcel located on West Tyvola Road and Potomac River Parkway, consistent with the highway oriented environment on West Tyvola Road; and• The pedestrian oriented design, with buildings along the street and parking to the side or rear, is maintained on City Park Drive and National Avenue, the priority pedestrian-oriented streets; and• The site plan also includes a rain garden, outdoor seating and

multi-purpose path, located on City Park Drive and National Avenue within Parcel 4, that further support the pedestrian environment;

By a 6-0 vote of the Zoning Committee (motion by Eschert seconded by Sullivan).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Land Use</u></p> <p>1. Increased the maximum size of the proposed neighborhood food and beverage service from 2,060 square feet to 2,300 square feet.</p> <p><u>Transportation</u></p> <p>2. Removed "Full Access" label from Drive #1 and added "Limited access driveway. No left turn out allowed."</p> <p><u>Site and Building Design</u></p> <p>3. Provided commitment for screen walls and landscaping along all streets where drive-through services lanes and/or parking abut the street. Added a commitment that all walls will be constructed of materials generally compatible with the buildings to which they relate.</p> <p><u>Requested Technical Revisions</u></p> <p>4. Amended the street names on Sheet RZ-2 legend map to reflect the correct names.</p> <p>5. Staff rescinded the request to delete the note restricting on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system because without the limitation full scale eating/drinking/entertainment establishments would be permitted.</p> <p>6. Committed to, prior to approval of this petition, filing an Administrative Amendment for the previously approved rezoning petition 2007-082 to reduce the commercial square footage by 20,000 square feet, to reduce the total number of drive-through windows by two, and to remove the possibility of additional drive-through service windows on "Area B."</p>
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VOTE	<p>Motion/Second: Eschert / Dodson</p> <p>Yeas: Dodson, Eschert, Lathrop, Majeed, Sullivan, and Wiggins</p> <p>Nays: None</p> <p>Absent: Labovitz</p> <p>Recused: None</p>
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ZONING COMMITTEE DISCUSSION	<p>Staff provided a summary of the petition and the changes made since the public hearing. Staff stated that the petitioner had committed in writing to filing an administrative amendment to the overall City Park site plan as indicated on the Zoning Committee agenda. Staff noted that the petition is consistent with the recommended land use but inconsistent with specific use and design limitations for drive-through service windows. There was no further discussion of the petition.</p>
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STAFF OPINION	<p>Staff agrees with the recommendation of the Zoning Committee.</p>
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan amendment contains the following changes:
 - Divides the site into four parcels with Parcels 1 through 3 depicting building and parking envelopes and Parcel 4 as a rain garden/amenity area with outdoor seating and a multi-purpose path around the perimeter and connecting to the existing public sidewalks.

- Allows development of a maximum 20,000 square feet of commercial uses in up to three buildings with two drive-through service windows, one each on Parcels 1 and 2.
- Prohibits convenience stores with gasoline sales, car washes, and automotive service stations.
- Proposes the following optional provisions:
 - Allows a drive-through service window as an accessory to an eating/drinking/entertainment establishment use within Parcel 1. This drive-through window shall only be located on the same parcel as the principal use.
 - Allows a drive-through window and a related vehicular circulation lane to be located between a building constructed within Parcel 2 and Tyvola Road and Potomac River Parkway. This drive-through allowance shall be limited to uses similar to a neighborhood food and beverage service, which may serve ice cream, yogurt, coffee, juices, and similar items along with items such as bagels, muffins, sandwiches and pastries provided the following restriction applies: the use will be limited to 2,300 square feet and will provide for on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system.
 - Allows a detached, monument sign up to 10 feet in height and up to 75 feet in sign area, in the location generally depicted on the site's technical data sheet. This sign will serve tenants within the areas identified as Parcel 2 and Parcel 3. This sign shall be permitted in addition to a sign for Parcel 1 which provides for one monument sign for each building located within the City Park site, but limits their size to six feet in height and 36 square feet in sign area. The combined detached sign for Parcels 2 and 3 will be in lieu of a Parcel 3 detached sign.
- Provides access to the site from City Park Drive, National Avenue, and Potomac River Parkway.
- Provides and constructs a new waiting pad for a relocated bus stop on West Tyvola Road.
- Provides architectural renderings with a perspective from the intersections of West Tyvola Road and City Park Drive, and West Tyvola Road and Potomac River Parkway and proposes the following architectural standards/treatments:
 - Specifies proposed building materials.
 - Screens the drive-through window area on Parcel 2 from street view utilizing a trellis structure integrated within a screen wall with a combined minimum height of seven feet.
 - Specifies that a drive-through service window located within Parcel 1 must be internally oriented to the rezoning site and circulation lanes must not be located between the Parcel 1 building and adjacent streets.
 - Provides additional commitments for building and site design to encourage pedestrian activity and reduce blank walls.
- **Public Plans and Policies**
 - Rezoning petition 2007-082 updated the *Southwest District Plan* (1991) recommendation for the overall area in which the site is located to residential/office/retail land uses.
 - The adopted rezoning petition had specific design guidelines for this site which stipulated that drive-through windows would only be allowed for specific uses, and would be located to the rear or side of the principal use. Stacking and maneuvering for drive-through windows was also prohibited between the principal use and public or private streets.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is bordered by local streets and an existing major thoroughfare. This site plan substantially complies with transportation facilities and approved driveways from the original rezoning. CDOT has not identified any negative impacts to the transportation facilities in the area.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant site).
 - Entitlement: 2400 trips per day (based on 20,000 square feet of commercial use with one drive-through service window).
 - Proposed Zoning: 2900 trips per day (based on 20,000 square feet of commercial use with two drive-through service windows).

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:** No issues.
 - **Charlotte Water:** Charlotte Water currently has water system availability via existing 12-inch water mains located along West Tyvola Road and National Avenue and sewer system availability via an existing eight-inch sewer main located along National Avenue.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **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

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