

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

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to vehicular access, screening and requested technical revisions.</p> <p><u>Plan Consistency</u> The petition is 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. The petition is 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.</p> <p><u>Rationale for Recommendation</u></p> <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. • 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. • 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. • 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. • However, 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. • 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.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Divides the site into four (4) parcels with Parcels 1-3 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 (3) buildings with two drive-through service windows; one each on Parcel 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 2,060 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.

• **Existing Zoning and Land Use**

- The site is currently vacant and part of the larger City Park mixed/multi-use development approved via rezoning petition 2007-082 for MUDD-O (mixed use development, optional), which allowed the redevelopment of approximately 160 acres occupied by the old Charlotte Coliseum. The approved plan provides for the following:
 - Allows up to 200,000 square feet of retail development; up to two hotels containing in aggregate no more than 350 rooms; up to 400,000 square feet of office development; up to 1,090 for sale residential units consisting of any combination of townhomes, condominiums, flats, and detached duplex or single family residences; and, up to 1,400 for rent multi-family homes.
 - Prohibits the following uses: fast food restaurants with drive through facilities; convenience stores with gasoline sales; car washes; and, automotive service stations.
 - Allows a total of four drive-through service windows and service lanes, one of each for the following uses: a coffee shop; a bank; a drug store; and, a dry cleaner.
 - Approves optional provisions pertaining to parking and maneuvering, open space, drop off areas in front of office buildings, service areas, height requirements, paving systems used on private plazas and walkways, and signage.
- With respect to the subject site, the existing zoning allows for the development of retail with the ability to construct two uses with an associated drive-through service window. The existing zoning limited the uses with drive through service windows to a coffee shop, bank, drug store and dry cleaner. The existing zoning also specifies that drive-through windows shall be on the same parcel as the principal use, located to the rear or side of the use, and limited maneuvering

- and stacking between the building and public and private streets.
- The site is immediately surrounded by acreage that is part of the City Park development that is primarily vacant with the exception of some multi-family buildings and street improvements on properties zoned MUDD-O (mixed use development district, optional).
 - Further north is the Charlotte Regional Farmers Market zoned I-2(CD) (general industrial, conditional).
 - East is undeveloped acreage and Renaissance Park zoned R-4 (single family residential).
 - South and west, across West Tyvola Road, is undeveloped acreage associated with City Park, Renaissance Golf Course and Coffey Creek Business Park, as well as retail, hotel and office uses, zoned, R-3 (single family residential), R-4 (single family residential), O-15(CD) (office, conditional), and I-1(CD) (light industrial, conditional).
 - 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**
 - 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 limited 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.
 - See Outstanding Issues, Note 1.
 - **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.

OUTSTANDING ISSUES

Transportation

1. Remove "Full Access" label from Drive #1 and add "Right In/Right Out Only."

Site and Building Design

2. Provide commitment for screen wall and landscaping along all streets where drive-through services lanes and/or parking abut the street. Also, commit that all walls will be constructed of materials generally compatible with the buildings to which they relate

REQUESTED TECHNICAL REVISIONS

3. Prior to approval of this petition, file 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."
 4. Amend the street names on Sheet RZ-2 legend map to reflect the correct names.
 5. Delete the note restricting on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system due to difficulty enforcing this provision.
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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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