
REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
LOCATION	Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow retail, eating/drinking/entertainment establishments, office, and self-storage uses in a single building on a vacant lot in the Yorkmont area.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Nasir Ahmad and Najamul T. Ahmad Michael Adams Babak Emadi
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found the retail and eating/drinking/entertainment establishment uses to be consistent with the <i>Southwest District Plan</i>; however, the climate controlled storage and office uses are inconsistent with the plan based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan, as amended by rezoning petition 1997-015, recommends retail uses for this site.• Therefore, 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 part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office and a financial institution; and• The prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows; and• The proposed retail and/or eating/drinking/entertainment establishments on the ground floor of the climate controlled storage are consistent with the adopted retail land uses for this site, and will complement the surrounding hotel, office and residential uses; and• While technically inconsistent with the <i>Southwest District Plan</i> recommendation, the proposed climate controlled storage on the subject property has been designed to resemble an office building with ground floor commercial and is visually compatible with the surrounding commercial uses; and• Self-storage facilities have low traffic volumes and the proposed eating/drinking/entertainment establishments do not have an associated drive-through window; and• In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear, making it easy for nearby residents, employees and hotel guests to walk to the retail and/or eating/drinking/entertainment establishments; and• The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety via improvements to the adjacent pedestrian refuge islands, new accessible ramps, and installation of new sidewalks;

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

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Site and Building Design

1. Amended the "Development Data Table" to reflect a minimum of 50 parking spaces provided. The site plan from the hearing showed +/- 60 parking spaces provided. Staff does not have an issue with this change because 50 spaces provided are greater than the minimum required by the proposed zoning district.
2. Amended the site plan and Note 6C to provide a minimum eight-foot sidewalk along Tyvola Glen Circle abutting proposed on-street parking and loading.
3. Committed to remove "Optional Provision" Note 3A, related to landscaping along Nations Ford Road, in its entirety and provide a new note under "Streetscape and Landscaping" that specifies the commitment to maintain the existing landscaped buffer except where the building fronts Nations Ford Road.

Signage

4. Added an optional provision stating the petitioner may provide two additional detached signs at a maximum of eight feet in height and 120 square feet in area.
5. Committed to amend "Optional Provision" Note 3C to reduce the maximum sign area from 120 square feet to 65 square feet.
6. Committed to amend the western possible sign location to show the sign on the site along the edge of the right-of-way.
7. Committed to amend the parking screening so that it is behind the eastern possible sign location.

Other

8. Added a note limiting the hours of operations for the storage facility from six am to ten pm.
9. Committed to file an Administrative Amendment, prior to the rezoning decision, to the previously approved overall (1997-015) site plan to reflect changes made to update the entitlements for the overall site.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

10. Specified the setback from the existing curb along Tyvola Glen Circle.
11. Removed "(Note: Original Rezoning 1997-015 allowed for a max building height of 2 stories for this parcel)" from the "Development Data Table."
12. Committed to remove the tree save area from the right-of-way at the corner of Nations Ford and Tyvola.
13. Committed to amend the maximum building height in the "Development Data Table" and Note 5A by changing "or" to "and not to exceed" and remove the following from Note 5A "(Note: previous rezoning for this parcel 1997-015 allowed for a maximum building height of 2 stories for this parcel)."
14. Committed to change measurements for setbacks along Tyvola Road and Nations Ford Road to reflect a measurement from the back of curb because in the MUDD (mixed use development) zoning district setbacks are measured from the future back of curb and CDOT has confirmed the curb locations depicted on the site plan are accurate.

Transportation

15. Amended the label for the location of sidewalk and planting strip along Tyvola Road by changing the last sentence to say "Final location of these elements may be modified pending NCDOT review and approval during construction plan review."

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

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that the petitioner had committed to addressing the outstanding issues listed in the Zoning Committee agenda. Staff noted that the retail and/or eating/drinking/entertainment uses were consistent with the adopted plan but the office and self-storage uses were inconsistent with the recommend retail use.

A commissioner asked about the status of the outstanding issues. Staff stated that the petitioner had committed in writing to addressing the outstanding issues as requested and they were working on the requested administrative amendment to the previously approved site plan.

There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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:

- Allows 10,000 square feet of retail and/or eating/drinking/entertainment establishments, 1,000 square feet of office, and 80,000 square feet of climate controlled storage, for a total 91,000 square feet in a single building.
- Proposes a maximum building height of 5 stories and not to exceed 60 feet.
- Proposes the following optional provisions:
 - Allow surface parking and maneuvering between the permitted use and the required setback along Tyvola Road. In areas where this occurs, the petitioner commits to a combination of tree save and supplemental planting between the parking area and the public right-of-way. These improvements may occur within the 35-foot setback on Tyvola Road. The petitioner commits to enhanced landscaping in these areas equivalent to the standards of a 35-foot "Class C" buffer.
 - Allow two additional detached signs at a maximum of eight feet in height and 65 square feet in area.
- Accesses the site via Tyvola Glen Circle which connects to Nations Ford Road, and a private drive off Tyvola Road.
- Provides a number of improvements to pedestrian facilities surrounding the site including: new eight-foot planting strip and six-foot sidewalk along Tyvola Road and the private drive connecting to Tyvola Road; a new eight-foot planting strip and six-foot sidewalk along Tyvola Glen Circle except a minimum eight-foot sidewalk will be installed and the planting strip may be eliminated adjacent to on-street parking to maintain access; new accessible ramps at the intersection of the private drive and Tyvola Road and at the intersection of Nations Ford Road and Tyvola Road; and improvements to the pedestrian refuge island in the area which will also be improved with new sidewalk, associated accessible ramps and replacement of curb as necessary.
- Provides on street parking/loading spaces along Tyvola Glen Circle.
- Identifies the location of a potential bus waiting pad to be installed per CATS standards on the north side of Tyvola Road between Nations Ford Road and the private drive.
- Provides elevations and proposes building materials will be a combination of some or all of the following: brick, concrete, decorative concrete masonry units, EIFS, EIFS brick, architectural metal, metal panels, storefront clear glass, spandrel glass, architectural metal and vinyl railings and accessories. Windows will be a combination of vision glass, spandrel glass, and screened framed opening. Building entrances will have architectural metal or fabric canopies and awnings.
- Limits the hours of operation of the self-storage facility to six am to ten pm.

- **Public Plans and Policies**

- The *Southwest District Plan* (1991), as amended by rezoning petition 1997-015, recommends retail land uses for this site, with the exception of automobile service stations, building material sales and dwellings.

- **TRANSPORTATION CONSIDERATIONS**

- This site is bordered by a minor thoroughfare and a major thoroughfare near a signalized intersection. CDOT has not identified any negative impacts to the transportation facilities in the area. The current site plan complies with CDOT transportation goals by locating site access on a private street, Tyvola Glen, and improving existing pedestrian crossings along Tyvola Road.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: 1570 trips per day (based on 10,500 square feet of entitled retail).
Proposed Zoning: 1,760 trips per day (based on 10,000 square feet of retail uses, 1,000 square feet of office uses and 80,000 square feet of storage uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business 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:** No issues.
 - **Engineering and Property Management:** The development of the site must comply with the requirements of the tree ordinance.
 - **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 Fire Department 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: John Kinley (704) 336-8311