

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: I-2 (TS-O) (general industrial, transit supportive, optional)
LOCATION	Approximately 9.52 acres located on the east side of South Tryon Street between Yancey Road and East Peterson Drive. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the expansion of the existing uses associated with the Olde Mecklenburg Brewery which is located near the Scaleybark Station on the LYNX Blue Line.
PROPERTY OWNER	MACA Properties LLC
PETITIONER	OMB Property Holdings LLC
AGENT/REPRESENTATIVE	The Olde Mecklenburg Brewery LLC Jeff Brown, Keith MacVean and Bridget Dixon; Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>Scaleybark Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends low to moderate intensity office, industrial and warehouse-distribution uses. • 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 site is located within a ½ mile walk of the Scaleybark Transit Station on the LYNX Blue Line; and • However, the <i>Scaleybark Transit Station Area Plan</i> did not identify the area in which the site is located as a location for transit supportive development typically found in transit station areas; and • Instead the plan anticipated maintenance of the office, industrial and warehouse-distribution uses that were in place at the time of the plan development; and • Since the adoption of the plan, the area in which the site is located has begun to transition from office, industrial, and warehouse-distribution uses to eating/drinking/entertainment establishments and retail uses; and • The proposal will continue to use two buildings for manufacturing and office and will add a new building for manufacturing, consistent with the area plan; and • The site also will be enhanced by adding a new biergarten to the existing eating/drinking/entertainment use, which is part of the evolving entertainment district located near the Scaleybark Station; and • As a result of the rezoning, the development will provide sidewalk and buffers which will improve both safety and the pedestrian experience; <p>By a 5-0 vote of the Zoning Committee (motion by Eschert seconded by Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. A protected pedestrian zone to allow safe access to the building and parking area has been shown on the site plan.
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	<p>2. The proposed setback and cross-section along South Tryon Street has been shown on the plan.</p> <p>3. Optional Request 'I' has been modified to allow the site to have a minimum Floor Area Ratio of 0.16.</p> <p><u>Infrastructure</u></p> <p>4. A note has been added to the site plan that the future building will not preclude the ability for a future driveway connection through the site from South Tryon Street.</p> <p>5. The site plan has been revised to show the future back of curb on South Tryon Street is 38 feet from the centerline of the roadway. The 16-foot setback has been show and labelled on the plan from the future back of curb.</p>
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff noted that that this is a conditional request and all the outstanding issues had been addressed. Staff also stated that this petition is consistent with the *Scaleybark Transit Station Area Plan*. There was no further discussion of this petition.

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:

- Expansion of the existing brewery, eating/drinking/entertainment establishment and office uses.
- Retention of the existing 29,083-square foot building and 37,704-square foot building.
- Proposes a 52,200-square foot outdoor dining/open gathering space (“Biergarten”) that will connect to the existing 29,083-square foot building.
- Proposes a 13,400-square foot future manufacturing/office building that will face South Tryon Street.
- Provides primary access from Yancey Road with service access from South Tryon Street.
- Provides a 16-foot setback as measured from the future back-of-curb along Yancey Road and South Tryon Street.
- Provides an eight-foot sidewalk at the back of existing curb along Yancey Street. The existing sidewalk on South Tryon Street will remain in its current form until such time driveway access is utilized and the future building is developed. At such time an eight-foot planting strip and six-foot sidewalk will be provided.
- Provide a protected pedestrian zone to allow safe access to the building.
- Provides a “Class C” buffer along northern property line along abutting parcels zoned R-8 (single family residential) and O-2 (office).
- The ability to install a future driveway connection through the site from South Tryon Street.
- Limits height of freestanding lighting to 21 feet.
- Requests the following optional provisions:
 - Allow an eight-foot sidewalk at back of existing curb on Yancey Street.
 - Allow new street trees to be provided behind the sidewalk on parcel 149-03-211.
 - Allow indoor eating/drinking/entertainment establishment uses to park at a ratio of 1:150 compared to the required 1 space per 75 square feet.
 - Allow outdoor eating/drinking/entertainment establishment uses to park at a ratio of 1:600 compared to the required 1 space per 150 square feet.
 - Allow brewery uses to exceed 15,000 square feet.
 - Allow the existing parking and maneuvering areas located between the existing building and the streets to remain.
 - Allow the existing building to not have to meet the street wall requirements of the TS (transit supportive) zoning district which require 25 percent clear vision glass, blank walls no more than 20 feet, and requirements for variations in roof line adjacent to single family.

- Allow the existing sidewalk and planting strip on South Tryon Street to remain in its current form until such time that driveway access from South Tryon Street is utilized and the future building is constructed.
- Allow the minimum floor area ratio of the buildings to be 0.16 square feet of floor area to one square foot of the development site.
- **Public Plans and Policies**
 - The *Scaleybark Transit Station Area Plan* (2008) recommends the continuation of low to moderate intensity office, industrial, and warehouse-distribution uses.
 - The cross section recommended for Yancey Road and South Tryon Street requires a 24-foot setback with an eight-foot planting strip, eight-foot amenity zone and eight-foot sidewalk.
 - The plan also recommends extending Southside Drive from Yancey Road to South Tryon Street.
- **TRANSPORTATION CONSIDERATIONS**

This site is located on a major collector with a rear border to a major thoroughfare. The current site plan includes sidewalk along Yancey Road that improves the pedestrian environment. CDOT is concerned with the conflict between the future building on the South Tryon side of the property and the future street connection from Yancey Road to Orchard Circle as identified in the *Scaleybark Transit Station Area Plan*.

 - See Outstanding Issue, Note 1.
 - **Vehicle Trip Generation:**

Current Zoning: 2,710 trips per day (based on 46,787 square feet of warehouse/brewery uses, 20,000 square feet of restaurant uses, and 52,200 square feet of beverage, food, entertainment uses).

Proposed Zoning: 2,800 trips per day (based on 58,847 square feet of warehouse/brewery, 20,000 square feet of restaurant uses, and 52,200 square feet of beverage, food, entertainment uses and 1,340 square feet of office uses).

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 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 has water system availability for the rezoning boundary via existing eight-inch water distribution mains located on South Tryon Street and Yancey Road and sewer system availability through an existing eight-inch gravity sewer main located along South Tryon Street and Yancey Road.
- **Engineering and Property Management:** The development of site shall comply with the requirements of the City of Charlotte Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

1. New site access on Tryon shall be constructed in direct alignment within Orchard Circle (north) to create the fourth leg of this unsignalized intersection. This segment shall be 200' length (minimum) with a public street cross section and public access easement. A driveway connection to this fourth leg segment may be made to create vehicular access to the proposed Future Manufacturing Office Building if needed. In no case shall the proposed Future Manufacturing Office Building be in conflict with or at the terminus of this fourth leg segment.

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: Solomon Fortune (704) 336-8326