

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: B-2(CD) (general business, conditional)
LOCATION	Approximately 0.38 acres located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to utilize an undeveloped lot located in the Sugaw Creek/Ritch Avenue neighborhood to allow off-street parking to serve the allowed use located on the front portion of the subject property.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ninety-Eight and Three Quarters Holdings, LLC Ninety-Eight and Three Quarters Holdings, LLC John Carmichael and Ty Shaffer, Robinson Bradshaw & Hinson, P.A.
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 inconsistent with the <i>North Tryon 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 single family residential at a density of up to five dwelling units per acre. • 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 request seeks to rezone a portion of a larger through-lot with frontage on the commercial section of North Tryon Street as well as frontage on the residential section of Ritch Avenue; and • The portion of the property proposed to be rezoned is located behind an existing business on North Tryon Street and between two single family homes along Ritch Avenue; and • A 50-foot wide overhead power line crosses the site preventing residential development on the lot; and • The site will be limited to accessory parking for the nonresidential use on the portion of the lot that fronts North Tryon Street; and • The nonresidential use will provide a 20.25-foot wide Class B buffer and a fence on both sides of the property abutting single family dwellings, and along the frontage on Ritch Avenue; and • The proposed parking area will not extend past the rear corners of the existing homes on either side of the property leaving the first 72 feet of the property off Ritch Avenue landscaped which maintains the residential character along Ritch Avenue; <p>By a 5-1 vote of the Zoning Committee (motion by McClung seconded by McMillan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Clearly delineated the boundaries of the parking area, and added Note 4B under the heading of "Landscaping" to limit pavement to the area labeled and delineated as proposed parking lot. 2. Added a note that area between the parking and the street will be landscaped, that the required buffer will be provided at the limits of the parking area, and asphalt will be removed from the
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buffer area.

3. Amended the vicinity map to remove the portion of the parcel that fronts North Tryon Street.
4. Clearly delineated the portion of the tax parcel that is being rezoned.

VOTE

Motion/Second: Spencer/ McClung
 Yeas: Fryday, Majeed, McClung, McMillan, and Spencer
 Nays: Sullivan
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and noted that is inconsistent with the *North Tryon Area Plan*. A committee member noted that they liked that the site will be fenced/buffered, and will not be lighted. A member asked if this use will further exacerbate traffic congestion in the area. Staff responded that the principal use is already in place, and the accessory parking lot use should not increase traffic. A committee member expressed concern that a change of the principal use could impact noise and traffic within the accessory parking lot that may affect the ambiance of the neighborhood. Another committee member asked if a change of use permit would be required if the principal use were to be changed? Staff confirmed that the principal use located on North Tryon Street could potentially be changed to a use allowed per the current B-2(CD zoning but noted that the current nonresidential use is located on the portion of the site that isn't included in this rezoning petition. Staff continued that, due to the state's elimination of business privilege license tax, use changes that don't require a building permit may not always obtain a required change of use permit. Staff continued that if a use change were to occur, some uses may have trouble providing the required number of parking spaces because the proposed parking area may not be expanded beyond the area shown on the site plan.

Staff explained that the proposed accessory parking use is a good compromise that provides a good balance of all interests. Staff further noted that while the parking protrudes into the neighborhood, the petition is supported by staff because of a few unique conditions provided to minimize impacts to the neighborhood, which include the limitation of the parking area to only half of the site, prohibition of access via Ritch Avenue, with all ingress and egress limited to North Tryon Street, and inclusion of buffers and green space to separate the site from the neighborhood. Staff added that a utility line crosses the rezoning site, which makes it unusable for residential uses. A committee member commented that the buffer to be provided is better than what currently exists between the nonresidential and residential uses.

MINORITY OPINION

A member of the committee was concerned about traffic issues that could result from uses permitted in the abutting property fronting North Tryon Street and zoned B-2.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The rezoning site has been cited for having a parking lot as principal use in a single family residential zoning district, which is in violation of the zoning ordinance. This petition seeks to

change zoning of the site to a district that allows a parking lot as a principal use.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The proposed use is limited to an accessory parking lot to serve uses allowed on the developed portion of the same property which fronts North Tryon Street. However, the first 72 feet of the lot, measured off Ritch Avenue, will be landscaped and parking will not be allowed. Asphalt will be removed from the buffer area and pavement area is limited to the area labeled and delineated as proposed parking lot.
- Parking and/or storage of large equipment will not be allowed on the subject site.
- Vehicular access to the site from Ritch Avenue is not permitted. Vehicular access will be provided via North Tryon Street, gated, and only allowed during the hours of operation of the use located on the front portion of the same tax parcel.
- A 20.25-foot wide Class B buffer, with a fence, will be provided along the frontage on Ritch Avenue, and both sides of the lot abutting single family dwellings.

- **Public Plans and Policies**

- The *North Tryon Area Plan* (2010) recommends single family residential at a density of up to five dwelling units per acre.
- The plan recommends the Ritch Avenue neighborhood be preserved and maintained by supporting the current single family residential density of five dwelling units per acre, and not allowing encroachment of nonresidential development into the neighborhood.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located on North Tryon Street, which provides the only site access. An existing Duke Energy transmission line paralleling North Tryon Street near the site's current building setback line constrains the site such that providing the standard planting strip and sidewalk widths would be very difficult. Therefore, the existing back of curb sidewalk will remain.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: N/A trips per day (based on a parking lot).

Entitlement: 20 trips per day (based on one single family detached dwelling).

Proposed Zoning: N/A trips per day (based on a parking lot).

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 on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch water distribution mains located along North Tryon Street and Ritch Avenue. Sewer system is available via existing eight-inch sewer mains located along Ritch Avenue and North Tryon Street.
- **Engineering and Property Management:**
 - **Arborist:** Contact the City Arborist's office for a planting permit if trees will be planted in the right-of-way on Ritch Avenue as the tree species must be approved before planting. Petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way, and for all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with the tree ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis

- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327