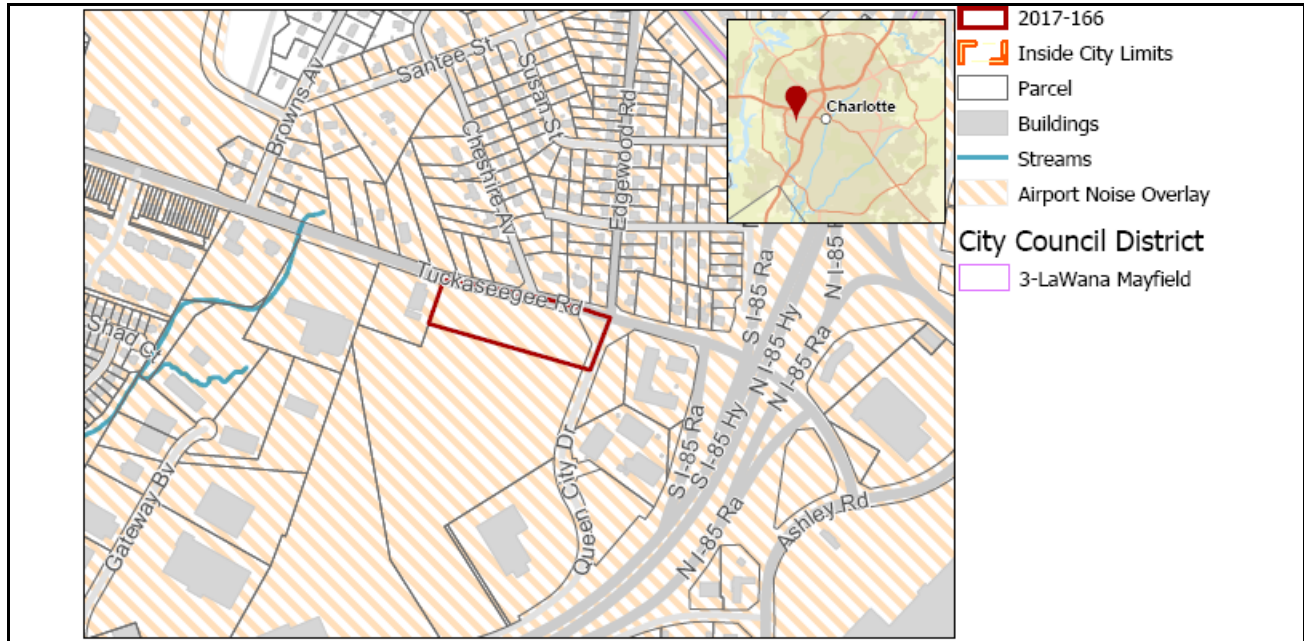


**REQUEST**

Current Zoning: I-1(CD) AIR (light industrial, conditional, airport noise overlay)  
Proposed Zoning: I-1(CD) SPA AIR (light industrial, conditional, site plan amendment, airport noise overlay)

**LOCATION**

Approximately 3.22 acres located on the south side of Tuckaseegee Road, west of Interstate 85.  
(Council District 3 - Mayfield)



**SUMMARY OF PETITION**

The site plan amendment proposes to remove a restriction prohibiting access onto Tuckaseegee Road, and to allow a 50,000 square foot potential building envelope, car parking or maneuvering in an area currently identified as tree save area.

**PROPERTY OWNER**

KP Charlotte 1, LLC

**PETITIONER**

KP Development, LLC

**AGENT/REPRESENTATIVE**

Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the office/industrial land use adopted for this site as per the *Northwest District Plan*.

Rationale for Recommendation

- The previous conditional rezoning prohibited direct access to Tuckaseegee Road.
- The proposed direct access to Tuckaseegee will provide an additional access point to the overall industrial site and distribute the vehicles entering and exiting the site.
- The improvements along Tuckaseegee Road will improve access for the adjacent day care by providing a short left turn lane.
- All parking and building areas are located behind the proposed buffer along Tuckaseegee Road.
- The buffer will extend around the day care site and along Tuckaseegee Road and will screen the industrial use from the day care and the single family residential across Tuckaseegee Road.

## PLANNING STAFF REVIEW

### • Background

- In 2005, the subject property was rezoned from O-1 (office) to I-1(CD) AIR (light industrial, conditional, airport noise overlay) which allowed a portion of the site to be developed with light industrial uses while providing significant protection for the adjoining and adjacent properties. A subsequent administrative amendment was approved with the following conditions:
  - A 55-foot undisturbed buffer along Tuckaseegee Road; and
  - No vehicular access onto Tuckaseegee Road; and
  - 2.03 acres of tree save.

### • Proposed Request Details

The site plan amendment contains the following changes:

- Proposes to remove a restriction prohibiting direct vehicular access to Tuckaseegee Road, and eliminates a portion of tree save area along Tuckaseegee Road to allow a driveway.
  - Continues to provide a 55-foot landscape buffer along Tuckaseegee Road.
  - Proposes a potential 50,000 square feet building envelope, with car parking or maneuvering on a portion of the site currently identified as tree save area. Potential building would allow warehouse distribution uses and related office uses as allowed in the I-1 (light industrial) zoning district.
  - **Notes that tree save area may be removed at a future date to allow the building and parking, maneuvering area. Tree save area will be amended in accordance with the ordinance.**
  - Shows a 25-foot wide car parking and maneuvering area (no buildings permitted in area).
  - Notes that if the allowed building area is constructed in the area shown on the rezoning plan the petitioner will amend the proposed tree save area as required by the Tree Ordinance.
  - Shows a 100-foot building setback.
  - Limits the total number of principal buildings to be developed on the site to two.
  - Proposes a new 75-foot left turn lane on Tuckaseegee Road.
  - Proposes a new 100-foot left turn lane on Tuckaseegee Road.
  - Extends storage of an existing left turn lane near the intersection of Queen City Road/Edgewood Road and Tuckaseegee Road from 60 feet to 250 feet.
  - **Dedicates and conveys via fee simple deed any additional right-of-way indicated on the proposed site plan prior to opening of the driveway on Tuckaseegee Road. A two (2) foot sidewalk and utility easement will be provided if the sidewalk is outside the right-of-way.**
  - Identifies the location of a proposed eight-foot planting strip and six-foot sidewalk along Tuckaseegee Road.
  - Identifies the proposed location for a CATS bus shelter pad.
- ### • Existing Zoning and Land Use

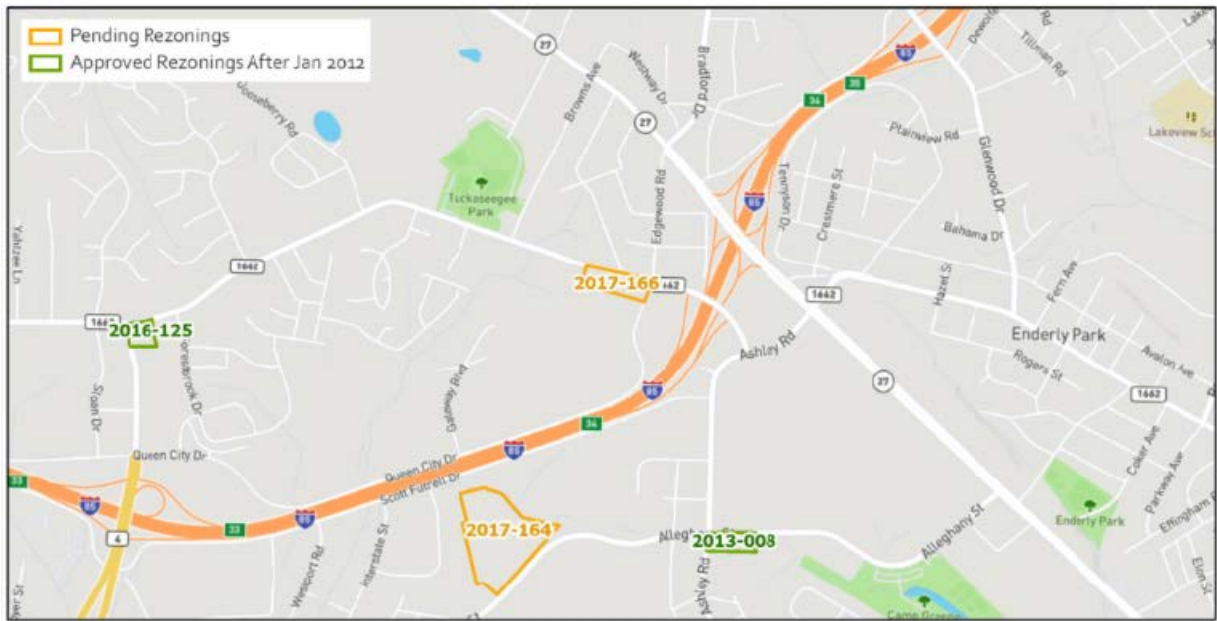


- The site is currently vacant and was originally rezoned from O-1 (office) to I-1(CD) (light industrial, conditional) via petition 2005-070 so that it could be developed in conjunction with the I-1 (light industrial) zoned property to the south. A 75-foot buffer was provided along

Tuckaseegee Road with the exception of an area that could be used for signage purposes. Grading was required to be outside of the 75-foot buffer, and the rezoning accommodated a 50,000 square foot building envelope, parking, or maneuvering area. The approval prohibited the parking of trucks or trailers.

- An administrative amendment was approved in 2017 to allow an eight-foot planting strip and six-foot sidewalk along Tuckaseegee Road, and to modify a buffer. As part of the request, the petitioner removed the 50,000 square foot building envelope approved in 2005 and in its place showed additional tree save area.
- The rezoning site is surrounded by a mix of residential, commercial, religious, and industrial uses and vacant land.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2013-008	Site plan amendment to add square footage to an existing Central Piedmont Community College facility to accommodate a new School of Cosmetology.	Approved
2016-125	Allows the redevelopment of a residential structure to allow all office uses per conventional O-1 (office) zoning for a 1.80-acre site that is just outside of the airport noise overlay. Uses allowed in the O-1 (office) district include general office, medical office, residential, institutional, and civic uses.	Approved
2017-164	Request to rezone from I-1 AIR (light industrial, airport noise overlay) to R-12 MF (CD) AIR (multi-family residential, conditional, airport noise overlay) for a 17.26 acre site for up to 196 attached residential dwellings.	Pending



(Tuckaseegee Road) without explicit authorization from the City Arborist or his designee. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting.

Trees cannot be removed from or planted in the right-of-way of any state maintained streets (Queen City Drive and I-85) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Laurie Reid (704-336-5753) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City and before planting trees in the NCDOT right-of-way.

The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.

- **Erosion Control:** No comments received.
- **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.

## OUTSTANDING ISSUES

### Site and Building Design

1. ~~Correct the provided cross section, as it shows the tree save area and not the proposed building expansion and parking and maneuvering.~~ **Addressed.**
2. ~~Clarify the location of the proposed building, the tree save area, and planted berm on the site plan.~~ **Addressed.**
3. ~~Clarify what is meant by "Potential Building Envelope, Car Parking or Maneuvering".~~ **Addressed.**
4. ~~Add the following note to the site plan: "The purpose of the 55-foot landscape buffer is to create a significant visual separation between uses on the site and residential uses on the north side of Tuckaseegee Road.~~ **Addressed.**

### Transportation

5. ~~The petitioner should revise the site plan and conditional note(s) to provide sufficient right-of-way and implement an eight-foot planting strip and six-foot sidewalk along the site's Queen City Drive frontage as measured from the proposed back of curb as shown in the site's approved construction plans (see Accela Project No. LDX-2017-00015 approved construction plans below). This requested sidewalk on the west side of Queen City Drive needs to connect to the first site driveway, sidewalk to provide pedestrian access from the site's front door to Tuckaseegee Road and a CATS bus stop. Right-of-way needs to be established two feet behind proposed sidewalk and dedicated in fee simple to NCDOT before proposed driveway construction plans are approved.~~ **Staff has rescinded this request.**
6. ~~The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's proposed driveway construction plans are approved by CDOT. CDOT requests right-of-way set at 2' behind back of sidewalk where feasible.~~ **Addressed.**
7. ~~The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed.**
8. ~~CATS requests clarification that the new shelter pad on Tuckaseegee Road will be built per Standard 60.03A.~~ **Addressed.**

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review

- Charlotte Fire Department Review
- Charlotte Water Review
- Engineering and Property Management Review
  - City Arborist
  - 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:** Claire Lyte-Graham (704) 336-3782