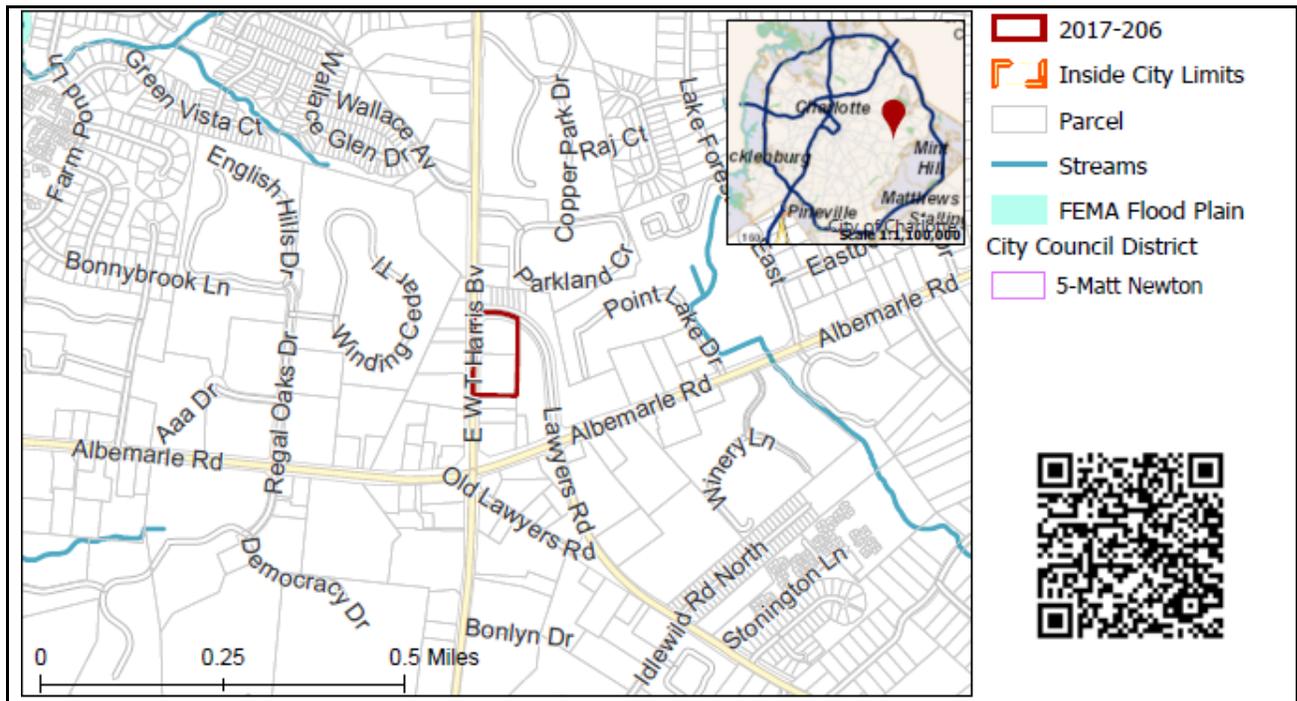


REQUEST

Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: B-2(CD) (general business, conditional)

LOCATION

Approximately 3.35 acres located on the east side of East W.T. Harris Boulevard, at the intersection of Lawyers Road, north of Albemarle Road.
(Council District 5 - Newton)



SUMMARY OF PETITION

The petition proposes a project consisting of two development areas with one containing a car wash and fuel station, and the other containing office, retail, and eating/drinking/entertainment establishment uses with accessory drive in service windows.

PROPERTY OWNER

BWN Investments, LLC

PETITIONER

BWN Investments, LLC

AGENT/REPRESENTATIVE

Anthony Fox, Parker Poe

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION

Staff does not recommend approval of this petition.

Plan Consistency

The petition is inconsistent with the *East District Plan*, which recommends multi-family residential uses.

Rationale for Recommendation

- The petition is inconsistent with the adopted area plan's land use recommendation of multi-family residential uses.
- The adopted policy is intended to concentrate retail and commercial development along Albemarle Road and at the W.T. Harris Boulevard intersection, while maintaining and supporting

multi-family development northward along the W.T. Harris Boulevard corridor.

- Maintaining the adopted multi-family land use and zoning of this parcel protects and supports the promotion of housing diversity in the area on a site that is near a commercial center and existing transit service.

PLANNING STAFF REVIEW

• Proposed Request Details

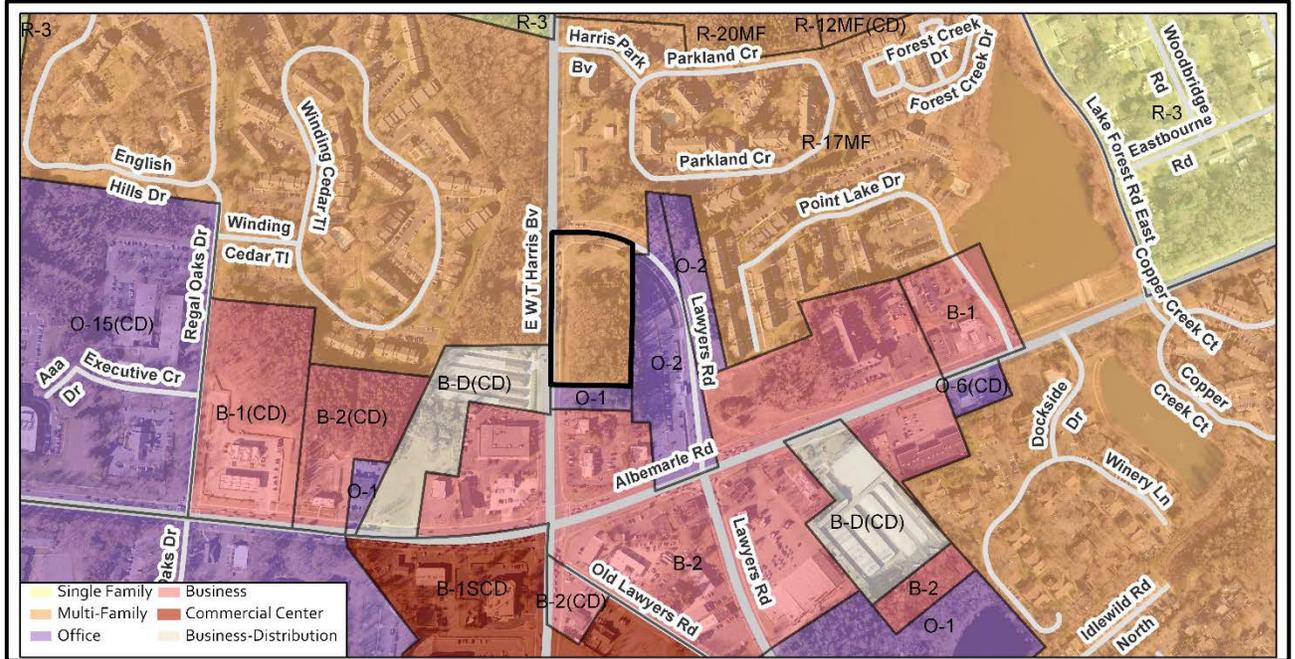
The site plan accompanying this petition contains the following provisions:

- Development in two areas: A and B.
- Development Area A
 - Allows a car wash with associated accessory uses, and a fuel station with up to 12 fueling positions/pumps.
 - Car wash has two rows of stacking, a 106-foot car wash tunnel located along East W.T. Harris Boulevard, and 24 vacuum spaces located internal to the site.
 - An enhanced landscaped area will be added between the car wash tunnel and East W. T. Harris Boulevard if existing trees/vegetation are removed.
- Development Area B
 - Proposes a 10,000-square foot building, with an accessory drive through that will allow office, financial institutions, retail/shopping centers/personal and recreation service uses, and eating/drinking/entertainment establishments Type 1 with drive-in service, and eating/drinking/entertainment establishments Type 2, and drive in service windows as an accessory to any principal use.
- Vehicular site access via East W.T. Harris Boulevard and Lawyers Road including a new deceleration right turn lane on East W.T. Harris Boulevard.
- Retaining existing planting strips and sidewalks along Lawyers Road. Providing an eight-foot planting strip and 12-foot shared use path along the frontage on East W.T. Harris Boulevard.
- Required tree save areas totaling 21,780 square feet are reflected and labeled.
- Provides a new waiting pad for a relocated stop on East W.T. Harris Boulevard along the site's frontage, where not conflicting with a right-turn lane.

Architectural Standards

- Buildings shall be placed so as to present a front or side façade to all streets.
- Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation transparent glass between two and 10 feet on the first floor. Up to 20% of this requirement may be comprised of display windows, which must maintain a minimum of three feet clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed four feet above adjacent street sidewalk building.
- First/ground floor building facades facing streets shall incorporate a minimum of 30% masonry materials such as brick or stone.
- Building elevations shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as, but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- Building elevations shall be designed with vertical bays or articulated architectural features that shall be a combination of at least three of the following: a combination of exterior wall offsets, columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements
- Buildings should be a minimum height of 22 feet. Multi-story buildings should have a minimum of 20% transparency on all upper stories.

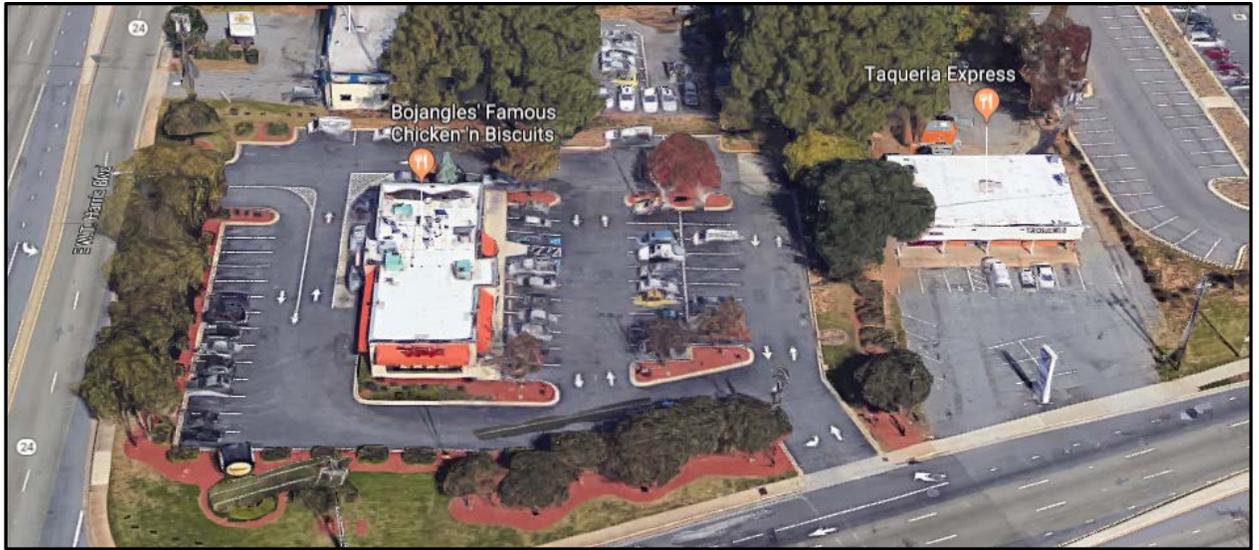
• Existing Zoning and Land Use



- The subject property is zoned R-17MF (multi-family residential) and is vacant.
- Surrounding land uses include non-residential uses along Albemarle Road, Lawyers Road, and East W.T. Harris Boulevard, including hotel, retail and office uses, and a self-storage facility. A CATS Park and Ride Facility directly abuts to the east. Scattered single family housing and multi-family apartments exist to the north on either side of East W.T. Harris Boulevard and to the east on both sides of Albemarle Road.



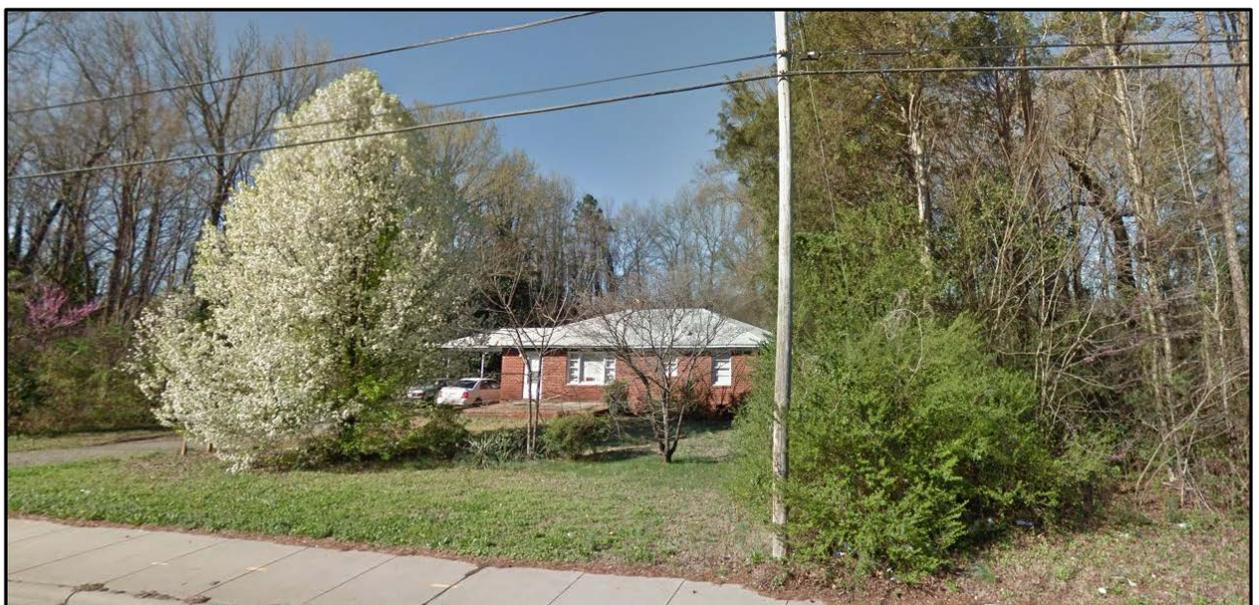
The subject property is vacant.



Properties to the south are developed with restaurant uses along Albemarle Road.



Properties to the north and east are developed with apartments along Parkland Circle.

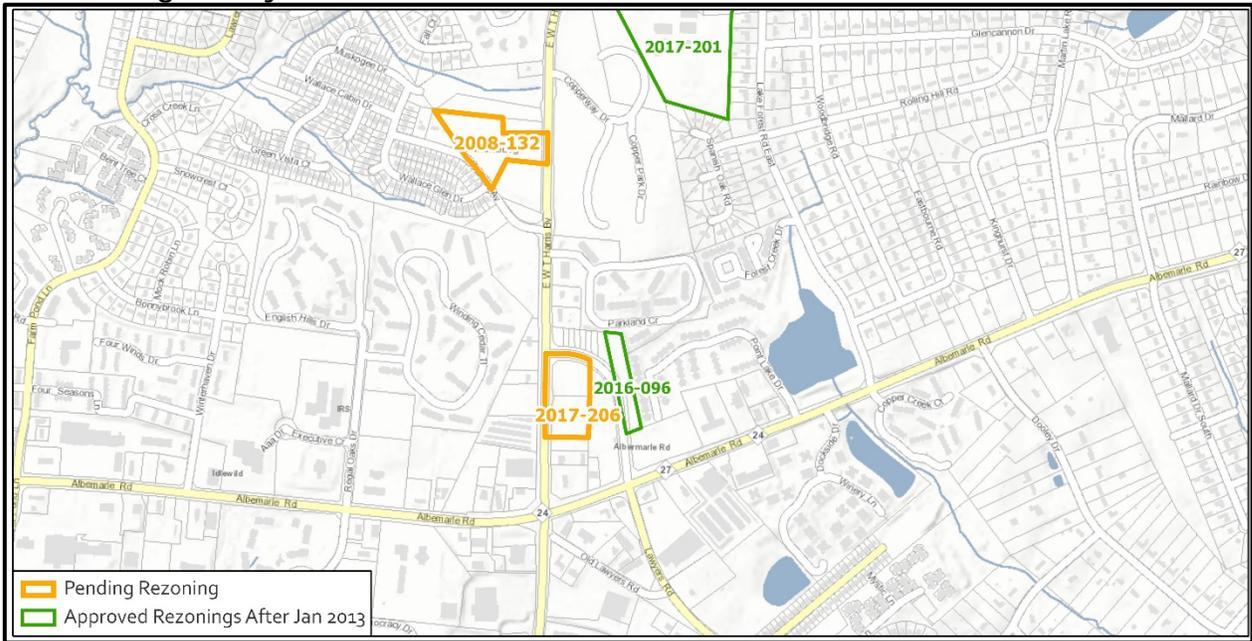


The property to the west across East W.T. Harris Boulevard is developed with a single family home.



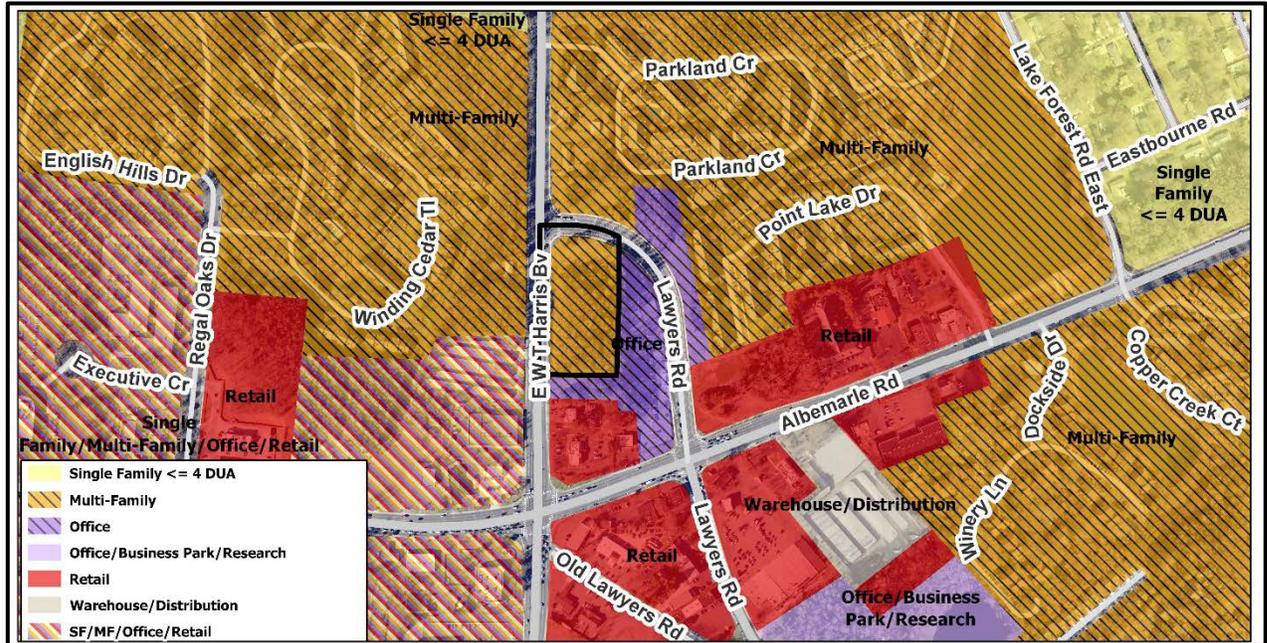
A property across East W.T. Harris Boulevard to the west is developed with a storage facility.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-201	Rezoned 27.47 acres to R-12MF(CD) (multi-family residential, conditional) to allow up to 288 residential units, at a density of 10.48 units per acre.	Approved
2016-096	Rezoned 1.52 acres to O-2 (office) to allow all uses permitted in the O-2 (office) district.	Approved
2008-132	Requesting a R-12MF(CD) (multi-family residential, conditional) site plan amendment for 4.5 acres to allow the construction of 48 multi-family units at a density of 10.66 units per acre.	Pending

• **Public Plans and Policies**



- The *East District Plan* (1990) recommends multi-family land uses.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a major thoroughfare and local road. The site plan commits to creating a left turn lane on the local road into their site. In addition, the petitioner commits to install an eight-foot planting strip and 12-foot multi-use path along W. T. Harris Boulevard to meet the adopted bike plan.
 - See Outstanding Issues, Note 2 and 3. Addressed
 - **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant property).
 Entitlement: ~~290~~ 410 trips per day (based on ~~27~~ 56 multi-family apartments).
 Proposed Zoning: 3,460 trips per day (based on 10,000 square feet of shopping center uses with automated car wash and 12 fuel pumps).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential uses will not impact the school system.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along W.T. Harris Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along W.T. Harris Boulevard.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESLand Use

1. Limit proposed uses to residential land uses, consistent with the Council adopted policy.

Outstanding

Transportation

2. ~~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 first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ **Addressed**
3. ~~Revise the site plan and conditional notes to show an eight-foot planting strip and 12-foot sidewalk along W. T. Harris Boulevard, and commit to constructing the improvements.~~

Addressed

Site and Building Design

4. ~~Add a note committing to provide an enhanced landscaped area along the car wash tunnel's frontage on E. W.T. Harris Boulevard if existing trees and vegetation will not remain.~~ **Addressed**
5. ~~Show and label the additional right-of-way required to comply with the transitional setback along East W.T. Harris Boulevard per Section 12.103 of the zoning ordinance.~~ **Addressed**
6. ~~Amend Note C under Architectural Standards as follows: First/ground floor building facades facing streets shall incorporate a minimum of 30% masonry materials such as brick or stone.~~

Addressed

Attachments Online at 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: Sonja Strayhorn Sanders (704-336-8327)