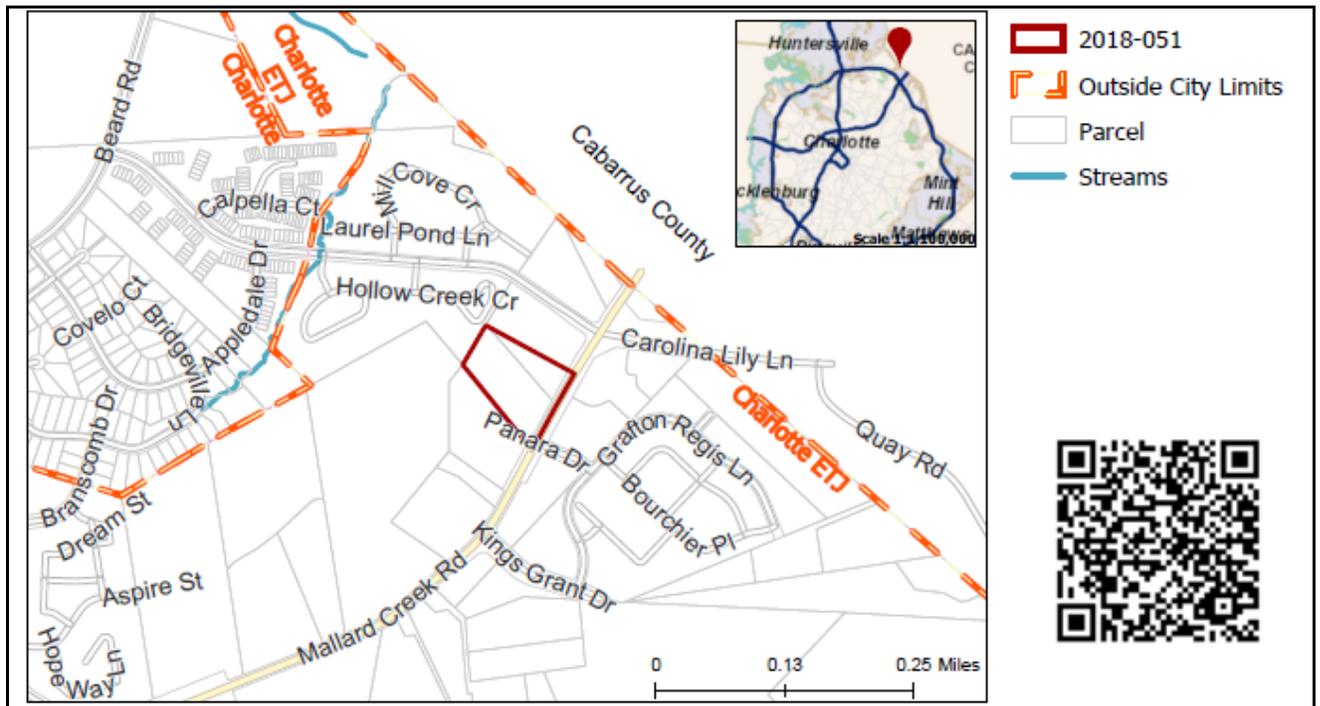


REQUEST

Current Zoning: CC (commercial center)
Proposed Zoning: B-2(CD) (general business, conditional)

LOCATION

Approximately 3.72 acres located at the southwest corner of Mallard Creek Road and Carolina Lily Lane.
(Outside City Limits)



SUMMARY OF PETITION

The petition proposes to allow a car wash with a fuel canopy on vacant land in Northeast Charlotte.

**PROPERTY OWNER
PETITIONER**

Odell School Highway Investment Traders, LLC
SXCW Properties, LLC

AGENT/REPRESENTATIVE

Anthony Fox, Parker Poe Adams & Bernstein LLP

COMMUNITY MEETING

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

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the adopted land use of office/retail for this site, per the *Northeast Area Plan*.

Rationale for Recommendation

- The site is already zoned CC (commercial center), which allows for automotive service stations.
- The current site plan allows for retail/business uses on this site along Odell School Road/Mallard Creek Road. The car wash would be allowed as an accessory use.
- The site is across the street from a gas station/convenience store, provides service to several residential neighborhoods, and is located half a mile from the Concord Mills mixed-use node in Cabarrus County.

PLANNING STAFF REVIEW

• **Proposed Request Details**

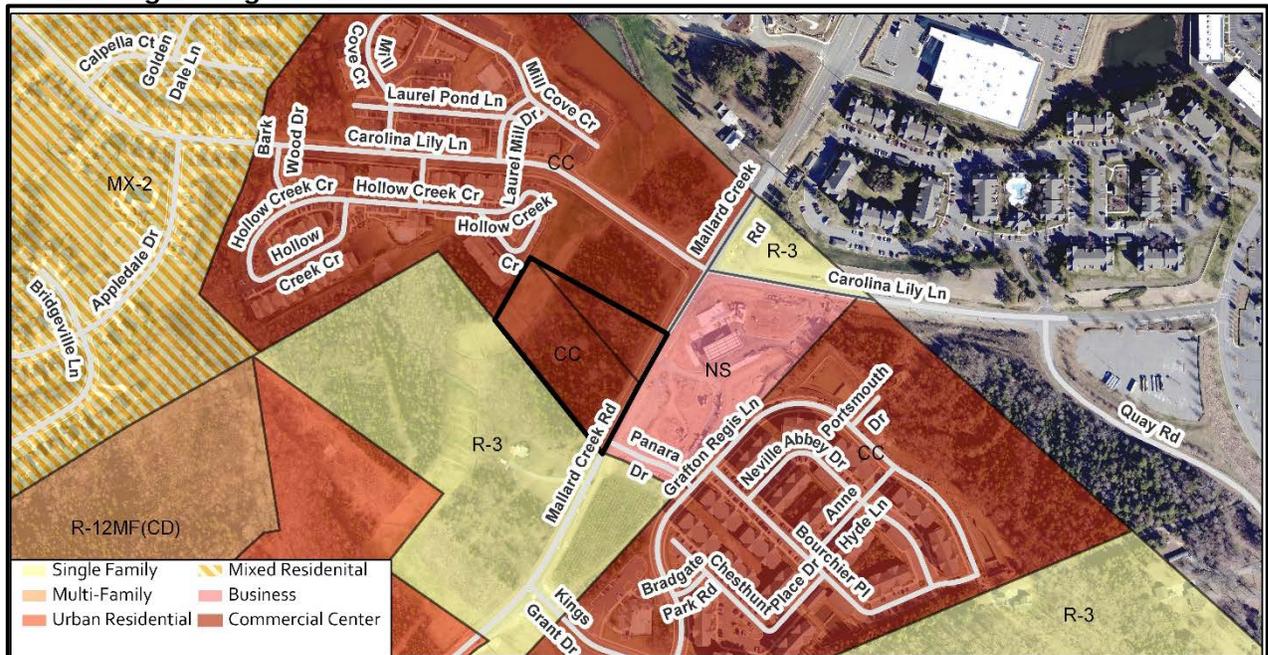
The site plan accompanying this petition contains the following provisions:

- A 4,200 square-foot car wash with 15 vacuum spaces and seven (7) canopy/vacuum spaces.
- Fuel canopy with 12 fuel stations.
- A 36-foot wide Class B buffer (may be reduced 25%) along the west property line abutting R-3 (single family residential) zoned land.
- Minimum 15-foot planting strip along Mallard Creek Road consisting primarily of Evergreen shrubs (8-10 feet mature height).

Proposes the following transportation commitments:

- Proposed private driveway access onto Mallard Creek Road. If site is developed is developed prior to Mallard Creek Road improvements (i.e. NCDOT Project U-6032), petitioner will install a 100-foot long raised concrete island on Mallard Creek Road to restrict driveway to right in/right out movements.
- Illustrates extension of Aspire Street eastward to connect to Carolina Lily Lane. Agrees to dedicate right-of-way in fee simple for the future construction of Aspire Street beyond the private driveway connecting to Mallard Creek Road. Aspire street shall not be constructed but instead bonded by petitioner beyond the private driveway to the southwestern property line until such time as the adjacent property (parcel number 02919112) is developed or the initial four (4) year bond period including and one twelve-month extension ("bond period") expires, whichever is sooner.
- If the adjacent property is not developed by the expiration of the bond period, then petitioner shall construct 180 feet of Aspire Street and bond the remaining portion of aspire street based upon then current projected cost until the adjacent property (parcel number 02919112) is developed. Construction of the remaining portion of Aspire Street on the subject property shall only begin after the adjacent property has committed to construction of Aspire Street on parcel number 02919112 and the petitioner is able to construct its portion of Aspire Street within a dedicated right of way. Petitioner shall be able, if necessary, to pursue the bond extension process consist with the city's bonding requirements.
- Site plan illustrates a proposed left turn lane from Carolina Lily Lane onto future Aspire Street extension per preliminary design of NCDOT Project U-6032.
- Notes that subject rezoning will be conditioned upon petitioner's construction and completion of the private drive connecting to Mallard Creek Road and that portion of Aspire Street extending from the private drive to Carolina Lily Road.
- Dedicates approximately 68 feet of additional right-of-way in fee simple along Mallard Creek Road to accommodate NCDOT Project U-6032.
- States contribution may be made to NCDOT's Mallard Creek Road Project U-6032 in lieu of constructing the proposed 12-foot wide sidewalk along Mallard Creek Road.

• **Existing Zoning and Land Use**



- The site is undeveloped and was rezoned via 2011-052 to amend a portion of the buffer width with no changes to the existing approved land use. The site is also part of a larger 92.6 acre rezoning to MX-2 (mixed use district) and CC (commercial center) in 1998 (petition 1998-046c). The petitioner approved 100,000 square feet of retail/business uses, and up to 706 residential dwelling units consisting of 430 multi-family units, 156 attached units and 120 detached units.
- The site is surrounded by primarily residential communities, retail, and vacant land on acreage zoned R-3 (single family residential), MX-2 (mixed use district), R-12MF(CD) (multi-family residential, conditional), NS (neighborhood services), and CC (commercial center).



The subject property is undeveloped.



The property to the north along Mallard Creek Road is undeveloped.



The property to the south along Mallard Creek Road is developed with a single family home.

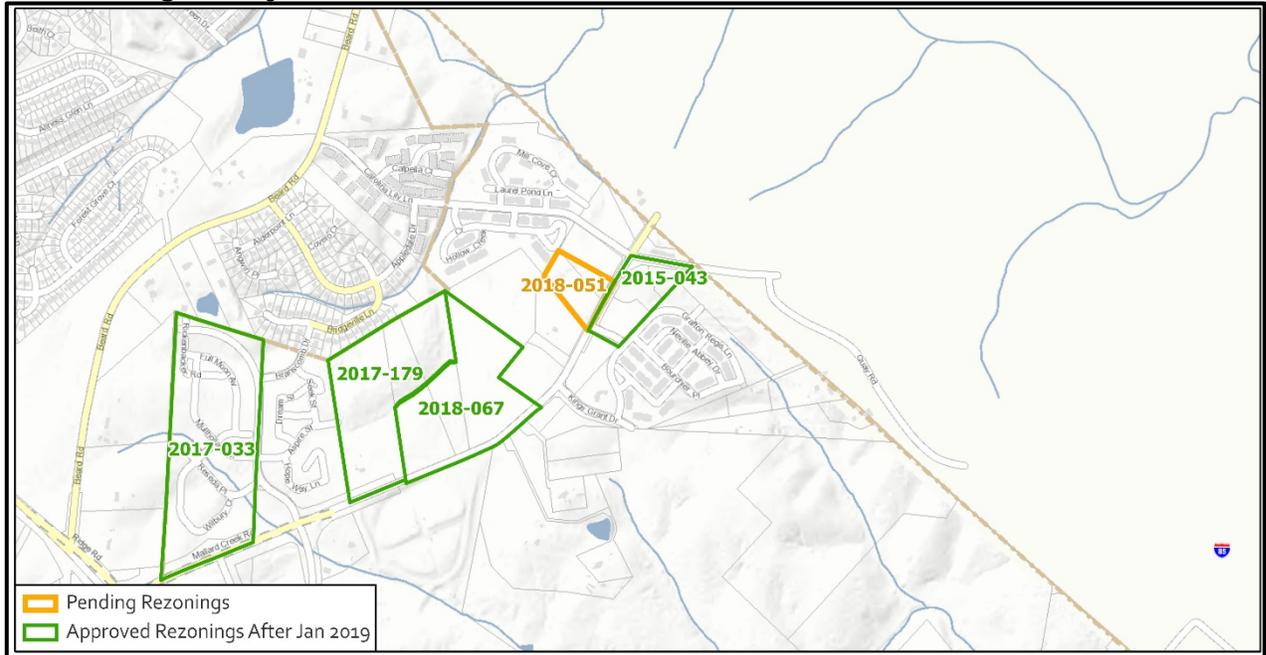


Property to the west along Carolina Lilly Lane is developed with apartments.



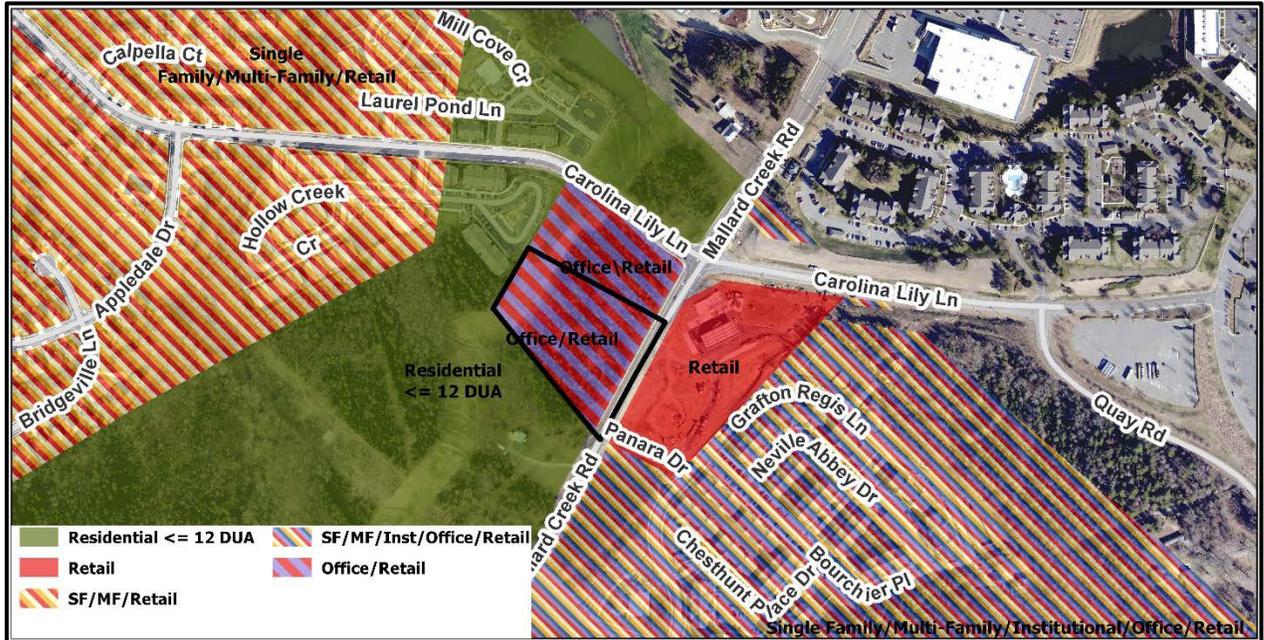
Property to the east along Mallard Creek Road is developed with apartments and a gas station.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-067	Rezoned 18.06 acres from R-3 (single family residential) and UR-2(CD) (urban residential, conditional) to allow 186 townhouse units.	Approved
2017-179	Rezoned 19.52 acres from R-3 (single family residential) and R-12MF(CD) (multi-family residential, conditional) to allow up to 234 multi-family residential dwelling units at 11.99 units per acre.	Approved
2017-033	Rezoned CC SPA (commercial center, site plan amendment) to allow the development of a vacant parcel in the King's Grant area with 322 multi-family units at a density of 11.08 units per acre.	Approved
2015-043	Rezoned 4.98 acres from R-3 (single family residential) to NS (neighborhood services) to allow a maximum of 20,000 square feet of commercial uses with one accessory drive-through service window.	Approved

• **Public Plans and Policies**



- The *Northeast Area Plan* (adopted 2000) recommends Office/Retail land uses for this site, acknowledging rezoning petition 1998-046c.
- The surrounding land uses are a mix of retail, office and residential uses. The site is located just south of the Concord Mills Mixed-Use Node, as defined in the City of Concord Land Use Map.

• **TRANSPORTATION CONSIDERATIONS**

- Two site access points are planned to serve the site: one on Mallard Creek Road as a right-in/right-out driveway and one full-access intersection on Carolina Lily Lane. The petitioner is working with CDOT/NCDOT to provide a necessary east-west collector road along the west side of the site (i.e. the continuation of Aspire Street) and needed right-of-way on the site's east side associated with the funded Mallard Creek Rd. widening project. CDOT is asking for a 12-foot multi-use path along the site's Mallard Creek Road frontage.
- See Outstanding Issues, Notes 2-3.
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant land).
 Entitlement: 2,820 trips per day (based on 25,910 square feet of retail).
 Proposed Zoning: 2,020 trips per day (based on 4,200-square foot car wash and gasoline/service station with 12 fueling positions).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch distribution main located along Mallard Creek Road. Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The closest available sewer main is approximately 325 feet northeast of the rezoning boundary on Mallard Creek Road.
- **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 ISSUES

Transportation

1. Add a note to the site plan that the development of the subject property is contingent upon the completion of the driveway from Mallard Creek Road and the internal street connection to Carolina Lilly Lane. Note that the driveway and the internal street are considered transportation improvements. **Addressed**
2. The petitioner should revise the site plan and conditional note(s) to provide and implement a local office/commercial narrow street section (see CLDSM U-04) on the site's west side. The 55-foot wide right-of-way needs to be measured "east" from the existing 40-foot Piedmont Natural Gas Easement. This local office/commercial narrow street should be designed and implemented between the site's southern property line to Carolina Lily Lane. This street will provide a continuous collector street (i.e. Aspire Street) paralleling Mallard Creek Road between Odell School Road and Carolina Lily Lane (see the future collector road's conceptual alignment below). **Addressed**



3. 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 first building certificate of occupancy is issued. CDOT requests right of way set at two feet behind back of sidewalk where feasible. **Addressed**

REQUESTED TECHNICAL REVISIONS

4. Confirm the number of fueling stations—there appear to be 12 on the site plan. **Addressed**
5. The Development Data Table indicates 72 spaces provided; please confirm this number as this number does not appear to be depicted on the site plan. **Addressed**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments

- 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