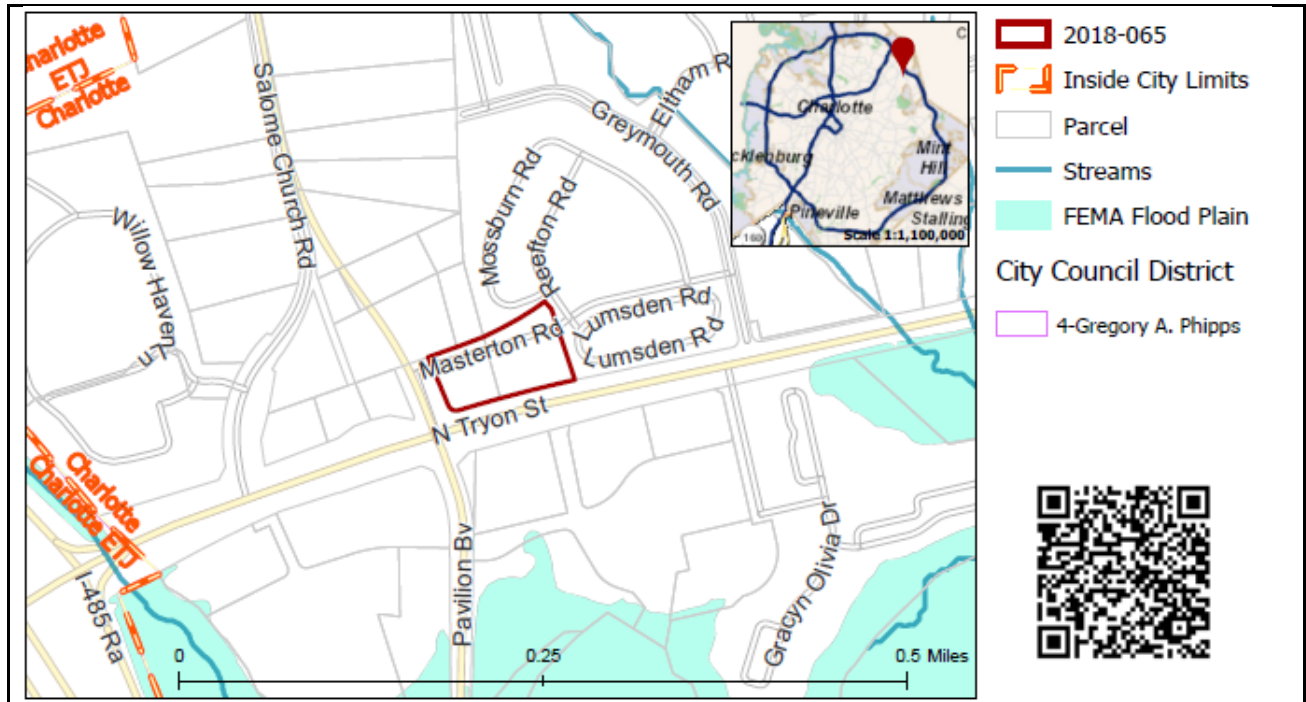


REQUEST

Current Zoning: NS (neighborhood services)
Proposed Zoning: NS SPA (neighborhood services, site plan amendment) with five-year vested rights

LOCATION

Approximately 2.63 acres located on the north side of N. Tryon Street, east of Salome Church Road (Council District 4 - Phipps)



SUMMARY OF PETITION

The petition proposes a site plan amendment to previously approved petition 2007-047 to retain current entitlements for 20,000 square feet of uses permitted in the NS (neighborhood services) district, with the exception of gas stations and convenience stores, and to allow one accessory drive through window.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

South Atlantic Equipment Co., Inc.
Raley Miller Properties
Ken Orndorff

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Northeast Area Plan*, which recommends retail uses for the site.

Rationale for Recommendation

- Development will provide a mixture of up to 20,000 square feet of uses permitted in the NS (neighborhood services) district, with the exception of gas stations and convenience stores, and will allow one accessory drive through window.
- Development will provide an interconnected street network and

- pedestrian connections to the adjacent properties, and to sidewalks along public streets.
- Provides an interior plaza and patio that serve as useable open space.
- Neighborhood Services district allows all uses in B-1, which are primarily retail uses and consistent with the land use recommendation of retail.
- This node of neighborhood services is within walking distance of a multi-family residential community.

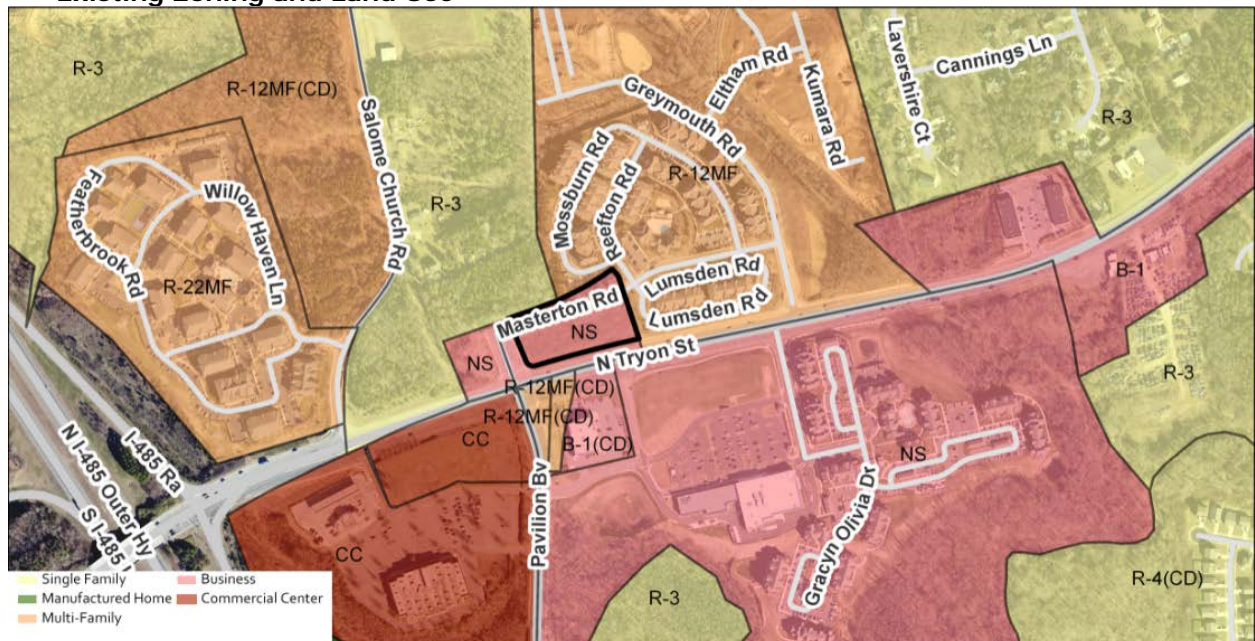
PLANNING STAFF REVIEW

Proposed Request Details

The site plan amendment contains the following changes:

- Allows only one drive-through window facility, as an accessory to one establishment which will be screened.
- Building height limited to 35 feet.
- ~~Building elevations facing N. Tryon Street will be a combination of windows and operable doors for a minimum of 70% of the elevations, with up to 10% comprised of display windows.~~
- Building materials will incorporate a minimum of 20% masonry materials such a brick, stone, and CMUs.
- Buildings may be phased but streetscape along N. Tryon Street will be installed with the initial building on the site.
- Provides a pedestrian crosswalk across Masterson Road.
- Building elevations facing North Tryon Street shall include a combination of windows and operable doors for a minimum of; a) 70 percent for retail buildings and b) 50 percent for office buildings, of each frontage elevation with transparent glass between two feet and 10 feet on the first floor. Up to 10 percent of this requirement may be comprised of display windows. These display windows 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.
- Providing a 12-foot wide planting strip to accommodate a future bicycle facility along N. Tryon Street frontage.

Existing Zoning and Land Use



- Petition 2007-047 rezoned the subject property to NS (neighborhood services) to allow 2,000 square feet of retail uses excluding convenience stores, gasoline sales, and drive-through windows to any use other than a bank/financial institution. Allowed 20,000 building square feet of uses permitted in the NS (neighborhood services) district, excluding convenience stores and gasoline sales. Site access off West Pavilion Boulevard via a private street.
- Surrounding properties north of the site are developed with residential dwellings, and commercial condos. Properties south of N. Tryon Street contain a movie theater, gas station,

retail uses, and multi-family apartments.



The subject property is zoned NS (neighborhood services) and is vacant.



The properties to the north and east are developed with apartments.

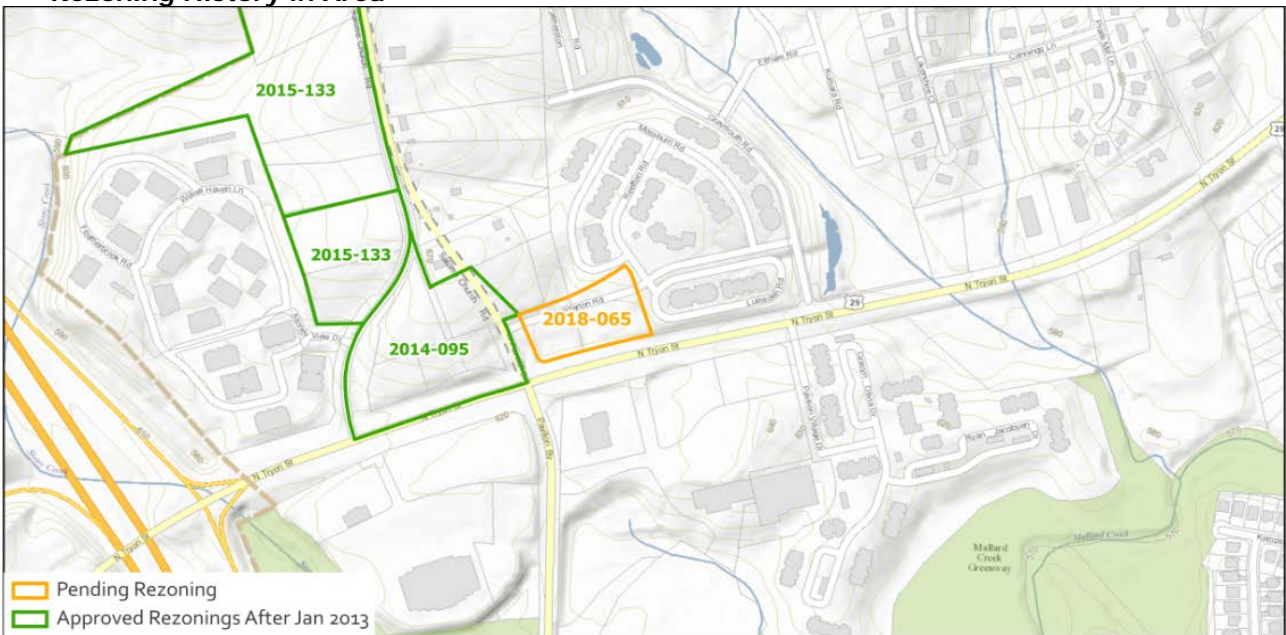


The property to the west is developed with apartments.



The properties to the south include a mix of retail, restaurants, gas station, movie theater and apartments.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-133	Rezoned 20.6 acres to R-12MF(CD) (multi-family residential, conditional) to allow up to 228 residential dwelling units, at a density of 11 units per acre.	Approved
2014-095	Rezoned 5.08 acres to B-1(CD) (neighborhood business, conditional) to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating, drinking and entertainment uses.	Denied

• **Public Plans and Policies**



The *Northeast Area Plan* (2000) recommends retail uses for the site.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on N. Tryon Street (major thoroughfare). CDOT is asking the petitioner to provide a 12-foot multi-use path and eight-foot wide planting strip along N. Tryon Street to provide better pedestrian and bicyclist connectivity.
- See *Outstanding Issues, Notes 1-3*.
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant lot).
 Entitlement: 2,390 trips per day (based on 20,000 square feet of retail uses).
 Proposed Zoning: 2,390 trips per day (based on 20,000 square feet of retail uses).

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:** This petition will not impact the school system.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water transmission main located along North Tryon Street. Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The closest available sewer main is approximately 160 feet south of the rezoning boundary on North Tryon Street.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed from the right-of-way without authorization from the City Arborist. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the city to remove any city trees located in the right-of-way. No trees can be removed from or planted in the right-of-way of N. Tryon Street without permission of NCDOT and the City Arborist's office. No trees can be planted in the right-of-way of W. Pavilion Boulevard without explicit permission of the City Arborist's office. Tree species must be approved by the city arborist prior to tree planting. NCDOT requires large maturing trees planted 30 feet from the edge of travel lane or outside the right-of-way on N. Tryon Street.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** Site must comply with Tree Ordinance.

- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~Label eight-foot planting strip and six-foot sidewalk along Masterson Road frontage.~~ Addressed
2. ~~Show and label an eight-foot planting strip to accommodate a future bicycle facility and 12-foot multi-use path along the N. Tryon Street frontage.~~ Addressed
3. ~~Add a note that 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 the site plan notes.~~ Addressed

Site and Building Design

4. ~~Amend Note 5a under Architectural Standards to include a combination of windows and operable doors for a minimum 80% of the elevations fronting N. Tryon Street and Masterson Road.~~ Addressed
5. ~~The site design does not currently encourage pedestrian access from the residences along Masterson Road because buildings are oriented to the parking lot rather than the street.~~ Rescinded by staff.
6. ~~Site elements, such as loading and waste facilities, should be located closer to N. Tryon Street and property screened so as not to provide obstructions for pedestrians to access buildings from Masterson Road.~~ Rescinded by staff.

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