

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-143

Property Owner: Carrie Bell McClellan by entirety

Petitioner: Dave Ransenburg-Gateway Homes, LLC

Location: Approximately .93 acre located on the northwest corner of N. Tryon Street and Pavilion Boulevard

Center, Corridor or Wedge: Corridor

Request: R-3, single-family residential up to 3 dwelling units per acre to NS, neighborhood services

Summary

The request is to rezone approximately .93 acre located on the northwest corner of N. Tryon Street and Pavilion Boulevard from R-3 to NS in order to accommodate the construction of a neighborhood oriented 2-story building with up to 10,000 square feet of general and medical offices. A portion of the site is developed with a single-family residence, and the remainder is vacant.

Consistency and Conclusion

The proposal is not consistent with the *Northeast Area Plan* (2000), which recommends residential development at a density of 12 dwelling units per acre. However, the request will provide for the extension of Pavilion Boulevard across North Tryon Street and the proposed office uses are compatible with the adjacent retail uses. Staff is supportive of this request subject the resolution of outstanding site plan items relating to the proposed realignment of Salome Church Road/Pavilion Boulevard, and ensuring there is no conflict with the proposed building location.

Existing Zoning and Land Use

The site is primarily surrounded by undeveloped and single family development zoned R-3, R-12MF, and R-12MF(CD). Also to the west is undeveloped land zoned B-1, and on the south side of N. Tryon Street is Regal Cinemas on property zoned CC.

Rezoning History in Area

The most recent rezoning in the nearby area was a site plan amendment (Rezoning Petition 2004-072) involving a portion of the CC zoned property on the south side of N. Tryon Street. The amendment allowed an additional 10,000 square feet to the overall development, and an increase from one to two the number of uses with drive-through windows permitted on the petitioned site. Rezoning Petition 2007-047 is a current request in indefinite deferral status that is located directly to the east, and proposes to rezone approximately 2.94 acres from B-1 and R-12MF to NS to allow a small neighborhood retail service center. Rezoning petition 2007-079, located at the southeast corner of Pavilion Boulevard and N. Tryon Street was approved on November 19, 2007 and allows the construction of up to 304 multi-family residential units at a density of 5.54 units per acre, and a maximum 100,000 square feet neighborhood center containing retail and service uses on approximately 74.4 acres.

Public Plans and Policies

The *Northeast Area Plan (2000)*. The *Northeast Area Plan* recommends residential development at a density of 12 dwelling units per acre. The Residential Location and Design criteria that are part of the General Development Policies do not apply to the site as the *Northeast Area Plan* recommends a maximum density for residential development.

Proposed Request Details

This request is to rezone .93 acre in order to allow the construction of a two-story, 10,000 square foot building for general and medical office uses. The site plan submitted with the rezoning petition identifies the following proposed improvements:

- Construction of a two-story, maximum 10,000 square foot building (building height 34 feet) for general and medical office uses
- Parking area consisting of 20 spaces (including one handicap)
- Stub connection for future extension of proposed east/west driveway
- Class C buffer along the north and west property lines
- Conveyance of 70 feet from center line of right-of-way for the Pavilion Boulevard extension
- Provision of a 6 foot sidewalk and 8 foot landscape strip along North Tryon Street, and 6 foot sidewalk and 10 foot planting strip along Pavilion Boulevard extension
- Provision of approximately 17% tree save area
- Intent to tie into the existing storm water system

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed the petition and indicates that under the current zoning the site could generate 20 trips per day. Under the proposed zoning the site could generate approximately 110 trips per day, which will have a minor impact on the surrounding system. CDOT has provided additional comments on this petition, which are as follows:

1. “Future NCDOT Pavilion Boulevard Extension” is shown on the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Thoroughfare Plan as Salome Church Road realigned in this location. This design needs to align with the Pavilion Boulevard leg of the intersection. We have provided the petitioner’s agent with the centerline and laneage that needs to be used for this intersection.
2. The typical section needs to be removed from the plan.
3. The site plan needs to provide an internal system of sidewalks that connects the building entrances to the sidewalks along the street, including a connection to the sidewalk on North Tryon Street.

CATS. CATS has reviewed the petition and has no comments at this time.

Connectivity. Connectivity is proposed via a proposed access point onto the Pavilion Boulevard extension. The proposal also provides pedestrian access with a walkway around the building, connecting to the future sidewalk along the Pavilion Boulevard extension.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has reviewed the petition and with respect to groundwater and wastewater notes the site contains an existing water supply well. The well must be protected from damage during site development (i.e. flagged and fenced) or must be abandoned prior to commencement of site work. LUESA notes that an on-site septic system may also exist on the parcel, and it is recommended that it be pumped to remove any residual contents, then crushed and backfilled. LUESA also requests submittal of a Solid Waste Management Plan prior to initiating demolition and construction activities.

Charlotte-Mecklenburg Storm Water Services (SWS) reviewed the petition and indicated no downstream complaints were observed. SWS had no other comments on this petition.

School Information. Charlotte Mecklenburg Schools has provided no comments on this non-residential petition.

Outstanding Issues

Land Use. The proposal is not consistent with the *Northeast Area Plan* (2000), but the request will provide for the extension of Pavilion Boulevard across North Tryon Street and the proposed office uses are compatible with the adjacent retail uses. The alignments of Salome Church Road and Pavilion Boulevard and the request to construct the east/west drive aisle for the proposed office building as a public street, along with other outstanding site plan items must be resolved in order for staff to support this petition.

Site plan. The following site plans remain outstanding and must be addressed:

- The petitioner must work with NCDOT, MUMPO, and CDOT in order to ensure any outstanding items related to the Salome Church Road/Pavilion Boulevard realignment are addressed.
- Ensure there are no conflicts between the required building setback, parking area, and required right-of-way dedication for realignment of Salome Church Road/Pavilion Boulevard.
- Address any outstanding items from CDOT, SWS, and LUESA.