

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-052

Property Owner: Henry Lomax

Petitioner: The Ghazi Company

Location: Approximately 13.07 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road.

Request: B-1 (CD), neighborhood business conditional to CC (CD), commercial center, conditional and BD (CD), business district, conditional

Summary

This petition proposes to rezone approximately 13.072 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road from B-1(CD) to CC (CD) and BD (CD) as part of a newly planned retail-oriented mixed use center. The area proposed to be rezoned to CC (BD) will consist of approximately 11.2 acres and allow up to 110,000 square feet of retail uses and up to 30,000 square feet of office. The maximum ground floor area of a single tenant use may be 50,000 square feet with an expansion area of up to 10,000 square feet. A four-story, mini-storage facility consisting of 110,000 square feet (27,500 square feet per floor) is proposed on the 1.8 acres proposed to be rezoned to BD(CD).

Consistency and Conclusion

The *Southwest District Plan* (1991) recommends retail on the subject property. The proposed office/retail development is consistent with the use indicated by the *Southwest District Plan*. Adopted land use plans do not specifically support mini-storage facilities. The proposed mini-storage facility may be considered appropriate subject to it being well integrated into the overall development, and ensuring that it does not create functional or visually negative impacts on surrounding properties. The site design of the mini-storage facility should ensure there are no truck entrances and exits, movement or storage on the sides facing residentially zoned properties. This petition can be supported subject to addressing outstanding issues regarding setback and buffer requirements, and design of the mini-storage facility. However, the petition cannot be supported in its current form.

Background

On June 16, 1986, City Council approved Rezoning Petition 85-067, rezoning 12.273 of the current 13.072 acres from B-1 to B-1 (CD) and allowing up to 99,000 square feet of uses permitted in the B-1(CD) district. On July 17, 1989, City Council approved Rezoning Petition 89-52, which rezoned the 12.273-acre parcel along with an additional .78 acre from B-1 (CD) and R-12MF to B-1 (CD) and B-1 (CD) S.P.A., and provided for up to 99,000 square feet of retail uses on noted Parcels "A" and "B".

Existing Zoning and Land Use

The parcel in question is surrounded by properties zoned for residential development. To the northeast, north, northwest and west are scattered residential housing, a tennis facility, golf range and vacant land on properties zoned R-4. Single-family residential subdivisions and vacant land are located to the east, southeast and south on properties zoned R-4. And, to the southwest are golf facility, office, and vacant land on parcels zoned B-2 (CD) and BP (CD).

Rezoning History in Area

There have been no recent rezonings in the immediate area.

Public Plans and Policies

- The *Southwest District Plan* (1991) shows the subject property as retail.
- The *General Development Policies* (2003) provide direction on design, development, location, and types of retail-oriented mixed/multi-use centers. According to the *General Development Policies* (GDP), this development would fall under a community size center, which consists of up to 300,000 square feet (maximum 225,000 square feet retail uses and maximum 75,000 square feet office uses).

Proposed Request Details

This petition proposes to rezone approximately 13.072 acres located on the northeast corner of S. Tryon Street and W. Tyvola Road from B-1 (CD) to CC and BD (CD) as part of a newly planned retail-oriented mixed use center. The site plan submitted with the rezoning application identifies seven building/parking envelopes. The area proposed to be rezoned to CC will consist of approximately 11.2 acres and allow for the following:

- Up to 110,000 square feet of retail uses and. The maximum ground floor area of a single tenant use may be 50,000 square feet with an expansion area of up to 10,000 square feet.
- Up to 30,000 square feet of office.
- Allow a maximum of one independent freestanding single tenant building.
- Allow a maximum building height of 60 feet.
- Reduce required 35-foot setback to 14 feet along South Tryon Street and Tyvola Road, as per Section 11.405(7).
- Request for a variance to allow for an Architectural Monument sign # 3 (second monument sign along South Tryon Street).

A four-story, mini-storage facility consisting of 110,000 square feet (27,500 square feet per floor) is proposed on the 1.8 acre-portion of the site proposed to be rezoned to BD (CD).

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 4,200 trips per day as currently zoned. Under the proposed zoning the site could also generate approximately 4,200 trips per day. This will not have an additional impact on the surrounding thoroughfare system provided that access requirements described below are constructed. CDOT has provided specific comments that are critical to their support of the rezoning petition relating to the following:

1. Access Point 1 on Tyvola Road can be considered by CDOT for full movements if the existing pavement markings can be revised by the petitioner/developer to:
 - a. Preserve a minimum of 250 feet of storage/15:1 bay taper for both the existing westbound Tyvola Road left-turn lane and exclusive right-turn lane to South Tryon Street.
 - b. Provide an eastbound left-turn lane serving the site's driveway with a minimum of 150 of storage/15:1 bay taper.
 - c. Construct a westbound right-turn lane with a minimum of 150 feet of storage/15:1 bay taper.

In order to meet these requirements, this driveway needs to be shown as close as possible to the eastern property line (minimum 10-foot offset). The developer is responsible for the design of these improvements and the remarking of the existing pavement markings as described above. All transportation improvements must meet applicable CDOT and NCDOT standards. If these requirements cannot be met, then the driveway will need to be restricted to serve right-in/right-out movements only. The plans need to be revised accordingly.

2. The North Carolina Department of Transportation (NCDOT) may require northbound right-turn lanes into Access Points 2 and 3 on South Tryon Street. The petitioner needs to coordinate these roadway improvements with NCDOT prior to the submittal for a city driveway permit.
3. In accordance with the existing conditional site plan for this property (RP 89-52) approved by City Council on July 12, 1989, the petitioner/developer must meet his commitment to dedicate the following right-of-way along the site's street frontages (*Previous review comment*):
 - a. South Tryon Street- 60 feet from the centerline for a distance of 500 feet as measured in a northerly direction from the West Tyvola Road right-of-way described below, then tapering at a rate of 45:1 to a location that is 50 feet from the centerline.
 - b. West Tyvola Road- 70 feet from the centerline for a distance of 500 feet as measured in an easterly direction from the South Tryon Street right-of-way described above, then tapering at a rate of 45:1 to a location that is existing or a minimum of 50 feet from the centerline, whichever is greater.

CATS. CATS requests the construction of a shelter pad on Tyvola as per CATS Development Standards 60.03A.

Storm Water. Mecklenburg County LUESA and City of Charlotte Storm Water Services have provided comments regarding storm water quantity control, storm water quality treatment, and volume and peak controls.

Connectivity. The site will be accessed via two ingress/egress points on South Tryon Street and one on Tyvola Road. CDOT is requesting that Sleepy Hollow Road be extended to Tyvola Road.

School Information. This non-residential petition will not impact the school system.

Outstanding Issues

Land Use. The proposed office and retail uses are appropriate on the site in question. Given this parcel lies directly adjacent to single-family residential neighborhoods, great attention needs to be given to provision of adequate buffering with this proposed development.

Site Plan. The following site plan issues are outstanding:

- Development does not meet required buffer. Please revise site plan accordingly.
- Provide elevations of mini storage facilities from all sides.
- The site plan needs to illustrate pedestrian access from surrounding neighborhoods to the site in question.
- Maintain a minimum setback along Tyvola Road of 35' feet.
- Please note on site plan that development shall maintain 10% tree save. Save all trees within 35' setback.
- Required buffer is not allowed within right-of-way. See Section 12.302(12).
- Identify plant materials and tree species on site plan.
- All lights are to be fully shielded. In addition, wall 'PAK' lighting is not allowed. Note as such on plan.
- Eliminate note regarding sign variance request and proposed location from site plan. There is no hardship. Variance must be secured prior to zoning approval.
- Only outparcels are allowed to have detached signs. Multi-tenant buildings are not allowed detached signs.
- Duke Power will not allow signs under right-of-way.
- Duke Power may not allow access under right-of-way.
- Show location of landfill on plan.
- Show Sleepy Hollow right-of-way.
- Dedicate 25' of right-of-way for future extension of Sleepy Hollow right-of-way.
- Provide pedestrian connection to Sleepy Hollow.
- Provide pedestrian scale lighting through out site.
- Need to remove access point that is in the buffer.
- Provide 8' planting strip and 6' sidewalk with large maturing street trees planted between curb and sidewalk along both Tryon and Tyvola.
- Will the intersection planting be removed that is located at corner, if not show existing on site plan? Show on site plan any of the large specimen trees be saved? Provide an elevation or perspective of how this corner will be designed.
- Combine trash/dumpster areas when possible. Recommend looking at combining dumpsters with building architecture instead of freestanding enclosures.
- Need to fix odd circulation design between outparcel building and 19.2K building.
- No structures are allowed in the Duke Power easement.
- Label/reference elevations to a footprint on site plans.
- Provide labels that call out clear glass windows and doors.
- Add notes to plan requested by Storm Water Services.