

Rezoning Petition 2016-039 Zoning Committee Recommendation

April 27, 2016

REQUEST

Current Zoning: R-3 (single family residential)

Proposed Zoning: O-1(CD) (office, conditional) with five-year vested

rights

LOCATION

Approximately 3.48 acres located on the east side of South Tryon Street between Wright's Ferry Road and Grandiflora Drive.

(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow up to 45,000 square feet of office and/or other uses allowed in the O-1 (office) district, including a child care facility. The vacant property is located south of the RiverGate Shopping Center, Carolinas Medical Center, and Steele Creek

Volunteer Fire Department on South Tryon Street.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Rees G. (Jr) and Retha (wife) Russell MVP Properties, LLC James "Chip" Cannon

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

- The Zoning Committee found this petition to be inconsistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:
 - The plan recommends residential at up to four dwelling units per acre.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
 - The subject property is located on South Tryon Street, between a religious institution and Carolinas Medical Center.; and
 - While the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution; and
 - In addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site:

By a 6-0 vote of the Zoning Committee (motion by Sullivan seconded by Eschert).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

- 1. Amended note in the Development Summary that the proposed zoning is O-1(CD) with five-year vested rights.
- 2. Removed reference to "no wall pak" from the Lighting Note on Rezoning Sheet 1.0.
- 3. Modified Architectural Standards Note 4.e. to specify architectural treatments to ensure blank wall provisions do not exceed 20 feet horizontally or 10 feet vertically, transparent windows are used on elevations visible from the public right-of-way for a minimum 50% of the façade and the pedestrian entrances feature prominent architectural elements, including, but not limited to canopies.
- 4. Modified Environmental Features Note 6.a to state that the site will comply with the City of Charlotte Tree Ordinance. Tree save area

shall be provided on the site, primarily on the northern boundary where trees and vegetation exist. The exact location will be determined during the construction document review and permitting phase.

5. Modified Environmental Features Note 6.b to state that the site will comply with the Post Construction Controls Ordinance for storm water. Above ground Water Quality and Detention BMP's will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms. The BMP's may be provided above ground or underground. If above ground, the BMP will be located in the northeast portion of the site.

VOTE Motion/Second: Wiggins / Sullivan

Yeas: Eschert, Labovitz, Lathrop, Majeed, Sullivan, and

Wiggins

Nays: None Absent: Dodson Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and the changes since the public hearing. Staff noted that this petition is inconsistent with the *Steele Creek Area Plan*, which recommends residential at up to four dwelling units per acre. However, staff is recommending approval based on the reasons stated in the staff analysis and public hearing presentation.

There was no additional discussion.

STAFF OPINION Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes construction of two buildings.
- Allows Building 1 to have a maximum of 33,500 square feet of office and/or other uses allowed in the O-1 (office) district.
- Allows Building 2 to be a child care facility consisting of up to 11,500 square feet and limited to 180 children, or other uses allowed in the O-1 (office) district.
- Proposes buildings constructed on site may be one, two, or three floors, with a maximum building height of 50 feet.
- Illustrates building and parking envelopes, building footprints, and possible play area for proposed child care facility.
- Provides a 30-foot setback from future right-of-way to be consistent with setback requirement for abutting properties zoned R-3 (single family residential) as per Section 12.102(1) of the zoning ordinance. The office zoning districts require a 20-foot setback.
- Provides pedestrian and vehicular access via proposed driveway connection to South Tryon Street, and internal sidewalks connecting proposed buildings to new sidewalk along the abutting right-of-way.
- Proposes a ten-foot wide sidewalk and eight-foot planting strip along South Tryon Street. Sidewalk will fulfill requirement as well as provide an overland connector for the Walker Branch Tributary Greenway as requested by Mecklenburg County Park and Recreation Department.
- Provides, at a minimum, a permanent 20-foot wide access easement through a portion of the 35-foot SWIM buffer along the entire length of the site's northern boundary for future greenway
- Dedicates and conveys additional right-of-way along the site's frontage measuring 67 feet from the centerline for the future expansion of South Tryon Street from four to six lanes with protected bike lanes. Requires dedication and conveyance to be recorded prior to the issuance of the first certificate of occupancy.
- Proposes four-sided architecture consistent with design guidelines outlined in the Steele Creek

Area Plan.

Public Plans and Policies

• The Steele Creek Area Plan (2012) recommends residential up to four dwelling units per acre for this site.

TRANSPORTATION CONSIDERATIONS

• The site will be accessed by a proposed road connecting the site to South Tryon Street. The primary transportation goal for this site is to ensure the future expansion of South Tryon Street from four to six lanes with protected bike lanes.

Vehicle Trip Generation:

Current Zoning: 10 trips per day (based on the existing single family home).

130 trips per day (based on the entitlement for 10 single family homes).

Proposed Zoning: 1,450 trips per day (based on 33,000 square feet of office uses and 12,000

square feet of day care uses).

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: See Advisory Comments, Note 1.
- Engineering and Property Management: See Advisory Comments, Note 2.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

ADVISORY COMMENTS

- Charlotte Water currently does not have water system availability for the parcel under review.
 The closest available water main is approximately 200 feet west of the property at the
 intersection of South Tryon Street and Wright's Ferry Road. The applicant should contact
 Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to
 the water system.
- 2. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. The tree save shall be provided on site as the project is located in the Wedge.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte-Mecklenburg Storm Water Services Review
- · Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782