

<b>REQUEST</b>	Current Zoning: R-3 (single family residential) Proposed Zoning: O-1(CD) (office, conditional) with five-year vested rights
<b>LOCATION</b>	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)
<b>SUMMARY OF PETITION</b>	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.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Rees G. (Jr) and Retha (wife) Russell MVP Properties, LLC James "Chip" Cannon
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of technical items pertaining to vested rights and lighting.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Steele Creek Area Plan</i> recommendation for residential at up to four dwelling units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is located on South Tryon Street, between a religious institution and Carolinas Medical Center.</li> <li>• 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.</li> <li>• 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.</li> </ul>
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**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 use.
- 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*.
- **Existing Zoning and Land Use**
  - The site is developed with a single family structure built in the 1900's.
  - East of the proposed site are undeveloped acreage, the Steele Creek Volunteer Fire Department, Carolinas Medical Center (Steele Creek), the Steeecroft mixed use development (including apartments, offices, and retail), and RiverGate Shopping Center on properties located in a variety of zoning districts.
  - South are undeveloped acreage and single family residential homes zoned R-3 (single family residential).
  - To the west are a religious institution, undeveloped acreage and attached and detached single family residential communities, City of Charlotte Fire Station 37, and commercial uses zoned R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), and B-1 (neighborhood business).
  - North are an assisted living facility, undeveloped acreage, and single family homes zoned INST (CD) (institutional, conditional) and R-3 (single family residential).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2016-028 (pending) proposes to rezone 3.65 acres located on the north side of South Tryon Street between Wrightsville Ferry Road and Grandiflora Drive to BD (CD) (distributive business, conditional) to allow the construction of up to 100,000 square feet of climate controlled storage space.
  - Petition 2016-025 (pending) proposes to rezone the parcel abutting and to the north of the site associated with petition 2016-028 to R-12MF (CD) (multi-family residential, conditional) and BD (CD) (distributive business, conditional). This request is for 74 attached dwelling units (townhomes for sale), as well as a new street to access the townhomes or accessory uses associated with proposed climate controlled storage.
  - Petition 2013-060 rezoned approximately 3.56 acres located on the southeast corner at the intersection of South Tryon Street and Steeecroft Parkway from R-3 (single family residential) to NS (neighborhood services) to allow a 30,000-square foot commercial development with a minimum 10,000 square feet for office uses or a 25,000-square foot commercial development with no office development.
  - Petition 2012-078 rezoned property located at 13600 South Tryon Street from R-3 (single family residential) to INST (CD) (institutional, conditional) to allow for a 110-bed dependent living facility. This property is located to the northwest across South Tryon Street from the subject property.
- **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 4 to 6 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 5.
- **Engineering and Property Management:** See Advisory Comments, Note 6.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### REQUESTED TECHNICAL REVISIONS

##### Land Use

1. Note in the Development Summary that the proposed zoning is O-1(CD) with five-year vested rights.

##### Site and Building Design

2. Remove reference to "no wall pak" from the Lighting Note on Rezoning Sheet 1.0.
3. Modify Architectural Standards Note 4E 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.

##### Environment

4. Show possible locations for tree save areas and storm water facilities.

#### ADVISORY COMMENTS

5. 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.
6. 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.

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#### Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- 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