

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2004 -136**

**Property Owner:** Jerry Barefoot

**Petitioner:** Jordan Washburn

**Location:** Approximately 3.741 acres located east of the intersection of Moores Chapel Road and Belmeade Drive

**Request:** R-3, LLW-PA, single family residential Lower Lake Wylie Protected Area to B-2 (CD), LLW-PA, general business conditional Lower Lake Wylie Protected Area

**Note: Staff is requesting a 30-day deferral of this petition to continue to work on outstanding site plan issues.**

### **Summary**

This petition proposes to rezone approximately 3.741 acres from R-3(LLWPA) to B-2(CD) (LLWPA) for the construction of a 3,840 square foot convenience store/gas station with an automatic car wash and 4,020 square foot restaurant with a drive-thru. The development totals 7,860 square feet of retail/commercial land uses.

### **Conclusion**

The request is consistent with the adopted plans for the area. However, staff is continuing to work with the petition on outstanding site plan issues and the traffic impact analysis.

### **Existing Zoning and Land Use**

The area surrounding the petitioned property is predominately residential in use and zoning. Across Moores Chapel is an existing convenience store that is zoned B-1, neighborhood business. A single-family residence is on the property. If rezoned, the residence will be demolished.

### **Rezoning History in Area**

The most recent rezoning in the immediate area was in 1999 (99-66C) for approximately 55 acres on Belmeade. The property was rezoned from R-3 LW/PA to R-5(CD) LW/PA for a single family residential subdivision.

### **Public Plans and Policies**

**Westside Strategic Plan (2000)**. The Westside Strategic Plan is the current land use policy for this location and recommends retail/commercial development in the northwest quadrant of the I-

485 and Moores Chapel Road interchange. This land use policy recommendation is based on the odd-shaped remnant of land that will be surrounded on all sides by roads after the completion of the I-485 and Moores Chapel Road interchange. Note that the Plan encourages more cohesive and pedestrian-oriented mixed-use developments at the Outer Loop interchanges and at major intersections where feasible.

**Northwest District Plan (1990).** The Northwest District Plan was the former land use policy for this location that recommended single-family at a residential density up to 6 dwelling units per acre (DUA).

### **Proposed Request Details**

- The proposed request will allow the development of a 4,020 square foot restaurant with a drive-thru and a 3,840 square foot convenience store/gas station with an automatic car wash.
- Provisions requiring that if a convenience center/gas station is located within the commercial center, then its underground fuel storage facility must satisfy the following provisions designed to protect the ground water:
  - Double wall storage tanks
  - Double wall piping
  - An automated leak detection system with an alarm system that is continuously monitored both on-site and off-site by an independent service whose business is to monitor and respond to alarms on a timely basis.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 100 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 5,200 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, we request that a Traffic Impact Study (TIS) be submitted by the developer to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity. The preparer of the TIS must contact Mark Cook (704-432-1555) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- The site plan should reflect the final configuration of Rhyne and Moores Chapel Roads at completion of the NCDOT project. Items such as pavement markings, edge-of-pavement and right-of-way lines on both sides of all roads shown should be clearly illustrated on the conditional plan.
- CDOT can only support one driveway to serve the proposed development. The driveway must be a Type III- street type access and be located directly across from Belmeade Road. This driveway should extend through the site as a public street and stub to the adjacent property.

- According to the City of Charlotte's Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street/private driveway connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street/private driveway connection provided that a left-turn lane is constructed on Rhyne Road. We recommend the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street/private driveway connection. This roadway improvement is required to meet the traffic demands of the proposed development. The left-turn lane should be designed with a minimum 150 feet of storage, a 15:1 bay taper and 45:1 through lane tapers.
- Sidewalk, curb, and gutter will be required along the public street frontage for this site. The rezoning exhibit should show the sidewalk, curb and gutter in the public right-of-way for Moores Chapel Road and Rhyne Road.
- The site plans shows the parcel fronting a street with two names, Moores Chapel Road and Rhyne Road. Since the completion of the realignment of Moores Chapel Road in this area, the road is now named Rhyne Road and should be labeled as such on the rezoning exhibit.

**CATS.** CATS did not comment on this petition.

**Connectivity.** The site plan shows potential connectivity to the adjacent property in anticipation of it being rezoned to a non-commercial classification.

**Storm Water.** The petitioner shall include the following notes on the petition:

- The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

**School Information.** This petition will not affect the school system.

### **Outstanding Issues**

**Land Use.** The rezoning request is fairly consistent with the Westside Strategic Plan land use recommendations. However, water quality concerns must be addressed and the site should provide greater vehicular and pedestrian connectivity to the contiguous property located to the northeast along Moores Chapel Road that is also recommended for retail/commercial land uses.