

**November 17, 2014**

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<b>REQUEST</b>	Current Zoning: NS, neighborhood services Proposed Zoning: NS SPA, neighborhood services, site plan amendment
<b>LOCATION</b>	Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.
<b>STAFF RECOMMENDATION</b>	Staff does not support this petition in its current form. The approved office building is consistent with the <i>Steele Creek Area Plan</i> . However, the proposed retail automobile service center is inconsistent with the office uses recommended per the <i>Steele Creek Area Plan</i> .
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Moss Road Development Partners, LLC Moss Road Development Partners, LLC Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

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## **PLANNING STAFF REVIEW**

- **Background**
  - The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the *Southwest District Plan*, which recommended single family residential up to three dwelling units per acre.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Amends permitted uses to allow all uses in the NS (neighborhood services) district.
  - Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
  - Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
  - Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the requirements of the Ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.
  - Removes 25-foot height maximum for detached lighting.
  - Provides elevations of the proposed automotive services building.
- **Existing Zoning and Land Use**
  - The site is currently undeveloped and surrounded by a mix of attached and detached single family residential neighborhoods, multi-family residential, institutional, commercial, office, and warehouse uses, and undeveloped acreage on properties zoned various zoning districts.
- **Rezoning History in Area**
  - Rezoning petition 2009-002 rezoned approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 (single family residential) to I-1(CD) (general industrial, conditional), in order to allow the continuance of a public utility use

on the site with the addition of a contractor's office within a recently renovated 20,000-square foot building.

- **Public Plans and Policies**

- The *Steele Creek Area Plan* (2012) recommends office land uses for this site.
  - The portion of the request involving the previously approved office building is consistent with the *Steele Creek Area Plan*. The retail portion of the petition is inconsistent with the *Steele Creek Area Plan*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** CATS has requested that the petitioner provide and construct a concrete waiting pad for the existing bus stop along South Tryon Street. The bus stop location may move to avoid blocking the proposed driveway. However, the bus stop location should remain outside of either right-turn lane to the new driveway or to Moss Road, since bus routes serving the stop continue straight on South Tryon Street. CATS has provided an image of the standard detail for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on South Tryon Street, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Transportation:**
    - CDOT will require that the petitioner extend the existing eastbound right-turn lane on South Tryon Street, back to the proposed driveway and use pavement markings to create a median curb radius extension and right-turn lane bay taper (depiction provided in CDOT memorandum).
    - **Vehicle Trip Generation:**  
Current Zoning: 1,500 trips per day.  
Proposed Zoning: 650 trips per day.
    - **Connectivity:** See comment above.
  - **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:** Storm Water Services has requested that the following note be placed on the site plan under "Environmental Features": "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** The petitioner should address the following:
    - Correct the typographical error in the note under the Environmental Features heading to read: "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review..."
    - Existing trees must be preserved to meet tree save requirements per Charlotte Tree Ordinance Section 21-94.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
  - **Urban Forestry:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - This site meets minimum ordinance standards.

**OUTSTANDING ISSUES**

- Land use
    1. The retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office.
  - If this petition is considered for approval, the petitioner should:
    1. Provide a Development Data Table and include proposed use(s) and maximum building height.
    2. Limit uses to personal services and eliminate retail uses.
    3. Ensure the labelling on the site plan is correct with respect to development notes pertaining to streetscape commitments along Moss Road.
    4. Address CATS, CDOT, Engineering and Property Management, and Storm Water Services comments.
    5. Limit maximum height of detached lighting to 25 feet and note light fixtures will be full cut-off and downwardly directed.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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