

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights
<b>LOCATION</b>	Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow retail, eating/drinking/entertainment establishments, office, and self-storage uses in a single building on a vacant lot in the Yorkmont area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Nasir Ahmad and Najamul T. Ahmad Michael Adams Babak Emadi
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design, and requested technical revisions.</p> <p><u>Plan Consistency</u> The retail and eating/drinking/entertainment establishment uses are consistent with the retail land uses recommended for this site in the <i>Southwest District Plan</i>, as amended by rezoning petition 1997-015. The climate controlled storage and office is inconsistent with the adopted plan recommendation.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is part of a larger multi-use development located at the Interchange of I-77 and Tyvola Road and developed with a range of commercial uses, including three hotels, an office and a financial institution.</li> <li>• The prior rezoning prohibited automobile oriented uses such as convenience stores with gasoline sales and restaurants with drive-through service windows.</li> <li>• The proposed retail and/or eating/drinking/entertainment establishments on the ground floor of the climate controlled storage is consistent with the adopted retail land uses for this site, and will complement the surrounding hotel, office and residential uses.</li> <li>• While technically inconsistent with the <i>Southwest District Plan</i> recommendation, the proposed climate controlled storage on the subject property has been designed to resemble an office building with ground floor commercial and is visually compatible with the surrounding commercial uses.</li> <li>• Self-storage facilities have low traffic volumes and the proposed eating/drinking/entertainment establishments do not have an associated drive-through window.</li> <li>• In addition, the site design supports pedestrian activity along Nations Ford Road and Tyvola Glen Circle, by placing the building at the back of sidewalk with parking to the side and rear, making it easy for nearby residents, employees and hotel guests to walk to the retail and/or eating/drinking/entertainment establishments.</li> <li>• The proposal also provides for a number of improvements at the intersection of Tyvola Road and Nations Ford Road that will enhance pedestrian safety via improvements to the adjacent pedestrian refuge islands, new accessible ramps, and installation of new sidewalks.</li> </ul>
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## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows 10,000 square feet of retail and/or eating/drinking/entertainment establishments, 1,000 square feet of office, and 80,000 square feet of climate controlled storage, for a total 91,000 square feet in a single building.
- Proposes a maximum building height of 60 feet.
- Proposes the following optional provision:
  - Allow surface parking and maneuvering between the permitted use and the required setback along Tyvola Road. In areas where this occurs, the petitioner commits to a combination of tree save and supplemental planting between the parking area and the public right-of-way. These improvements may occur within the 35-foot setback on Tyvola Road. The petitioner commits to enhanced landscaping in these areas equivalent to the standards of a 35-foot "Class C" buffer.
- Accesses the site via Tyvola Glen Circle which connects to Nations Ford Road, and a private drive off Tyvola Road.
- Provides a number of improvements to pedestrian facilities surrounding the site including: new eight-foot planting strip and six-foot sidewalk along Tyvola Road and the private drive connecting to Tyvola Road; a new eight-foot planting strip and six-foot sidewalk along Tyvola Glen Circle except that the planting strip may be eliminated adjacent to on-street parking to maintain access; new accessible ramps at the intersection of the private drive and Tyvola Road and at the intersection of Nations Ford Road and Tyvola Road; and improvements to the pedestrian refuge island in the area which will also be improved with new sidewalk, associated accessible ramps and replacement of curb as necessary.
- Provides on street parking/loading spaces along Tyvola Glen Circle.
- Identifies the location of a potential bus waiting pad to be installed per CATS standards on the north side of Tyvola Road between Nations Ford Road and the private drive.
- Provides elevations and proposes building materials will be a combination of some or all of the following: brick, concrete, decorative concrete masonry units, EIFS, EIFS brick, architectural metal, metal panels, storefront clear glass, spandrel glass, architectural metal and vinyl railings and accessories. Windows will be a combination of vision glass, spandrel glass, and screened framed opening. Building entrances will have architectural metal or fabric canopies and awnings.

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

- The subject site is part of a larger 22.25-acre site at the northeast corner of Nations Ford Road and Tyvola Road. The larger site was rezoned by petition 1997-015 to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels.
- Two rezoning petitions have been filed within the past two years in attempts to rezone this site. Rezoning petition 2015-118 proposed to allow an automobile service station, associated convenience store, and another proposed commercial building. The request was denied by City Council on January 19, 2016. Rezoning petition 2014-092 proposed an automobile service station and a commercial building. This request was withdrawn in March 2015 prior to the City Council decision.
- The subject site is part of the overall commercial center but is currently vacant. The approved site plan for this site allows 6,000 square feet of office, 10,500 square feet of retail, or 24,000 square feet of eating/drinking/entertainment establishments, and excludes automobile service stations, building material sales and dwellings.
- Properties across Tyvola Road to the south, and across Nations Ford Road to the west, are zoned R-4 (single family residential) and developed with single family uses (Greenbriar Woods neighborhood) and a church. Diagonally across Tyvola Road and Nations Ford Road is multi-family development zoned R-17M(CD) (multi-family residential, conditional).
- Across I-77 to the east is an area of intensive commercial development, including gasoline stations, hotels, fast food and other restaurant uses, and a variety of retail uses.
- See "Rezoning Map" for existing zoning in the area.

### • **Rezoning History in Area**

- Rezoning petition 2016-003, a CC SPA (commercial center, site plan amendment) consisting of approximately 7.1 acres located on the east side of Nations Ford Road, north of Tyvola Road, and west of I-77, was approved by City Council on February 15, 2016, to allow office or a hotel. The subject site is part of a larger 22.25 acre site at the northeast corner of Nations Ford Road and Tyvola Road rezoned by petition 1997-015 to CC (commercial center) to allow for office,

retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels.

- **Public Plans and Policies**

- The *Southwest District Plan* (1991), as amended by rezoning petition 1997-015, recommends retail land uses for this site, with the exception of automobile service stations, building material sales and dwellings.

- **TRANSPORTATION CONSIDERATIONS**

- This site is bordered by a minor thoroughfare and a major thoroughfare near a signalized intersection. CDOT has not identified any negative impacts to the transportation facilities in the area. The current site plan complies with CDOT transportation goals by locating site access on a private street, Tyvola Glen, and improving existing pedestrian crossings along Tyvola Road.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 1570 trips per day (based on 10,500 square feet of entitled retail).

Proposed Zoning: 1,760 trips per day (based on 10,000 square feet of retail uses, 1,000 square feet of office uses and 80,000 square feet of storage uses).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No issues.
- **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:** No issues.
- **Engineering and Property Management:** The development of the site must comply with the requirements of the tree ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Site and Building Design

1. Amend the Development Data Table to reflect a minimum of 60 parking spaces provided.
2. Remove Optional Provision Note 3A as it is not opting out of a standard of the MUDD zoning district. Provide a new note under Streetscape and Landscaping that specifies the commitment to maintain the existing landscaped buffer except where the building fronts Nations Ford Road.
3. Amend the Development Data Table and Note 5A to specify a maximum building height of five stories and not to exceed 60 feet measured as defined in the Ordinance.
4. Amend the site plan and Note 6C to provide a minimum eight-foot sidewalk along Tyvola Glen Circle abutting proposed on-street parking and loading.
5. Change measurements for setbacks along Tyvola Road and Nations Ford Road to reflect a measurement from the future back of curb. Confirm with CDOT the location of the future curb and specify if the future curb is in the same location as the existing curb.

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

6. Specify the setback from the existing curb along Tyvola Glen Circle.
7. Remove "(Note: Original Rezoning 1997-015 allowed for a max building height of 2 stories for this parcel)" from the Development Data Table.

Transportation

8. Amend the label for the location of sidewalk and planting strip along Tyvola Road by changing the last sentence to say "Final location of these elements may be modified pending NCDOT review and approval during construction plan review."

Other

9. File an Administrative Amendment, prior to the rezoning decision, to the previously approved overall (1997-015) site plan to reflect changes made to update the entitlements for the overall site.

**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 Fire Department 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:** John Kinley (704) 336-8311