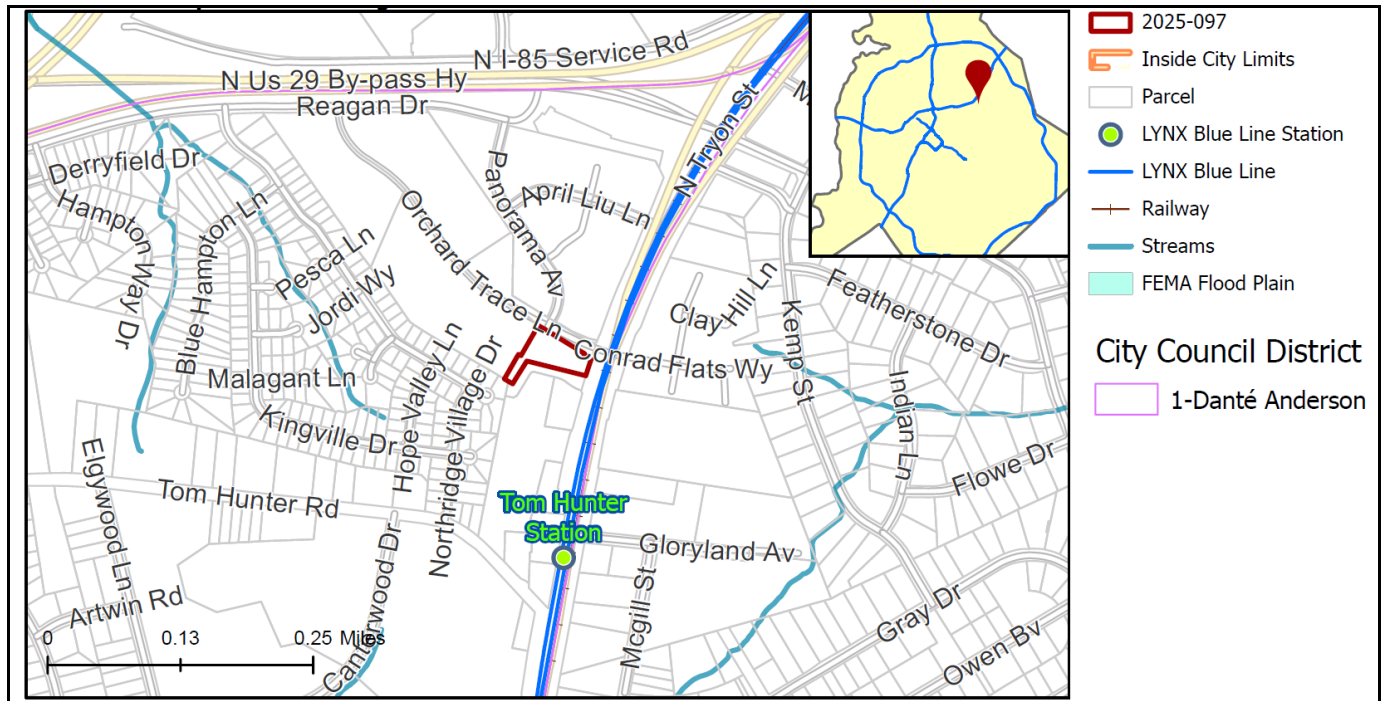


**REQUEST**

Current Zoning: TOD-TR (Transit Oriented Development - Transition)  
Proposed Zoning: CG(CD) (General Commercial, conditional)

**LOCATION**

Approximately 1.22 acres located west of North Tryon Street, south of Orchard Trace Lane, and north of Graham Meadow Drive.



**SUMMARY OF PETITION**

The petition proposes the development of a 1,000 square foot commercial building with an accessory drive-through. The site is currently undeveloped.

**PROPERTY OWNER**

N Tryon 6767, LLC

**PETITIONER**

JBH Investments, LLC

**AGENT/REPRESENTATIVE**

Collin Brown & Brittany Lins, Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 10

**STAFF  
RECOMMENDATION**

Staff does not recommend approval of this petition.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map (2022) recommendation for the Community Activity Center Place Type.

Rationale for Recommendation

- The petition is incompatible with the 2040 Policy Map recommendation for the Community Activity Center Place Type as the proposed development consists of single-use commercial structures with a drive-through lane and surface parking.
- The proposed development on this site does not align with the goals of the Community Activity Center Place Type as drive-throughs prioritize vehicle access and circulation, which undermines the activity center's emphasis on walkable, pedestrian-friendly environments.

- The site is located within a short walk of the Tom Hunter LYNX Blue Line station and is in an area that is quickly developing transit-oriented housing promoting the Community Activity Center Place Type's intention to create places where people can walk, bike, or take transit to access goods and services within a 10-minute trip.
- The site is located along North Tryon Street within a ¼-mile walk of the LYNX Blue Line station platform. The site is also on the route of the CATS number 11 local bus. In 2019, the City undertook a proactive rezoning of more than 1,700 acres of land to transit-oriented development zoning districts along the LYNX Blue Line light rail corridor to help facilitate new development that contributes to the City's major investment in rail transit. The proposed project is auto-centric in nature and would actively detract from that transit investment.
- The TOD-TR zoning district permits a wide variety of uses, including restaurant, by-right. Following the standards of the TOD-TR district would not permit a drive-through in this location and would achieve a more pedestrian focused site design.
- The site continues the predominate pattern of the low-rise, auto orientated, commercial development that makes up the area and does not align with or forward the goals of the *2040 Comprehensive Plan*.
- The petition could facilitate the following goal of the *2040 Comprehensive Plan*:
  - 10-Minute Neighborhoods

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Community Activity Center Place Type to the Commercial Place Type for the site.

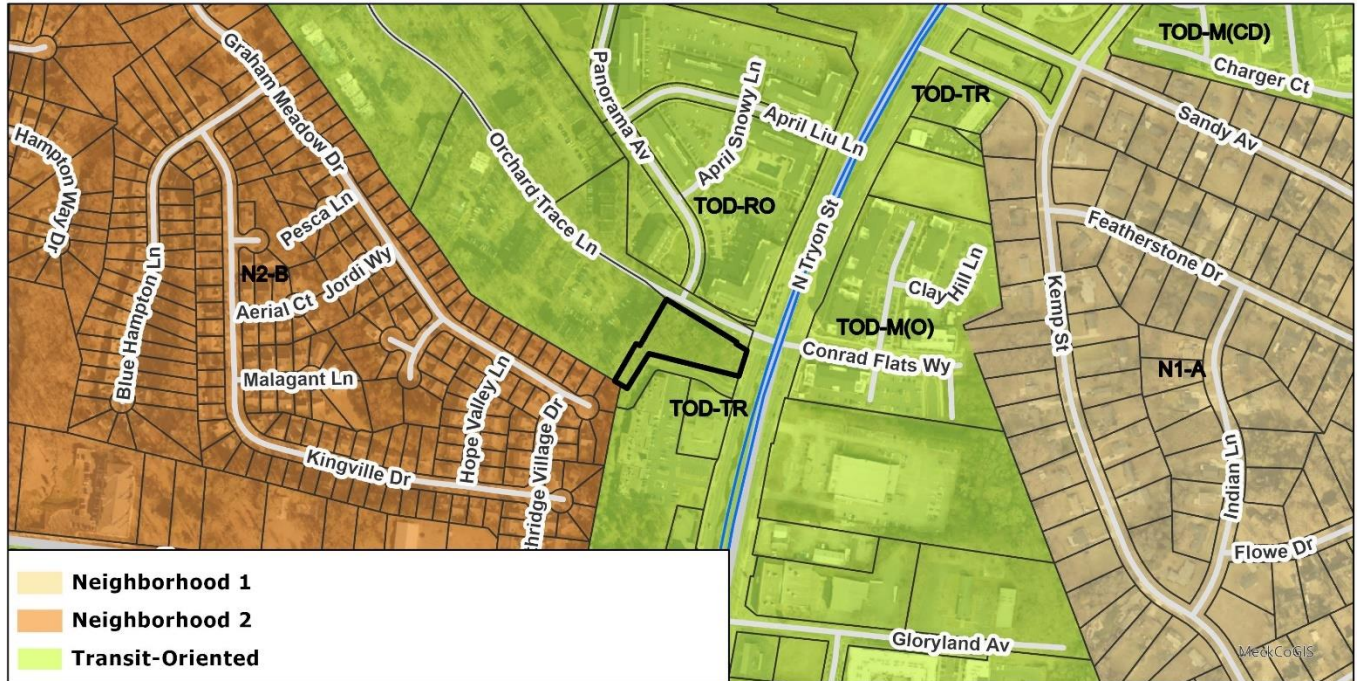
## PLANNING STAFF REVIEW

### • Proposed Request Details

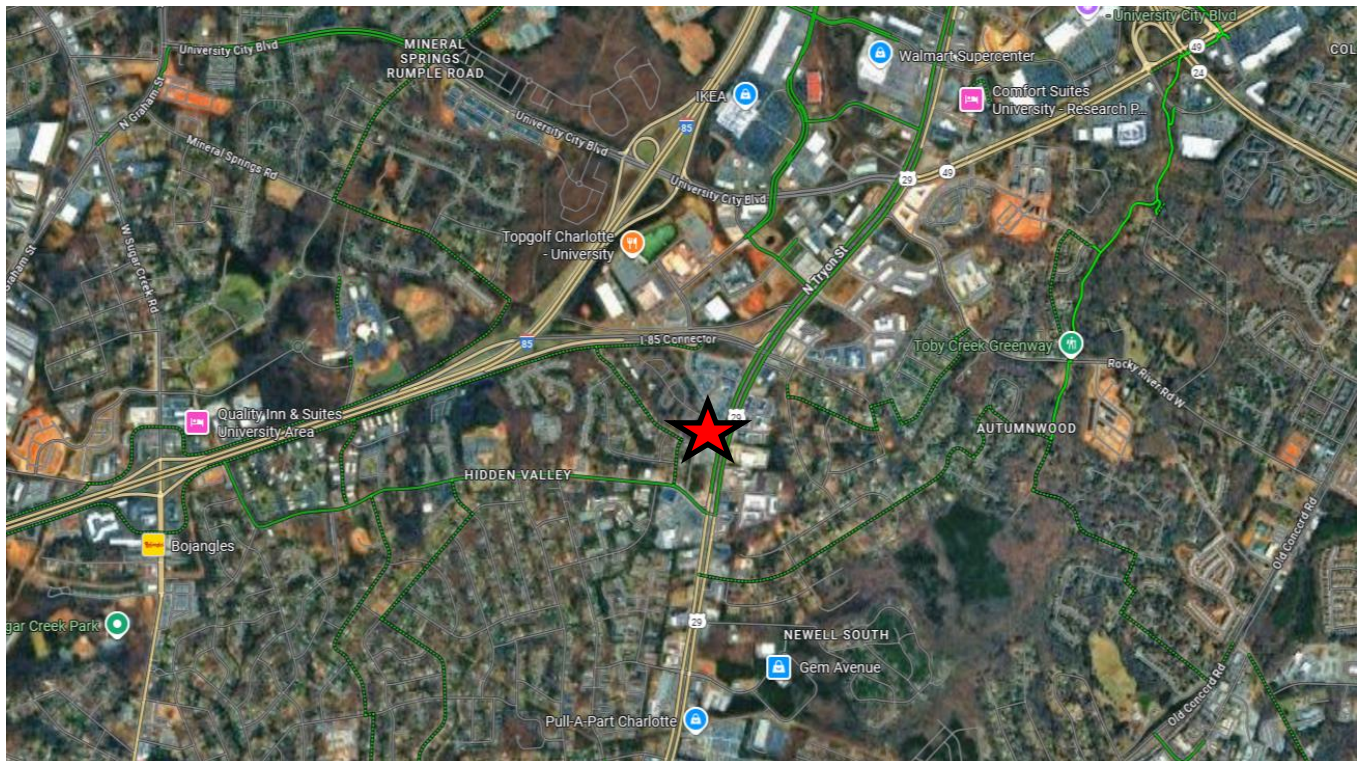
The site plan accompanying this petition contains the following provisions:

- Permits the development of up to 1,000 square feet of non-residential space with an accessory drive-through except for the following uses:
  - Adult Electronic Gaming Establishments, Adult Uses, Amusement Facilities, Animal Care Facilities, Animal Shelters, Car Washes, Hotels or Motels, Nightclubs, Vehicle Dealerships (both enclosed and outdoor), Vehicle Fueling Facilities, Vehicle Rentals (enclosed or outdoor), Vehicle Repair Facilities, Drug Treatment Clinics, and Accessory Outdoor Storage.
- The following transportation and design standards are proposed:
  - Access to the site is proposed via Orchard Trace Lane and cross-access with the existing shopping center abutting to the site to the south. No new access is permitted on North Tryon Street.
  - An 8-foot sidewalk and 8-foot planting strip will be constructed along the site's frontage with North Tryon Street.
  - Buildings must be positioned to allow pedestrian access from North Tryon Street, with outdoor seating near the sidewalk.
  - Drive-through lanes shall not be placed between the building and the street.
  - A restaurant/bar with a drive-through shall provide at least: 24 indoor or outdoor seats
  - Parking and maneuvering area will be screen from Orchard Trace Lane.

- Existing Zoning



The site is zoned TOD-TR (Transit Oriented Development - Transition). It is adjacent to other properties zoned TOD-TR to the south, west, and southwest. The property to the north across Orchard Trace Lane is zoned TOD-R(O) (Transit Oriented Development-Residential, optional) and the property to the northeast across North Tryon Street is zoned TOD-M(O) (Transit Oriented Development-Mixed-Use, optional). The single family subdivision to the southwest is zoned N2-B (Neighborhood 2-B).



The site (indicated by the red star above) is located at the southwest intersection of North Tryon Street and Orchard Trace Lane, approximately 1/4-mile north of the Tom Hunter LYNX Blue Line Station, 1/4-mile south of the Interstate I-85 Connector, 1 and 2/3-mile northeast of Eastway Drive. The site is located along the LYNX Blue Line and adjacent to new transit oriented multi-family development; it is also abutting a shopping center to the south containing daily needs such as retail, restaurant, and financial institutions, and generally located in an area that is rapidly developing to into a more walkable and transit-oriented place.



View of the site looking southwest from the intersection of North Tryon Street and Orchard Trace Lane. The site is undeveloped and is primarily wooded but is located within  $\frac{1}{4}$ -mile of the Tom Hunter LYNX Blue Line station and zoned TOD-TR which permits a variety of uses including housing, retail, restaurant, and office with design standards intended to enhance the public realm and pedestrian environment.



View of the site looking southeast along Orchard Trace Lane. The proposed drive-through, parking, and maneuvering areas will be situated along Orchard Trace Lane.



View of the Tom Hunter LYNX Blue Line station located less than  $\frac{1}{4}$ -mile from the site. The site is currently zoned TOD-TR and designed as a Community Activity Center by the *2040 Comprehensive Plan*. The proposed drive-through conflicts with the shifting character of the area and could hinder the effectiveness and viability of current and future pedestrian, trail, and transit infrastructure.



View of the shopping center abutting the subject site to the south along North Tryon Street. The shopping center is designated as a Community Activity Center by the *2040 Comprehensive Plan* and contains a mix of retail, dining, personal services, and financial institution uses that can be conveniently accessed from the proposed development site.



View of recent multi-family development to the north of the site along North Tryon Street. The site is designated as a Community Activity Center by the *2040 Policy Map*. The development of a drive-through facility on the site detracts the benefits of housing located within a short walk of the site and discourages walkability and transit use.



View of auto-oriented commercial development typical of the existing development pattern along North Tryon Street. However, with the introduction of light rail transit service to the corridor the development pattern has shifted to a more mixed-use walkable form in the past several years.



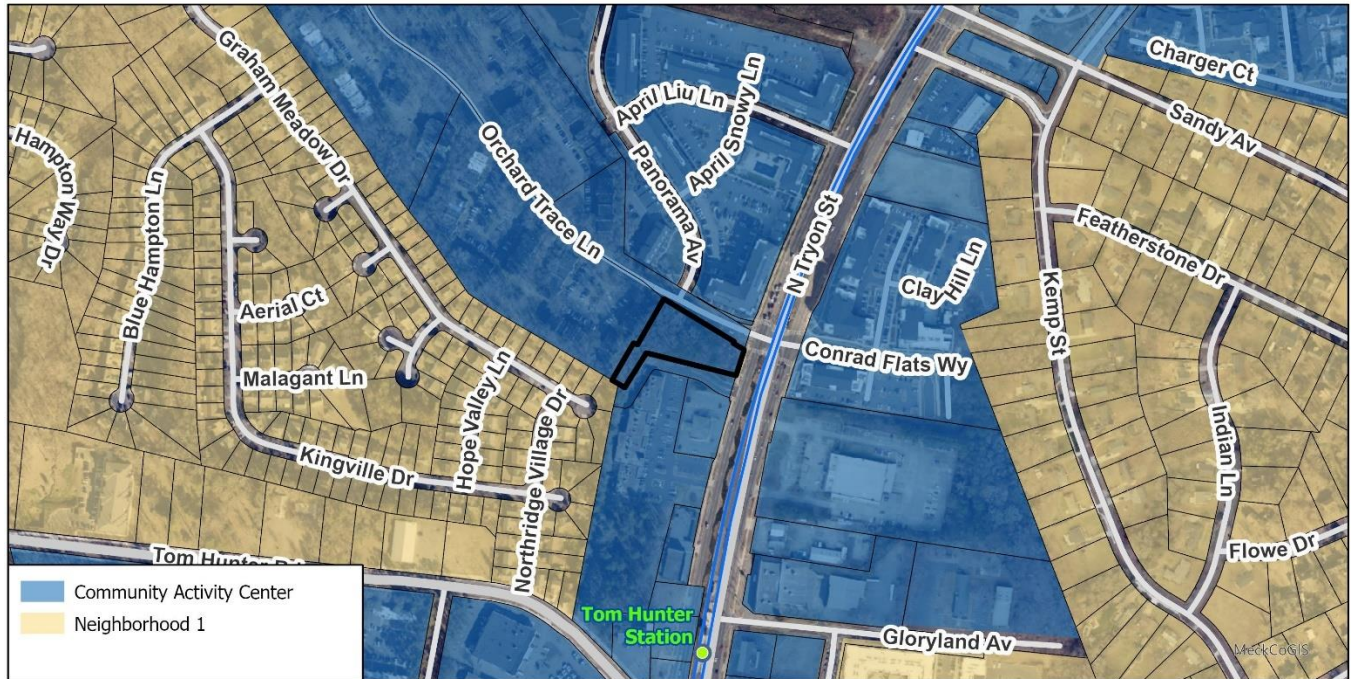
View of single-family development along Hope Valley Lane, zoned N2-B (Neighborhood 2-B). This is typical of the development pattern near the North Tryon Street Corridor.

- **Rezoning History in Area**



- There have not been any rezoning petitions in the area in the past 5 years.

## • Public Plans and Policies



- The 2040 Policy Map (2022) recommends the Community Activity Center Place Type.

## • TRANSPORTATION SUMMARY

- The site is located at the intersection of Orchard Trace Lane, a privately maintained local road and North Tryon Street a State-maintained arterial road. A Traffic Impact Study (TIS) is not required for the site due to the development generating site trips under ordinance thresholds and not meeting additional TIS triggers. Site plan and/or conditional note revisions are needed to label and dimension the existing curblin and dedication of right-of-way.

### • Active Projects:

- N/A

### • Transportation Considerations

- See outstanding issues, notes 1-2.

### • Vehicle Trip Generation:

Current Zoning: TOD-TR

Existing Use: N/A trips per day (based on vacant).

Entitlement: N/A trips per day (based on conventional zoning district).

Proposed Zoning: CG(CD). 534 trips per day (based on 1,000 square feet of commercial and accessory drive-through).

## DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main along N Tryon St. Accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Tryon St. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org).
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org).

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry / City Arborist:** No outstanding issues.

**OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING**Transportation

1. CDOT: Label the existing curb and gutter on North Tryon Street. Dimension to the back of curb from the roadway centerline for both roads.
2. CDOT: Revise site plan and conditional note(s) to commit to dedicate right-of-way located 18-feet behind the existing curblane to accommodate an 8-foot planting strip and an 8-foot sidewalk. The last 2-feet of right-of-way behind the sidewalk could also be a sidewalk utility easement (2-foot SUE).

Site and Building Design

3. Entitlement Services: Restaurants with accessory drive-throughs require a minimum of 6 stacking spaces. Revise conditional note.

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**Additional information (department memos, site plans, maps etc.) online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Maxx Oliver 704-336-3818