

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: B-2(CD) (general business, conditional)
LOCATION	Approximately 0.38 acres located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to utilize an undeveloped lot located in the Sugaw Creek/Ritch Avenue neighborhood to allow off-street parking to serve the office use located on the front portion of the subject property.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ninety-Eight and Three Quarters Holdings, LLC Ninety-Eight and Three Quarters Holdings, LLC John Carmichael and Ty Shaffer, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design. <u>Plan Consistency</u> The petition is inconsistent with the <i>North Tryon Area Plan</i>, which recommends single family residential at a density of up to five dwelling units per acre. <u>Rationale for Recommendation</u> • The request seeks to rezone a portion of a larger through-lot with frontage on the commercial section of North Tryon Street as well as frontage on the residential section of Ritch Avenue. • The portion of the property proposed to be rezoned is located behind an existing business on North Tryon Street and between two single family homes along Ritch Avenue. • A 50-foot wide overhead power line crosses the site preventing residential development on the lot. • The site will be limited to accessory parking for the nonresidential use on the portion of the lot that fronts North Tryon Street. • The nonresidential use will provide 20.25-foot wide Class B buffer and a fence on both sides of the property abutting single family dwellings, and along the frontage on Ritch Avenue. • The proposed parking area will not extend past the rear corners of the existing homes on either side of the property leaving the first 72 feet of the property off Ritch Avenue landscaped which maintains the residential character along Ritch Avenue.
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PLANNING STAFF REVIEW

- **Background**
 - The rezoning site has been cited for having a parking lot as principal use in a single family residential zoning district, which is in violation of the zoning ordinance. This petition seeks to change zoning of the site to a district that allows a parking lot as a principal use.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - The proposed use is limited to an accessory parking lot to serve the office use on the developed portion of the same property which fronts North Tryon Street. However, the first 72 feet of the lot, measured off Ritch Avenue, will be landscaped and parking will not be allowed.
 - Parking and/or storage of large equipment will not be allowed on the subject site.
 - Vehicular access to the site from Ritch Avenue is not permitted. Vehicular access will be provided via North Tryon Street, gated, and only allowed during the hours of operation of the use located on the front portion of the same tax parcel.

- A 20.25-foot wide Class “B” buffer, with a fence, will be provided along the frontage on Ritch Avenue, and both sides of the lot abutting single family dwellings.
- **Existing Zoning and Land Use**
 - The property proposed to be rezoned is currently zoned R-5 (single family residential), is encumbered by a 50-foot power line, and is currently occupied with a parking lot. It is part of a larger parcel that extends from North Tryon Street to Ritch Avenue.
 - Uses fronting either side of North Tryon Street are zoned B-2 (general business), B-2(CD) (general business, conditional), INST (institutional), and B-1 (neighborhood business) and developed with office, retail, hotel, eating/drinking/entertainment establishments, and institutional uses including the Highland Renaissance Academy K-5 school and Historic Rosedale house.
 - Single family detached dwellings exist in R-5 (single family residential) zoning located along both sides of Ritch Avenue and Bernard Avenue.
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *North Tryon Area Plan* (2010) recommends single family residential at a density of up to five dwelling units per acre.
 - The plan recommends the Ritch Avenue neighborhood be preserved and maintained by supporting the current single family residential density of five dwelling units per acre, and not allowing encroachment of nonresidential development into the neighborhood.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located on North Tryon Street, which provides the only site access. An existing Duke Energy transmission line paralleling North Tryon Street near the site's current building setback line constrains the site such that providing the standard planting strip and sidewalk widths would be very difficult. Therefore, the existing back of curb sidewalk will remain.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: N/A trips per day (based on a parking lot).
 - Entitlement: 20 trips per day (based on one single family detached dwelling).
 - Proposed Zoning: N/A trips per day (based on a parking lot).

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 on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch water distribution mains located along North Tryon Street and Ritch Avenue. Sewer system is available via existing eight-inch sewer mains located along Ritch Avenue and North Tryon Street.
- **Engineering and Property Management:**
 - **Arborist:** Contact the City Arborist's office for a planting permit if trees will be planted in the right-of-way on Ritch Avenue as the tree species must be approved before planting. Petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way, and for all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** Site must comply with 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. Clearly delineate the boundaries of the parking area.

2. Add a note that area between the parking and the street will be landscaped and that the required buffer will be provided at the limits of the parking area.
 3. Amend the vicinity map to remove the portion of the parcel that fronts North Tryon Street.
 4. Clearly delineate the portion of the tax parcel that is being rezoned.
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Attachments Online at 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 Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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