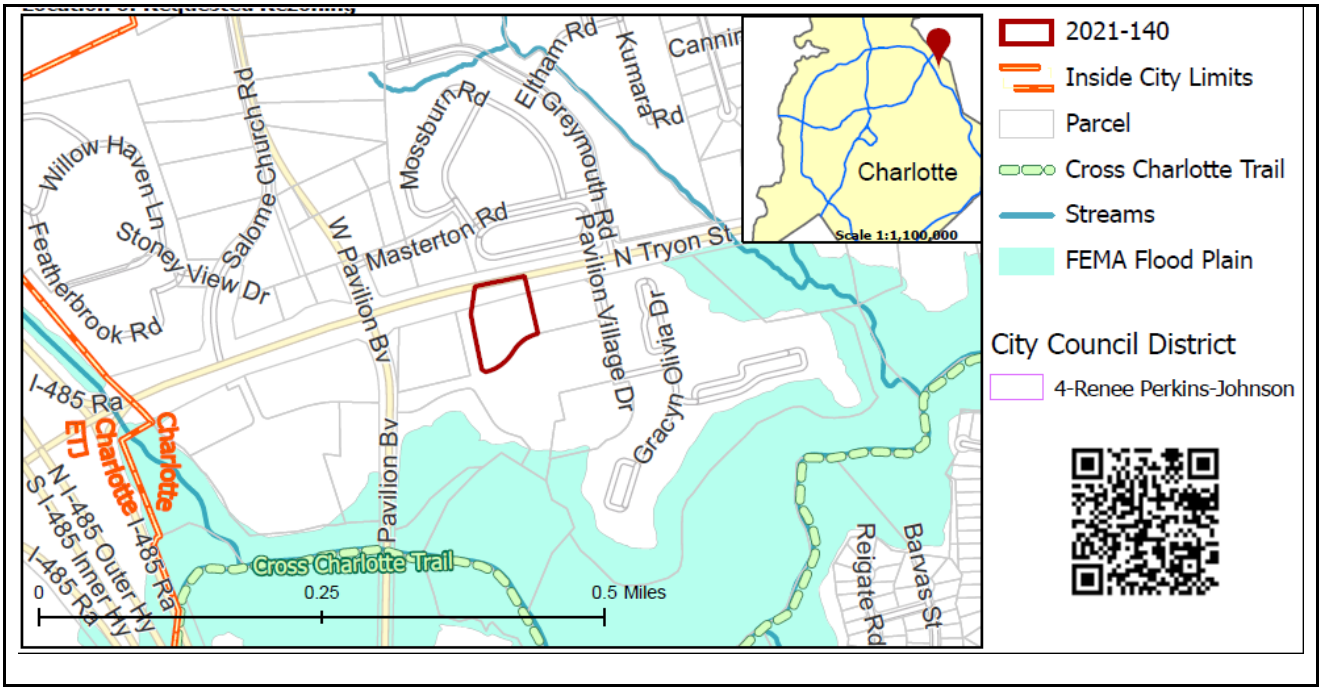
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2021-140
Final Staff Analysis
January 18, 2022

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: B-2(CD) (general business, conditional)
LOCATION	Approximately 1.69 acres located along the south of North Tryon Street, east of Pavilion Boulevard, and north of Harris Houston Road.



SUMMARY OF PETITION	The petition proposes to allow an automated car wash with accessory cleaning and detailing stations on a vacant parcel of land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Charlotte Pavilion Road Retail Investment LLC Hutton Eddie Moore, McAdams Company
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION	Staff recommends approval of this petition. <u>Plan Consistency</u> The petition is **consistent** with the *Northeast Area Plan's* recommendation for retails uses for the site but **inconsistent** with the area plan's recommendation for residential uses for the site. <u>Rationale for Recommendation</u> • The proposed project is consistent with the existing, adjacent development patterns. • The petition helps achieve the area plan's land use goal of "a balanced land use pattern that includes a mixture of housing, shopping, employment and civic uses". • Before the approval of rezoning petition 2007-079, the Northeast Area Plan recommended only retail uses for the site.

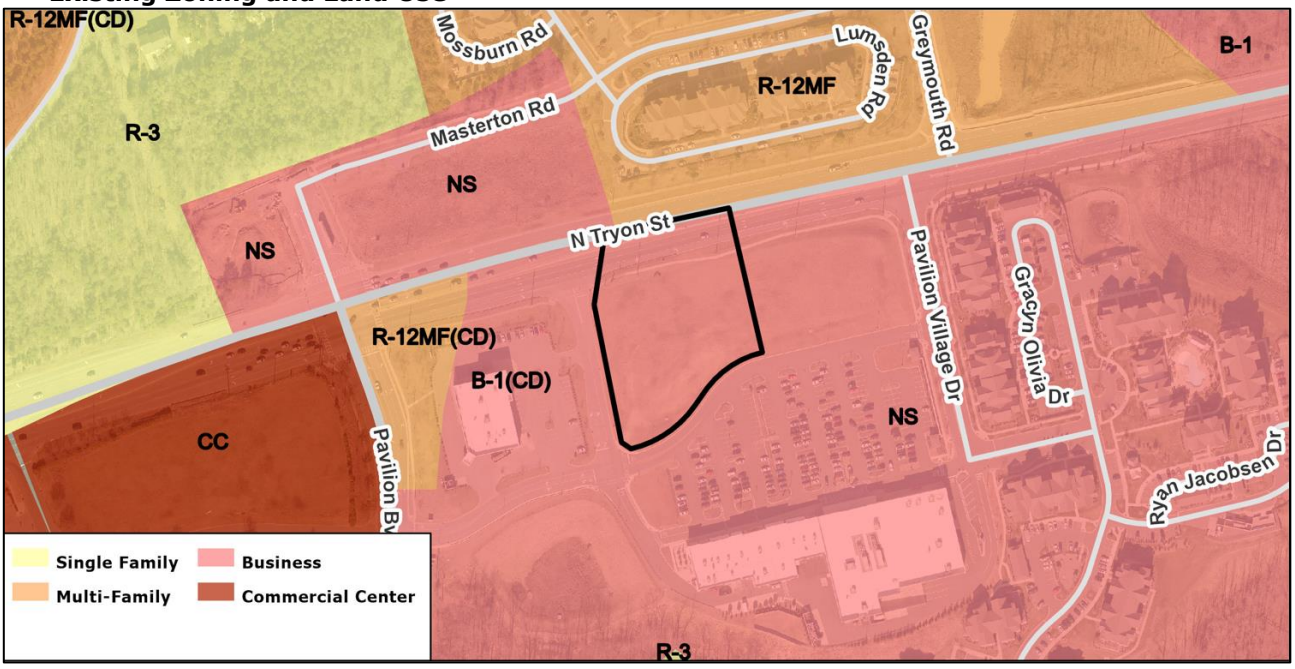
- While proposing an auto-oriented use, the petition still furthers the land use goal to stimulate pedestrian and bicycle activity via its commitment to construct a 12-foot multi-use path and 8-ft planting strip, along the property's frontage of N. Tryon, in accordance with Charlotte BIKES.

The approval of this petition will revise the adopted future land use as specified by the *Northeast Area Plan,* from retail/residential uses to retail uses for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - A 4,563 square foot automatic car wash with accessory detailing stations.
  - Proposes access onto N. Tryon Street via an existing driveway abutting the parcel to the west.
  - Illustrates a 12-foot multi-use path and an 8-foot planting strip along N. Tryon Street.
  - Illustrates a 5-foot sidewalk and 8-foot planting strip along the abutting driveway.
  - Illustrates a proposed planting area at the rear of the development. Minimum of 10 trees will be provided in this area.
  - Building materials will be a combination of the following: brick, glass, natural stone (or its synthetic equivalent), stucco, EIFS, cementitious siding, fiber cement (HardiPlank), scored and painted CMU block, and/or other materials approved by the Planning Director.
  - Provides architectural standards addressing blank walls and roof form and articulation.
  - Provides 10-foot screening area along N. Tryon Street, 5-foot screening along the east property line, and 10-foot screening area along south property line.

- **Existing Zoning and Land Use**



- The site is currently vacant and is surrounded by single family homes, multi-family residential development, retail uses, and vacant acreage on properties zoned R-3, R-12MF, R-12MF(CD), NS, B-1, B-1(CD), and CC.
- The parcel is part of 72 acres rezoned via 2007-079 from R-3, B-1, and B-1(CD) to NS to allow 100,000 square feet of retail/service and 295 multi-family residential units.



The rezoning site is currently vacant.



North, across N. Tryon Street, is an apartment community.



East are apartments and retail uses.

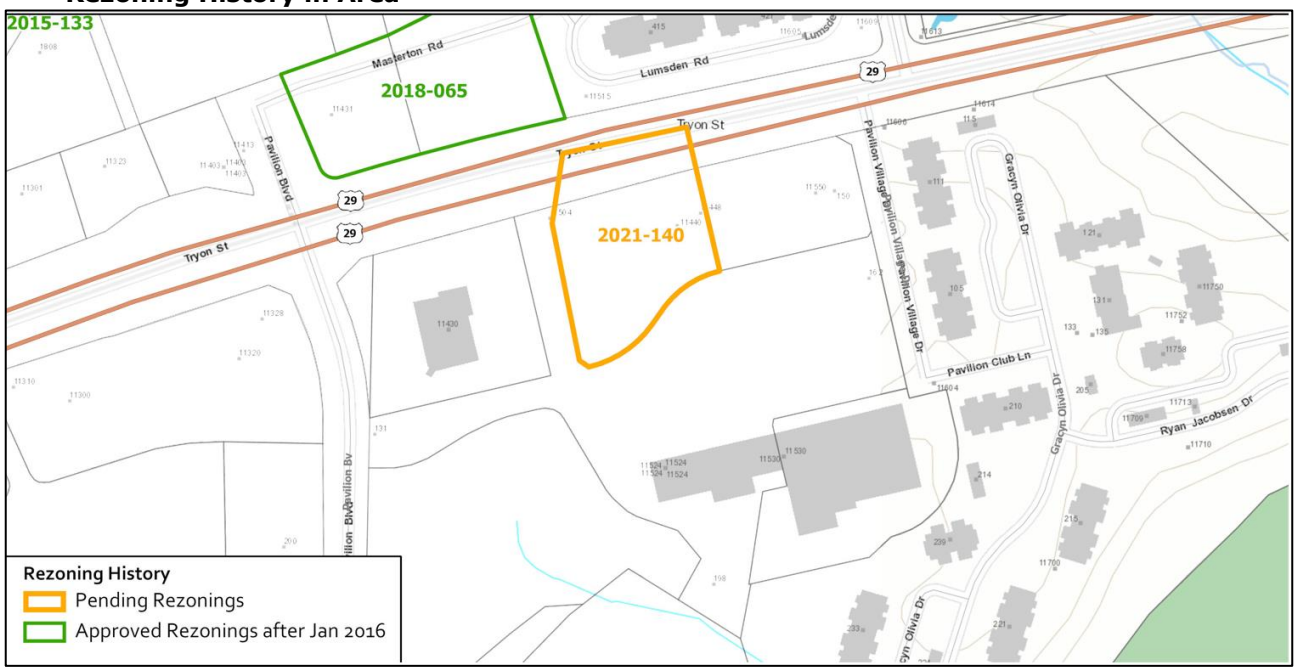


West are apartments, retail uses, and vacant land.



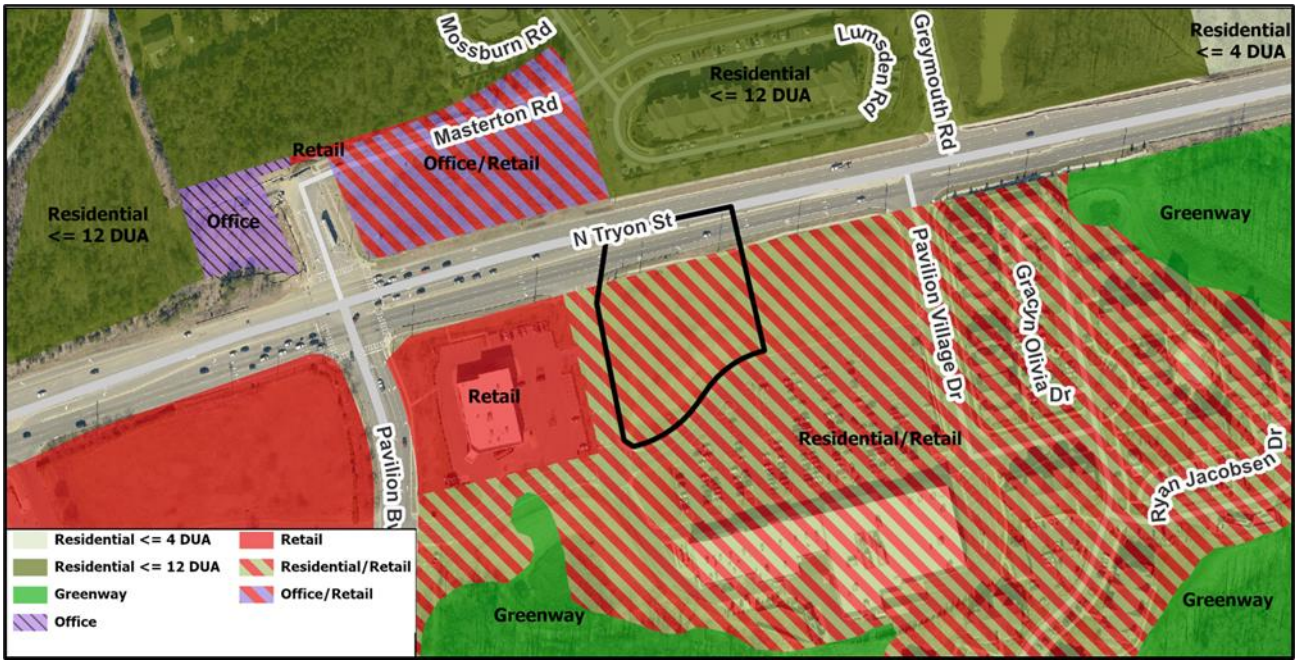
South are apartments and retail uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-065	NS site plan amendment for 2.63 acres to allow 20,000 square feet of uses permitted in NS, prohibiting convenience stores, gasoline sales, and drive-through window facilities as an accessory to any more than one establishment.	Approved

- **Public Plans and Policies**



- The Northeast Area Plan recommends residential and retail uses for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located along North Tryon Street, a state-maintained major thoroughfare east of Pavilion Boulevard, a city-maintained minor thoroughfare. A Traffic Impact Study (TIS) is not needed for this site. The site's previous rezoning petition RZP 2020-106 (which was withdrawn) indicates upgrading the existing sidewalk along the property's frontage of North Tryon to a 12-foot multi-use path with 8-foot planting strip, and to replace the existing ramp at the northwest corner of the property with a PROWAG compliant ramp. The petitioner has committed to dedicating 65' of right-of-way from the N Tryon Street centerline, constructing to a 12-foot multi-use path with a minimum 8-foot planting strip along North Tryon Street in accordance with council-adopted Charlotte BIKES and Charlotte WALKS policies, and replacing the existing ramp at the northwest corner of the property to ensure PROWAG compliance. Petitioner has confirmed an access easement is in place for the internal shopping center streets. CDOT has no outstanding issues.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - ~~See Outstanding Issues, Notes 1-4.~~ Addressed
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 0 trips per day (based on tax record).

  Entitlement: 470 trips per day (based on 2,338 sq ft retail; petition 2007-079).

  Proposed Zoning: no data (based on 4,600 sq ft automated car wash).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along N Tryon St. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 500 feet west of the rezoning boundary on Pavilion Blvd. A developer donated project will be required in cases there is not direct service. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

OUTSTANDING ISSUES

Transportation

~~1. Curbline: The proposed zoning district has a setback measured from back of the existing or proposed future curbline.~~ Addressed

~~a. **Tryon Street:** The site plan shows a 41' R/W from centerline. Revise site plan and conditional note(s) to commit to dedicate 50-foot right-of-way from the N Tryon Street road centerline. The site plan shall label and dimension the right-of-way from the road centerline. Revise site plan to accurately depict name of "N Tryon Street."~~

~~Revise site plan to accurately depict name of "N Tryon Street.~~

~~2. Add conditional note confirming an access easement is in place for the internal shopping center driveway west and south of the proposed site. This is required to ensure access to the proposed dumpster as well as onto N Tryon Street.~~ Addressed

3. ~~Add conditional note specifying dedication and fee simple conveyance of all rights of way and sidewalk utility easement to the City before the site's first building certificate of occupancy is issued.~~Addressed
4. ~~Add conditional note "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad northeastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."~~Addressed

Site and Building Design

5. ~~Development Data Table proposes a maximum height of 25 feet, while Site Data indicates 40 feet. Please correct.~~Addressed
6. ~~Correct street name (N. Tryon Street, not Road).~~Addressed
7. ~~Replace language in Note IV.1. "…other material approved by the Planning Director" with "…other material of comparable quality approved by the Zoning Administrator."~~ Addressed

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782

Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-140

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	**Goal 1: 10- Minute Neighborhoods** All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	**Goal 2: Neighborhood Diversity & Inclusion** Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	**Goal 3: Housing Access for All** Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	**Goal 4: Trail & Transit Oriented Development (2-TOD)** Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	**Goal 5: Safe & Equitable Mobility** Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.	✓
	**Goal 6: Healthy, Safe & Active Communities** All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.	**N/A**
	**Goal 7: Integrated Natural & Built Environments** Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.	**N/A**
	**Goal 8: Diverse & Resilient Economic Opportunity** Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.	**N/A**
	**Goal 9: Retain Our Identity & Charm** Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.	**N/A**
	**Goal 10: Fiscally Responsible** Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth	**N/A**