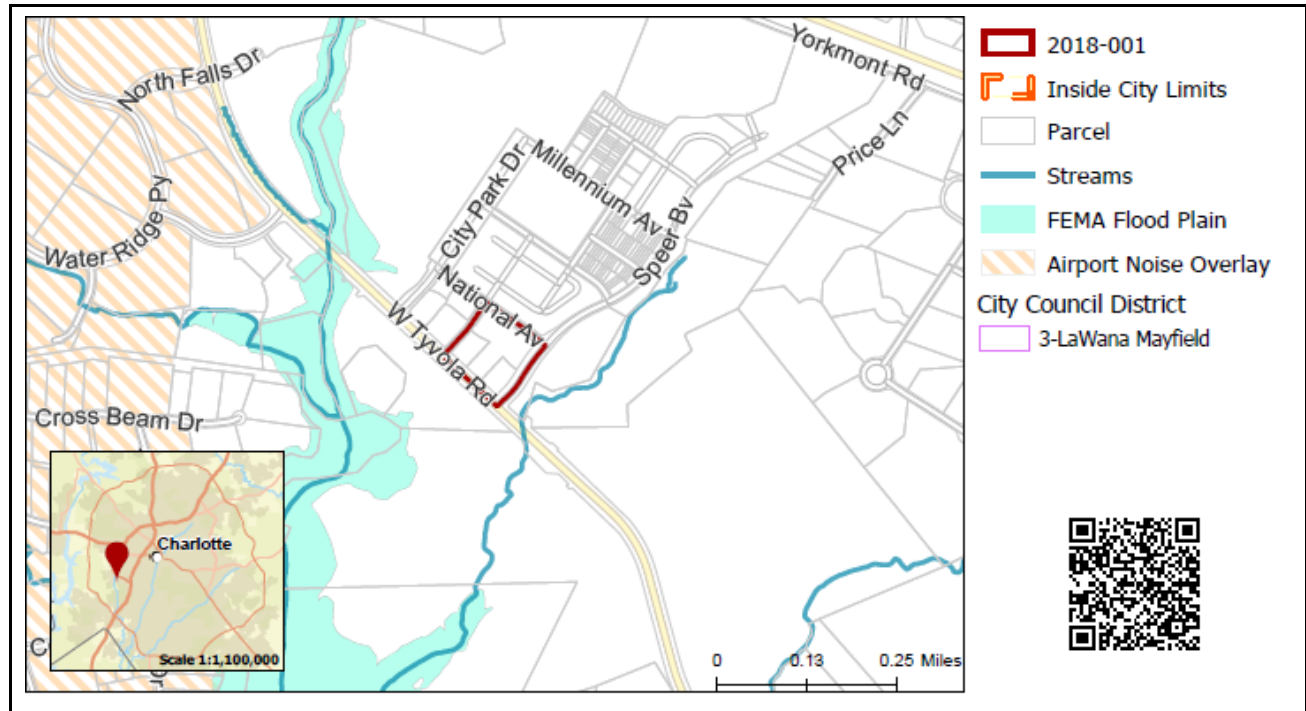


## REQUEST

Current Zoning: MUDD-O (mixed use development district, optional)  
 Proposed Zoning: MUDD-O SPA (mixed use development district, optional, site plan amendment)

## LOCATION

Approximately 4.65 acres located on the north side of West Tyvola Road, east of South Stream Boulevard, south of Billy Graham Boulevard.  
 (Council District 3 - Mayfield)



## SUMMARY OF PETITION

The petition proposes to revise the previously approved site plan to allow up to 12,000 square feet of commercial uses on a vacant site located within the City Park development.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

Apollo Holding Company, LLC  
 Apollo Holding Company, LLC  
 Collin Brown and Bailey Patrick, Jr., K&L Gates LLP

## 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.

### Plan Consistency

The petition is consistent with the *Southwest District Plan* recommendation for a mix of residential/office/retail uses for the overall City Park Development as amended by rezoning petition 2007-082.

The petition is inconsistent with the specific limitation on uses with associated drive-through service windows, and design standards for drive-through service windows and vehicular maneuvering locations established under the previous rezoning.

### Rationale for Recommendation

- The current zoning for the site allows specific commercial uses with drive-through accessory windows, but does not allow vehicular maneuvering between the uses and the streets.

- The adjoining site was recently rezoned by petition 2016-071 to allow for an increase in the number of drive-through windows for eating/drinking/entertainment establishment.
- The proposed site plan amendment allows an additional drive-through window and allows maneuvering for the drive-through service lane along West Tyvola Road, consistent with the highway oriented environment.
- The pedestrian oriented design, with buildings along the street and parking to the side or rear, is maintained on Potomac River Parkway and Speer Boulevard, the priority pedestrian-oriented streets located on the interior of the development.

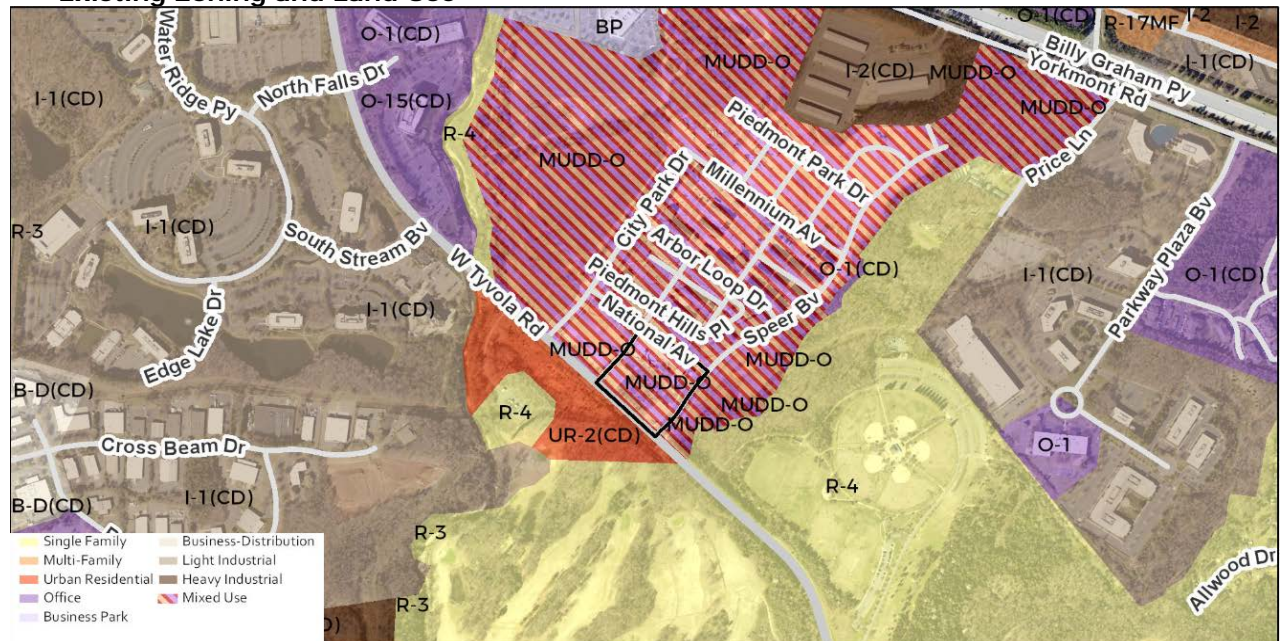
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan amendment contains the following changes:

- Allow up to 12,000 square feet of commercial uses (entitled per previous rezoning).
- Identifies existing common parking area for all users, including existing hotel directly north.
- Provides a 20-foot long masonry screen wall (30 inches tall) to match existing City Park monument sign finishes with gaps in screen wall to be planted with screening shrubs.
- Notes all buildings will contain a minimum of two tenants.
- Provides architectural standards pertaining to treatment of faces front streets including building materials; pedestrian connections; expanses of blank walls; and, building articulation.
- Proposes the following optional provision:
  - Allow one drive-through service window as an accessory to an eating/drinking/entertainment establishment on either parcel 143-131-14 or 143-131-15.
  - Allow maneuvering between the street and buildings for the one drive-through service window allowed on either parcel 143-131-14 or 143-131-15.

### • Existing Zoning and Land Use



- The site is currently vacant and part of the larger City Park mixed/multi-use development approved via rezoning petition 2007-082 for MUDD-O (mixed use development, optional), which allowed the redevelopment of approximately 160 acres occupied by the old Charlotte Coliseum.





The current site is vacant with and part of the City Park development.



To the north is the mixed-use development City Park.



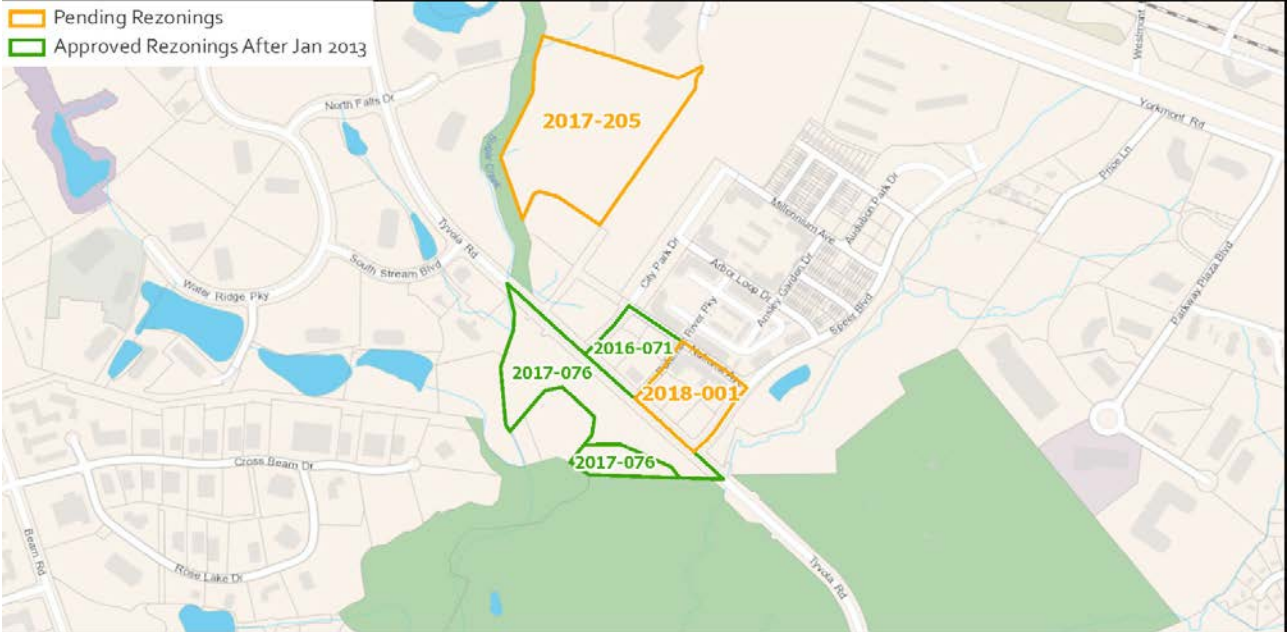
To the south is a vacant property zoned urban residential.



### • Rezoning History in Area

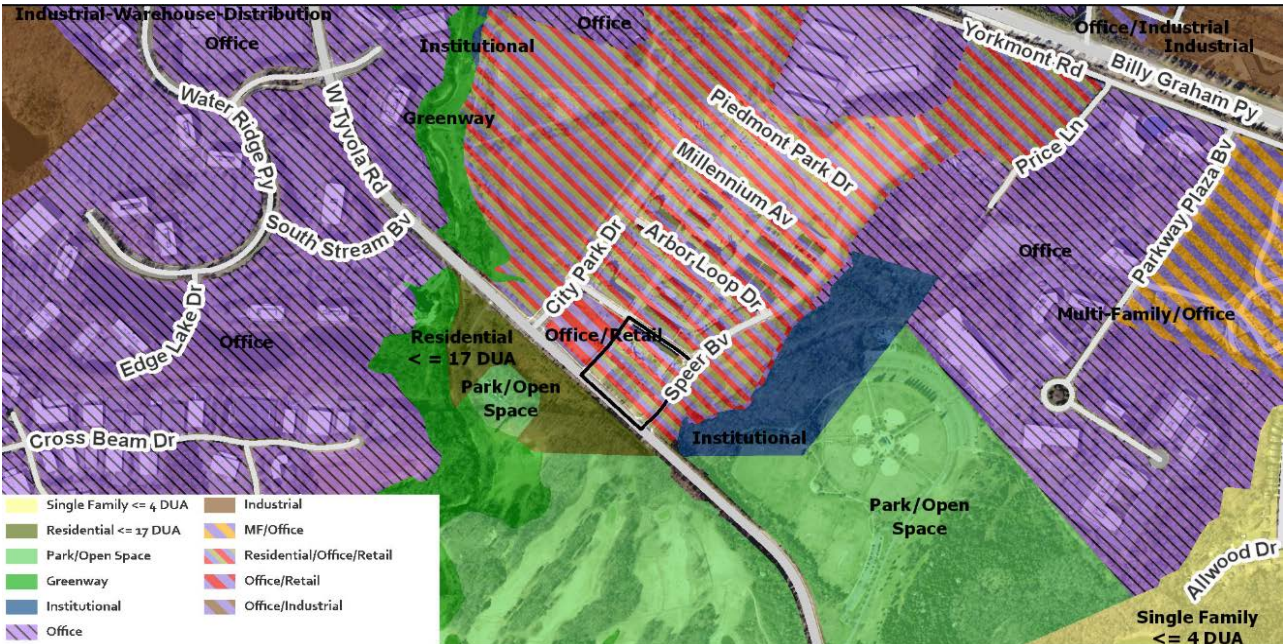
Orange Pending Rezoning

Green Approved Rezoning After Jan 2013



Petition Number	Summary of Petition	Status
2017-205	Rezone 22.38 acres to allow up to 260 townhouse units.	Pending
2017-076	Rezoned 14.56 acres to allow up to 120 multi-family residential dwelling units, up to 80 age restricted multi-family units, and an outdoor recreation use.	Approved
2016-071	Rezoned 3.28 acres to allow up to 20,000 square feet of commercial uses.	Approved

### • Public Plans and Policies



- Rezoning petition 2007-082 updated the *Southwest District Plan* (1991) recommendation for the overall area in which the site is located to residential/office/retail land uses.
- The adopted rezoning petition had specific design guidelines for this site which stipulated that drive-through windows would only be allowed for specific uses, and would be located to the rear or side of the principal use. Stacking and maneuvering for drive-through windows was also limited between the principal use and public or private streets.

## • TRANSPORTATION CONSIDERATIONS

- The site is located on a major thoroughfare and local road. The petition is a site plan amendment to approved petition 2007-082. The proposed change does not affect entitlements or the traffic mitigations approved in the original 2007-082 rezoning.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 1,650 trips per day (based on existing hotel with 202 rooms).  
Proposed Zoning: 7,600 trips per day (based on 202-room hotel and fast food restaurant with drive through 12,000 square feet).

## DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 12-inch water distribution mains located along National Avenue and Speer Boulevard. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along National Avenue.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from the right-of-way of any City maintained street (Tyvola Road, Speer Drive, and National Avenue) without explicit permission of the City Arborist's office. The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do NOT confirm or imply authorization by the City to remove any City trees located in street right-of-way; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way.  
  
No trees can be planted in the right-of-way of any City maintained street (Tyvola Road, Speer Drive, and National Avenue) without explicit permission of the City Arborist's office. Contact Laurie Reid (704-336-5753) at the City Arborist's office to discuss trees species to be planted in the right-of-way of all City of Charlotte maintained street; species must be approved before planting.  
  
See Outstanding Issues, Notes 1 through 3.
- **Erosion Control:** No outstanding issues.
- **Land Development:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Environment

1. ~~The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ **The petitioner will submit a tree survey prior to the Zoning Committee meeting.**
2. ~~On the Technical Data Sheet add Streetscape and Landscaping and add the following language "No trees can be removed from the right-of-way of any City maintained street (Tyvola Road, Speer Drive, and National Avenue) without explicit permission of the City Arborist's office. Authorization is required to be obtained prior to plan approval by Urban Forestry during the Land Development plan review process."~~ **Addressed.**
3. Under 11. Roadway Improvements "Design and Construction of a raised landscape median on Tyvola Road...." add the following language: "Raised Landscaped median on Tyvola Road (beginning at South Stream Boulevard and terminating east of the north south connector road) shall be designed, planted, and maintained by petitioner in perpetuity. The City of Charlotte will not be responsible for the maintenance of the landscaped median." **The Petitioner (Apollo**

Holding Company, LLC) does not have the authorization to revise commitments made by Pope & Land Enterprises, Inc. in the overall City Park development. The Roadway Improvement referenced here is a commitment made by "petitioner" Pope & Land Enterprises, Inc. in Rezoning Petition 2007-082, not the Petitioner to this rezoning (Apollo Holding Company, LLC). However, Petitioner (Apollo) has reformatted the development standards relating to this rezoning in order to clarify the commitments being made by the Petitioner (Apollo) as opposed to those overall commitments that relate to Pope & Land.

4. ~~General provisions refers to RZ Sheet 3-0, RZ sheet 3-1, and RZ sheet 3-2; however, these technical data sheets were not submitted for review. Petitioner shall submit rezoning sheets for review.~~ Addressed.

#### **REQUESTED TECHNICAL REVISIONS**

##### Site and Building Design

5. ~~Relocate the dumpsters away from West Tyvola Road.~~ Addressed.
6. ~~Clarify the area to be rezoned on RZ-1 as it appears to not include parcel 143-131-11.~~ Addressed.
7. ~~Revise the site plan to clearly show the area being rezoning with a heavy black line on RZ-2.~~ Addressed.

##### Other

8. Prior to the rezoning decision, file an Administrative Amendment for the previously approved overall site plan to reflect changes made to update the entitlements for the overall site. The Petitioner will submit an Administrative Amendment request prior to the rezoning decision. The Petitioner will revise the entitlements to the overall site to indicate that one additional drive-thru use shall be permitted on the overall site only to be located in the areas subject to this rezoning petition 2018-001.

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#### **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 Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

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