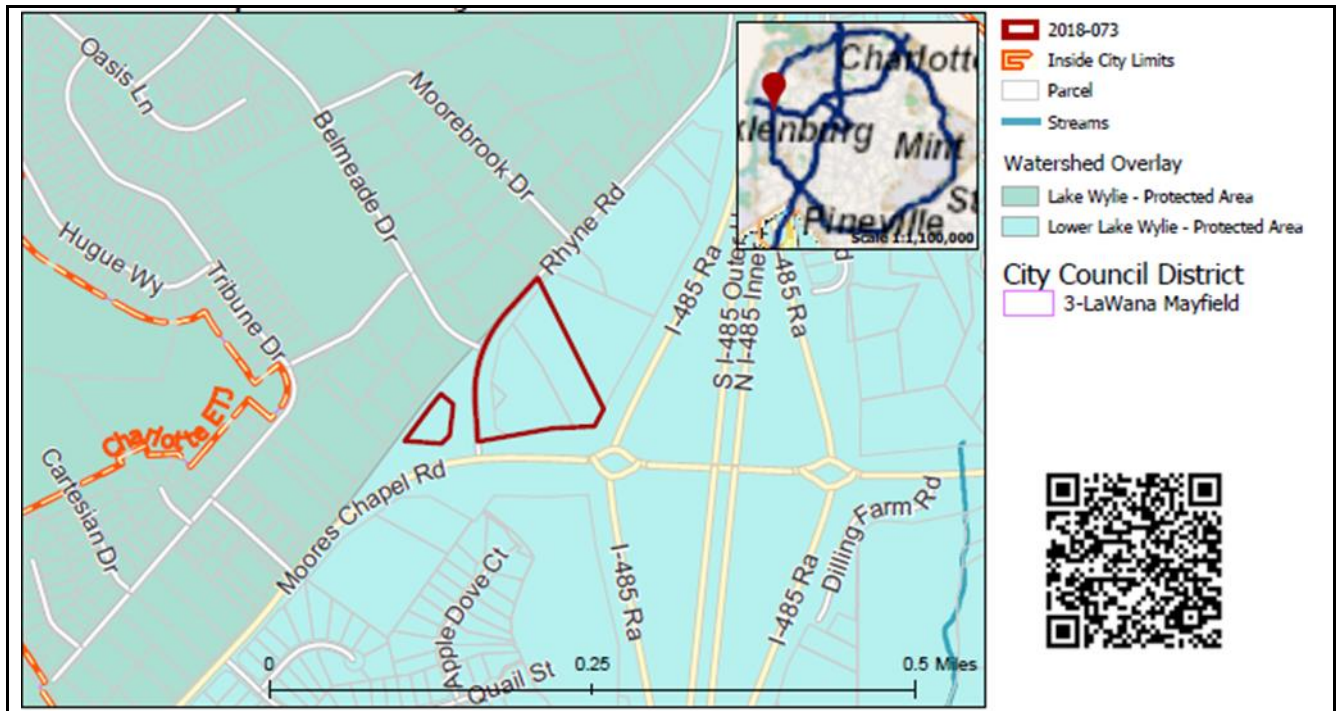


REQUEST

Current Zoning: R-3 LLWPA (single family residential, Lower Lake Wylie Protected Area)
Proposed Zoning: B-1(CD) LLWPA (neighborhood business, conditional, Lower Lake Wylie Protected Area)

LOCATION

Approximately 3.99 acres located at the intersection of Moores Chapel Road, Rhyne Road, and Belmeade Road.



SUMMARY OF PETITION

The petition proposes to allow up to 10,000 square feet of neighborhood services and retail uses, including fuel sales, and tree save on 2 vacant lots located in northwest Charlotte, east of I-485.

PROPERTY OWNER

J.C. Barefoot Properties of North Carolina, LLC & Jerry C Barefoot by Entirety (The Estate of Jerry C. Barefoot)

PETITIONER AGENT/REPRESENTATIVE

Moores Chapel Retail, LLC
Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *Catawba Area Plan* (2010) recommendation for residential, office and/or retail land uses for this site.

Rationale for Recommendation

- The proposed convenience / gas station is a consistent use for this site as recommended by the *Catawba Area Plan*.

- The site is located in an auto-oriented environment at the interchange of Interstate 485 and Moores Chapel Road, on one of the main routes into the U.S. National Whitewater Center.
- The proposed site plan provides a 43-foot class B buffer, between the development site and any future residential development to the north.

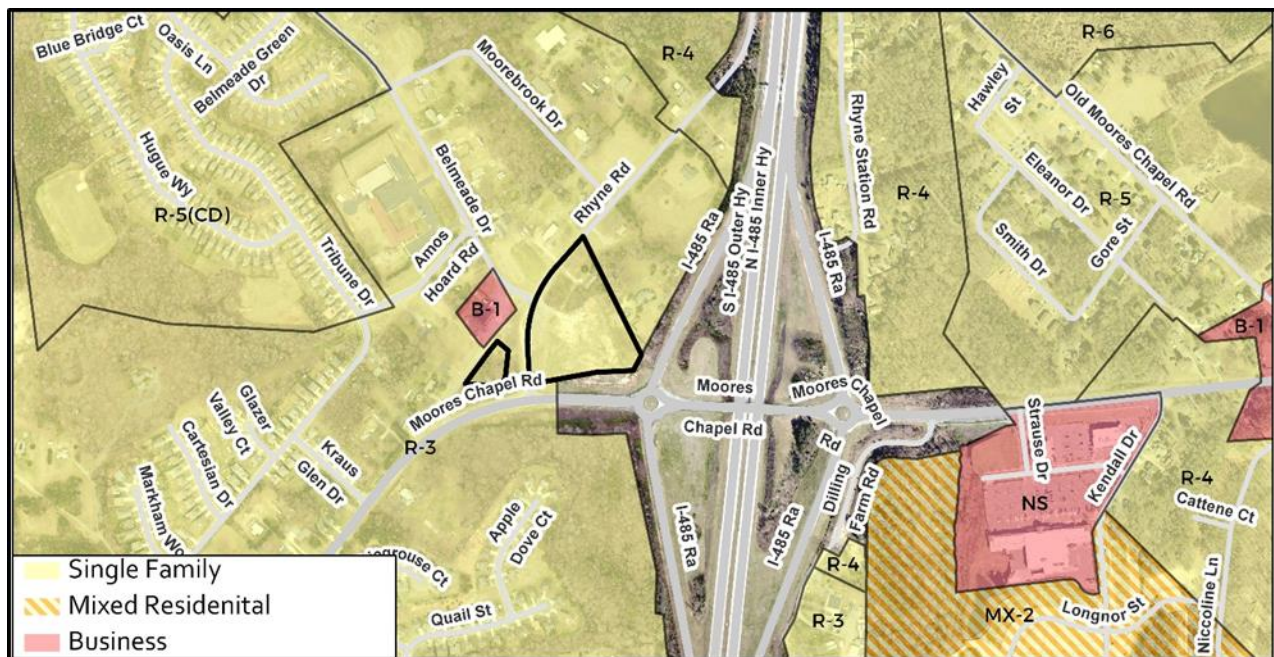
PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes up to 10,000 square feet of neighborhood services and retail uses as allowed in the B-1 zoning district.
- A 6,600-square foot building with 3 drive through windows.
- Fuel canopy with ~~10~~ 8 fuel stations.
- Future development area identified in northern portion of the rezoning site. *Notes future development may include office, retail or other neighborhood services.*
- A 43-foot wide Class B buffer along property line abutting acreage zoned R-3.
- *Commits to the following transportation improvements:*
 - *Proposes to utilize driveways connecting to Rhyne Road on the northern edge of the site and to Rhyne Road via a right-in only driveway as shown on the site plan and subject to approval by NCDOT or CDOT, whichever has jurisdiction.*
 - *Illustrates proposed future back of curb 26 feet as measured from centerline along Rhyne Road, and proposed future back of curb 42 feet as measured from centerline.*
 - *Constructs sidewalk on the site on the site from the building main entrances to the Rhyne Road right-of-way, to be connected to public sidewalks on Rhyne Road if constructed by NCDOT.*
 - *Notes if current right-of-way is inadequate to meet city standards, all dedication and fee simple conveyance of all rights-of-way will be made to the City before the site's first building certificate of occupancy is issued.*
 - *Proposed the following transportation mitigation improvements:*
 - *Southbound I-485 Off Ramp – an addition to the southbound I-485 off ramp to provide 300 feet of full storage plus taper (an extension of 100 feet).*
 - *Rhyne Road at Belmeade Road – construction of an eastbound left turn lane on Belmeade with 150 feet of storage plus taper.*
 - *Rhyne Road at Driveway 1 – Construction of a southbound left turn lane with 100 feet of storage plus taper.*
 - *Moores Chapel Road at Rhyne Road – Construction of a southbound right turn lane with 100 feet of storage and appropriate taper length.*
 - *A right in movement only will be provided at Driveway 2.*
- ~~Ingress/egress via 2 driveways connecting to Rhyne Road.~~
- ~~Illustrates a proposed right turn lane into the site.~~
- *Identifies tree save areas. Notes site is in a wedge and will be required to provide 15% tree save area based on gross acreage, illustrating calculations.*
- *Proposes to avoid large expanses of wall exceeding 20 feet in length through introduction of articulated facades via various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.*
- *Provides screening adjacent to drive thru area consisting of shrub plantings of 4-foot wall.*

- **Existing Zoning and Land Use**



- The rezoning site is currently vacant and surrounded primarily by single family residential neighborhoods, religious use, and retail zoned R-3 LWPA, B-1 LWPA, R-3 LLWPA, and R-4 LLWPA. A portion of the site abuts I-485 to the east.



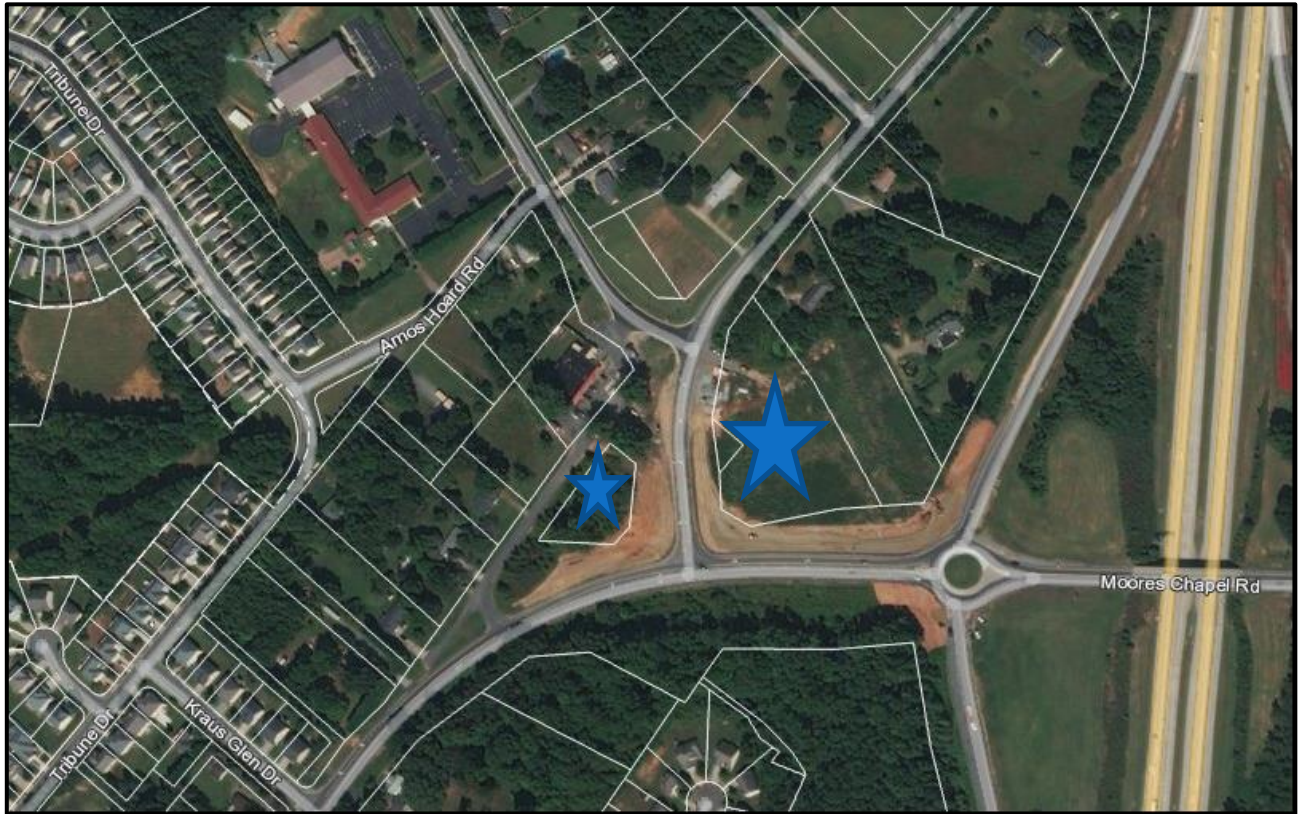
The site is currently vacant.



South and west of the site are single family homes.

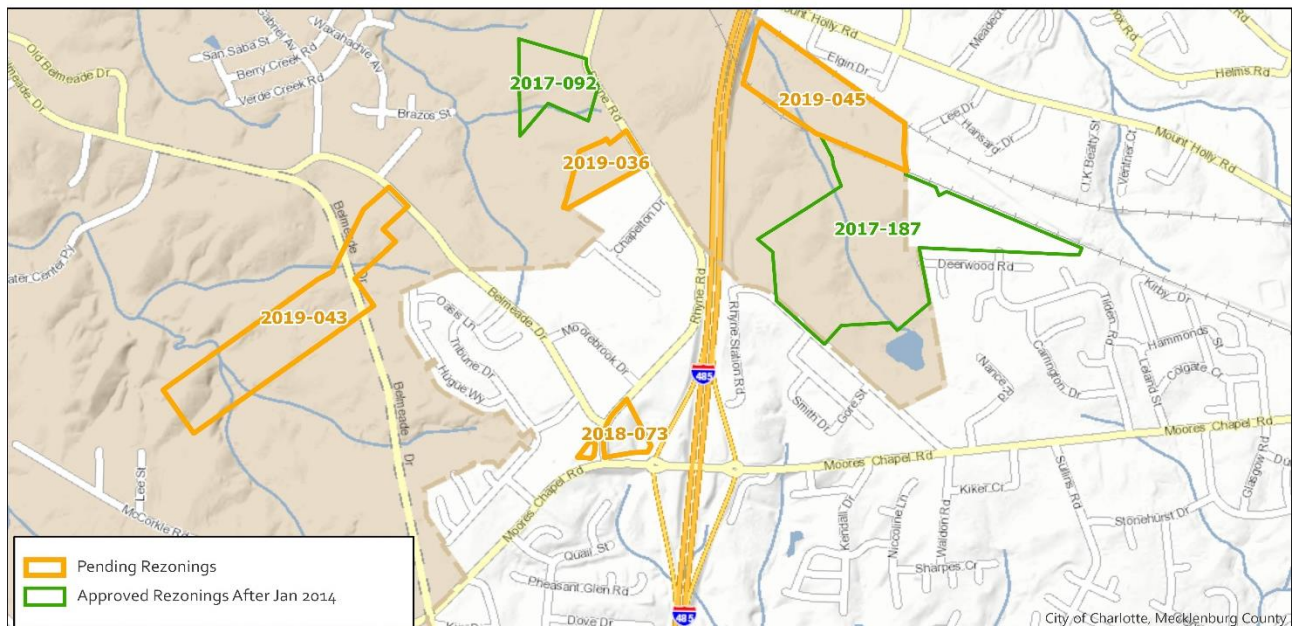


West is a retail use.



The rezoning site is surrounded by single family residential neighborhoods, a retail use, a religious institution, and undeveloped/vacant acreage. Interstate 485 abuts a portion of the site to the east.

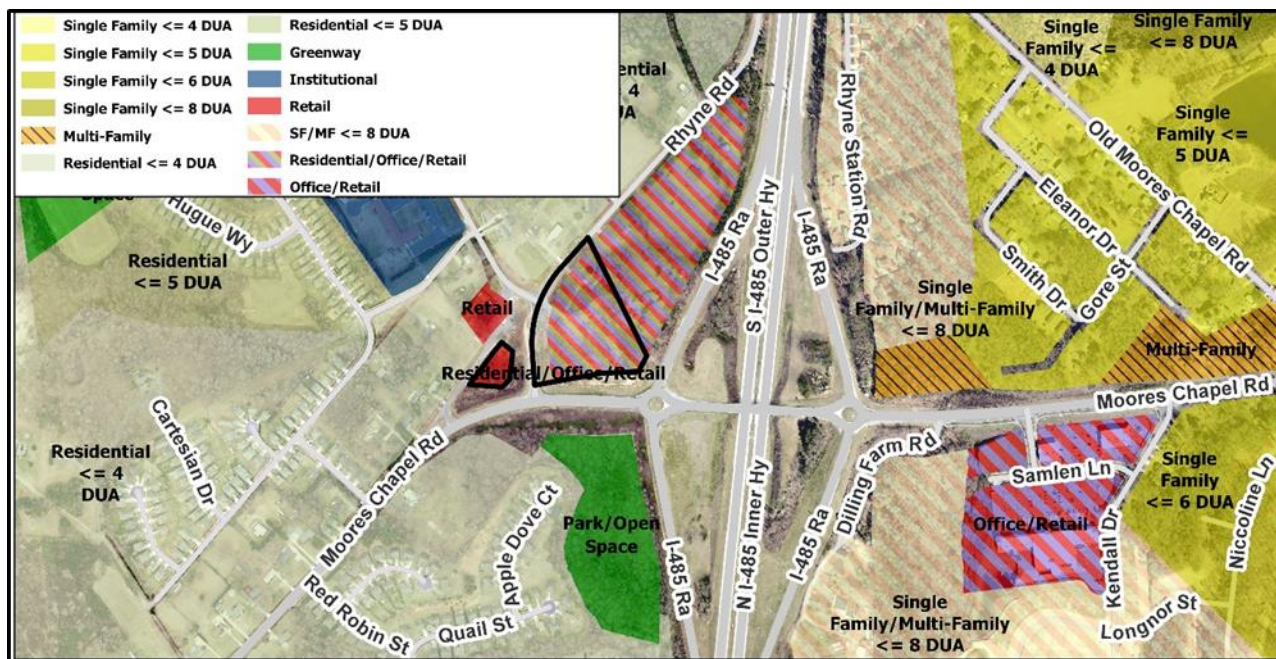
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-045	MX-2 site plan amendment for 29.08 acres for an area originally approved for up to 192 apartments or condominiums to allow up to 152 townhomes.	Approved

2019-043	Rezone 43.58 acres from R-3 LWPA to MX-2 LWPA to allow up to 165 dwelling units consisting of a combination of single family detached and townhomes.	Approved
2019-036	Rezone approximately 8.7 acres from R-3 LWPA to I-2(CD) LWPA to allow up to 19,800 square feet of industrial uses.	Pending
2017-187	Rezoned approximately 79.3 acres from various residential districts in the LWPA to R-6 LWPA to allow all uses in the R-6 district.	Approved
2017-092	Rezoned 14 acres from R-3 LWPA to I-1(CD) LWPA to allow a business/industrial park.	Approved

• Public Plans and Policies



- The *Catawba Area Plan* (2010) recommends residential, office and/or retail land uses for this site. The Plan also included language limiting retail uses up to 25,000 square feet, office uses up to 12,000 square feet and residential densities up to 6 dwelling units per acre.
- The Plan included community design guidelines and a development scenario for this site, which included a convenience store/gas station.

• TRANSPORTATION CONSIDERATIONS

- The site is located on two state-maintained facilities and in Charlotte's ETJ. The site's access will be served from Rhyne Road. CDOT and NCDOT need to review and approve a revised TIS, dated June 10, 2019. Therefore, additional transportation comments will be forthcoming. CDOT continues to request the site plan to commit to ordinance required infrastructure along the public street frontages. CDOT and NCDOT reviewed and approved the revised Traffic Impact Study (TIS), dated September 3, 2019 *The Petitioner's revised site plan dated September 19, 2019 (proposed entitlements) does not match the approved TIS land-uses/density.* CDOT continues to request the site plan to commit to ordinance required infrastructure improvements along the site's public street frontages.
- See Outstanding Issues, Notes 1-6.
- **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: 140 trips per day (based on 11 single family dwellings).
Proposed Zoning: 4,550 trips per day (based on convenience market with 20 fueling positions; drive thru retail).

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:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 16-inch transmission mains located along Rhyne Road and Moores Chapel Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Rhyne Road.
- **Engineering and Property Management:**
 - **Arborist:** See advisory comments online at www.rezoning.org regarding trees in the right-of-way and NCDOT planting tree planting requirements.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** See Outstanding Issues, Note 6. Addressed.
 - **Storm Water Services:** See Outstanding Issues, Note 6. Addressed.
 - **Urban Forestry:** See Outstanding Issues, Note 7. Addressed.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org regarding GWS records indicating pre-existing septic system on the site.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES/TECHNICAL REVISIONS

Transportation

1. The proposed zoning district has a setback measured from back of the existing or proposed future curbline. The future back of curb locations are as follows:
 - a. ~~Moores Chapel Road is designated as a 4-lane divided minor thoroughfare with buffered bike lanes; therefore its future back of curb is 42' as measured from its proposed centerline (see below typical section).~~ Comment rescinded.
 - b. ~~Rhyne Road is designed as a 3-lane divided avenue adjacent to the site. The proposed future back of curb is 26' (5.5' (1/2 left turn lane) + 12' travel lane + 6' bike lane + 2.5' curb/gutter from its centerline.~~ Addressed
2. ~~The existing and future right-of-ways for both Moores Chapel Road and Rhyne Road need to be shown, labeled, and dimensioned from the its centerline.~~ Addressed.
3. ~~Revise the site plan and conditional note(s) to include required streetscape improvements along the site's Moores Chapel Road and Rhyne Road frontages, including depicting 8' planting strips and 6' sidewalks along the site's Moores Chapel Road and Rhyne Road frontages.~~ Addressed.
4. ~~The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at 2' behind back of sidewalk where feasible.~~ Addressed.
5. ~~Revise the site plan to add a note specifying all transportation mitigation improvements as identified in the June 10, 2019 September 19, 2019 TIS and mutually agreed upon with NCDOT and CDOT shall be approved and constructed before the site's first building certificate of occupancy is issued, pending resolution of the site's entitlements as currently shown on the revised site plan and approved TIS document.~~ The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.
6. ~~Revise the site plan to add conditional notes to commit to implement 4 accessible ramps along the site's Rhyne Road frontage per exhibit depicting all current transportation improvements required.~~

Environment

7. ~~Please add the following note under the Environmental Features heading: The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.~~ Addressed.
8. ~~Show tree save area and tree save calculations on site map. Site is in a wedge and will be required to provide 15% tree save area based on gross acreage. 15% of 3.99 acres = 0.59 acres tree save. Tree save must contain existing healthy tree canopy. Tree save must be 30 feet in width minimum.~~ Addressed.

Site and Building Design

9. ~~The adopted plan recommends existing grades and enhanced planting areas screen the use from adjacent streets and neighboring parcels. Petitioner needs to commit to these improvements on the site plan.~~ Addressed

- ~~10. Screen the drive thru component from the adjacent rights-of-way through utilization of shrub plantings and screening wall. Addressed.~~
- ~~11. Provide language committing to façade treatment for building(s) within future development envelope including windows, doors, landscape screening. Rescinded.~~

REQUESTED TECHNICAL REVISIONS

- ~~12. Under Site Data Summary, note R-3 LLWPA and B-1(CD) LLWPA. Addressed.~~
 - ~~13. Add a note limiting the smaller parcel to tree save only. Addressed.~~
 - ~~14. Specify the number of fuel stations. Addressed.~~
 - ~~15. Clarify what is proposed for the area labeled Future Development. Addressed.~~
 - ~~16. Label "possible" detention area. Addressed.~~
 - ~~17. Remove "wall pak" from Lighting Note a. Addressed.~~
 - ~~18. Per Section 12.102, provide a 30-foot setback along Rhyne Road. Addressed.~~
-

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

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