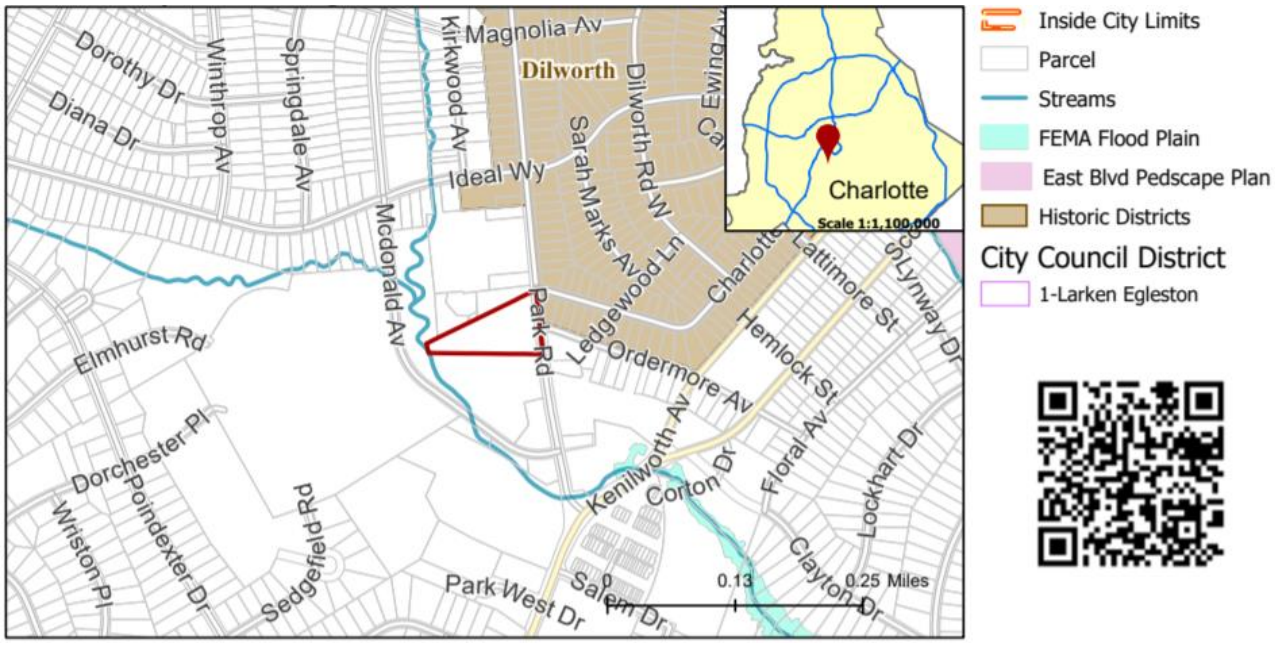
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-080
Post Hearing Staff Analysis
October 6, 2020

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 2.376 acres located along the west side of Park Road, east of McDonald Avenue, and south of Ideal Way.



SUMMARY OF PETITION	The petition proposes is to allow all uses in the NS district and adjust parking requirements for an existing shopping center constructed in 1984, as The Courtyard on Park Road.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	The Courtyard at Park Road, LLC The Courtyard at Park Road, LLC John Carmichael/Robinson Bradshaw & Hinton
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 12

STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Dilworth Land Use and Streetscape Plan* (2006) recommendation of residential/office/retail uses. Rationale for Recommendation • The rezoning request is consistent with the adopted land use plan recommendation and with the current mix of uses in the shopping center. • The proposed NS district allows all uses in the B-1 zoning district. • The request will provide more parking than required under the proposed NS district. • The request does not involve expansion of the existing building.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Rezone an existing 34,000 square foot shopping center (The Courtyard at Park Road) from B-1 (neighborhood business) to NS (neighborhood services) to allow all uses in the NS district. The NS district allows by right and under prescribed conditions all uses in the B-1 district.
  - Allows a maximum of 8,550 square feet to be devoted to eating drinking and entertainment establishments.
  - Allows the maximum size of the outdoor dining patios to be 4,100 square feet. Notes the outdoor dining patios would not count towards the 34,000 square feet or the 8,500 square feet devoted to eating drinking and entertainment establishments.
  - Prohibits through service lanes/windows on the site.
  - Proposes no expansions to the existing building.
  - Notes the site is currently improved with a commercial development known as The Courtyard. To the extent that the existing building, any existing improvements or any existing signs located on the site do not meet the requirements of the NS zoning district or any other provisions of the ordinance, the existing building, the existing improvements and/or existing signs shall be considered to be legally nonconforming and shall not be required to comply with such ordinance requirements and provisions.
  - Proposes following parking standards:

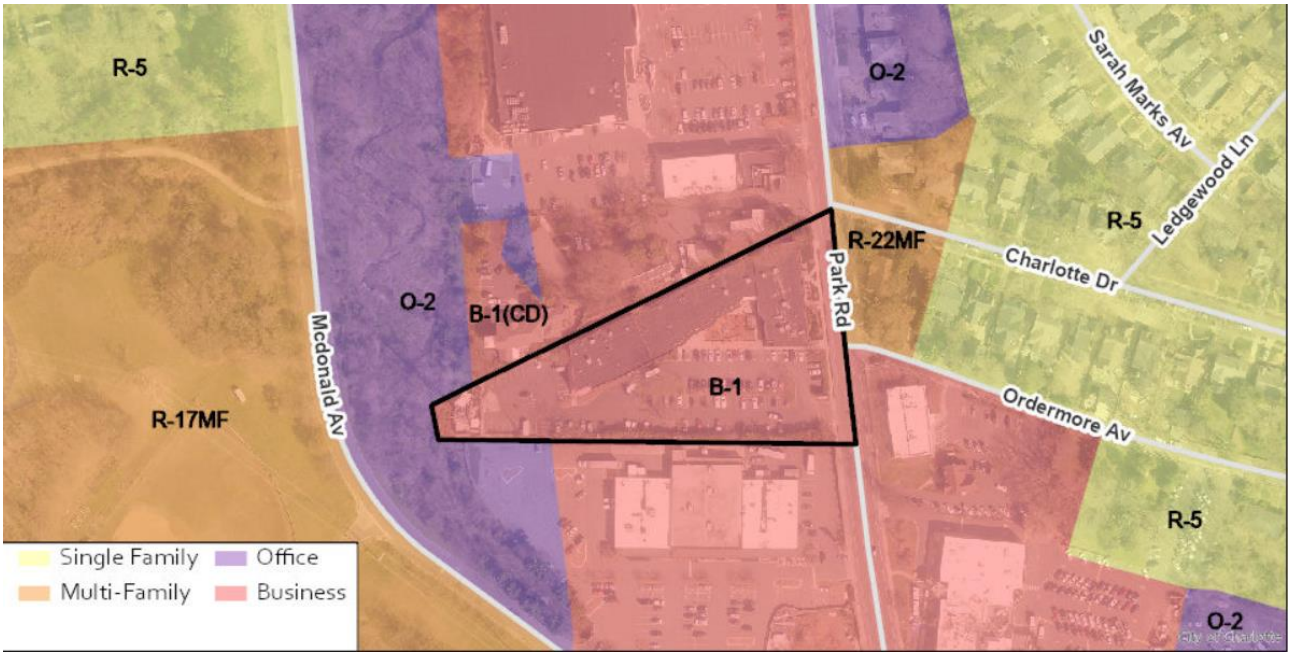
Use	Parking Ratios (Spaces Per Square Feet)		
	Zoning District		
	B-1 (Required)	NS (Required)	Proposed
Non EDEE Uses			
Office	1/300	1/600	1/375
Retail	1/250	1/600	1/375
EDEE	1/75	1/600	1/225

    - Provides required 129 parking spaces (124 spaces required). Notes that 4 spaces may be removed by the petitioner.
  - Proposes a 10-foot sidewalk along Park Road.
  - Notes that in the event any building located on the site is expanded or any building on the site is demolished and replaced with a new building the site will be required to comply with the adopted streetscape plan applicable to the site.

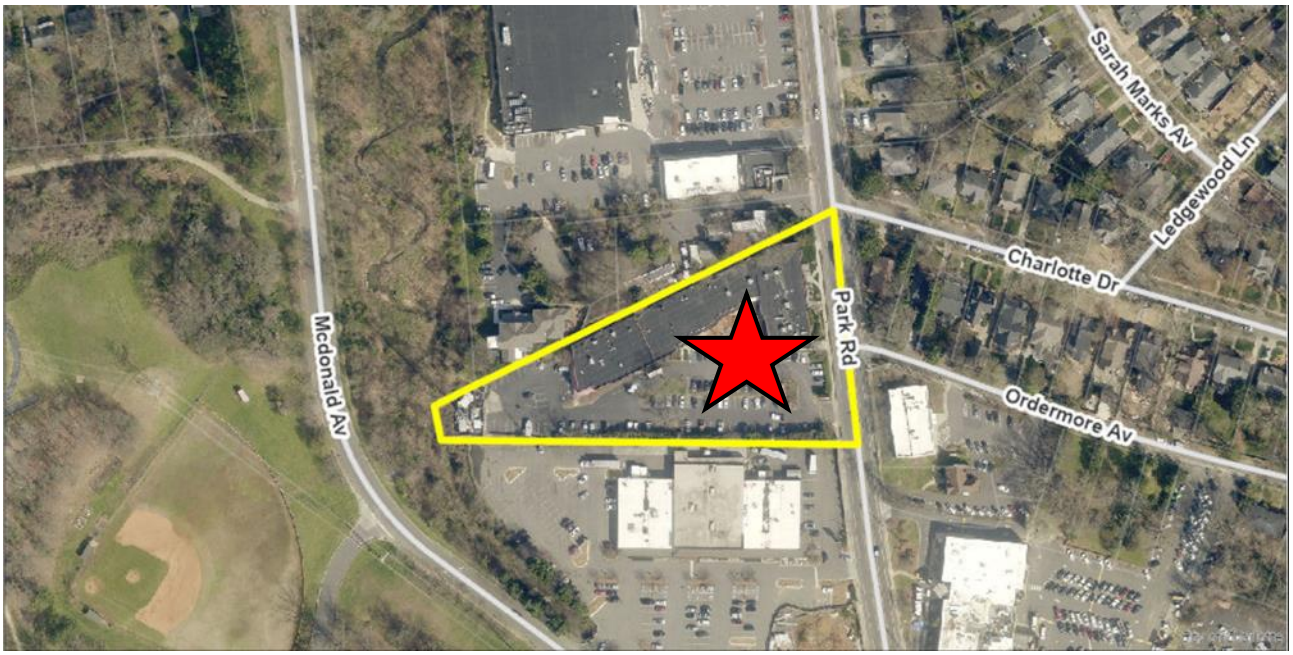
- **Existing Zoning and Land Use**



Rezoning site from Park Road.



- The site is currently zoned B-1 and developed with a shopping center built in 1984. The site is surrounded by a mix of institutional, office, residential neighborhoods, retail uses in various zoning districts.



- The rezoning site (denoted by blue star) is surrounded by a mix of residential and non-residential uses.



Along Park Road are a mix of office, residential, and retail uses.

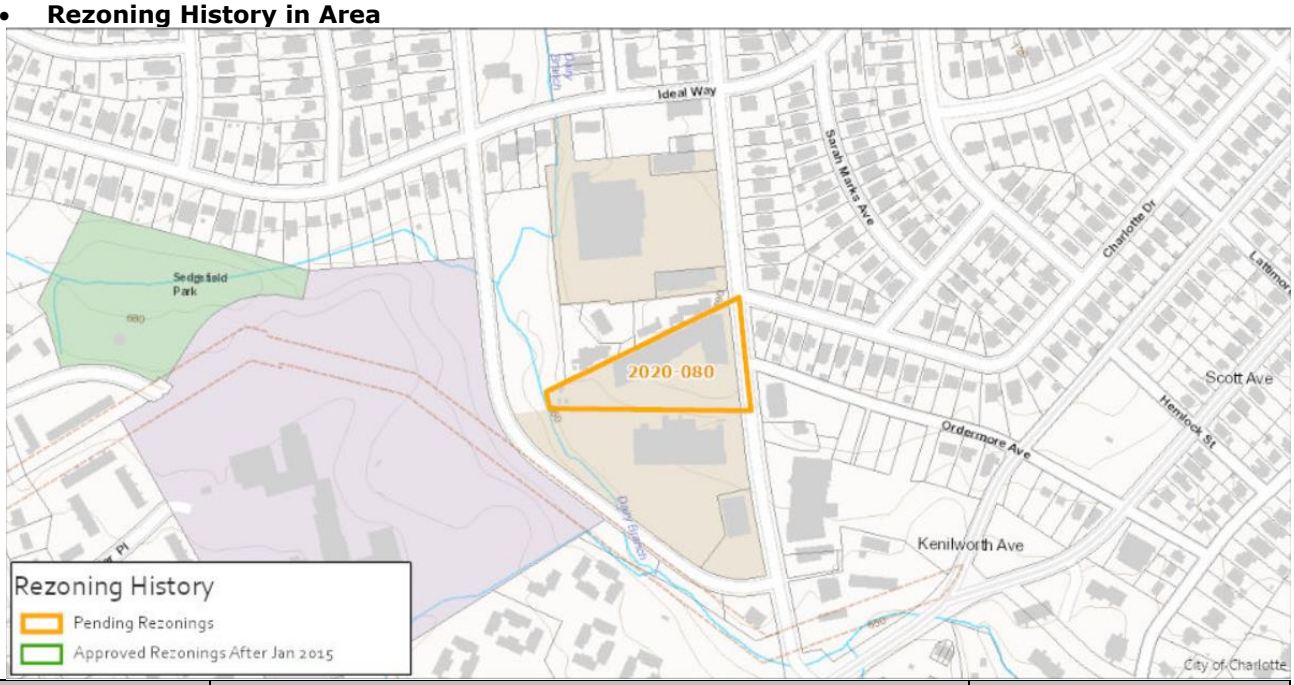


East of the rezoning site are single family residential neighborhoods.



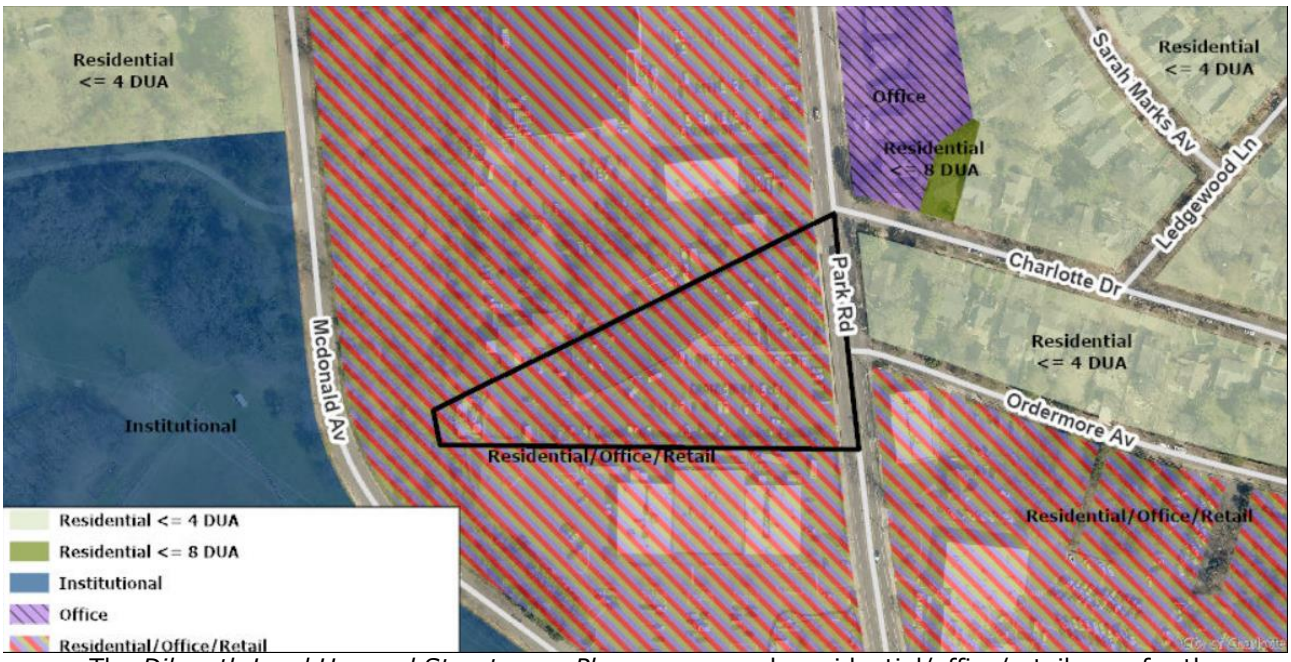
West, across McDonald Avenue, is Sedgefield Middle School.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the immediate area.	

- **Public Plans and Policies**



  - The *Dilworth Land Use and Streetscape Plan* recommends residential/office/retail uses for the subject site.

- **TRANSPORTATION SUMMARY**
  - This 2.34-acre site is located on Park Road, a Major Collector Road, in between McDonald Avenue (Local Road) and Ideal Way (Major Collector). The petitioner has committed to construct an 8-foot planting strip, and 8-foot sidewalk on Park Road in conformance with the Dilworth Land Use and Streetscape Plan. The site plan labels and dimensions both items from the back of curb and gutter and road centerline. Petitioner commits to widen the existing sidewalk to 10' along the frontage of Park Road, as shown in the site plan.
  - **Active Projects:**
    - N/A

- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 1.~~ ADDRESSED
- **Vehicle Trip Generation:**
  Current Zoning:
  Existing Use: 2,710 trips per day (based on 34,000 square foot shopping center).
  Entitlement: 2,710 trips per day (based on 34,000 square foot shopping center).
  Proposed Zoning: 2,890 trips per day (based on 34,000 square foot shopping center).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** 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 8-inch water distribution main located along Park Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 10-inch gravity sewer main located along Park Road.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **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:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. The site plan should show the curb and gutter labeled and dimensioned from the centerline along Park Road. ADDRESSED

REQUESTED TECHNICAL REVISIONS

2. ~~Correct language under Development Note 2.c. regarding Accessory Drive throughs~~. RESCINDED
3. ~~Petitioner should add language noting that in the event the building is expanded, torn down and constructed with a new building, the site must abide by the adopted streetscape plan.~~ ADDRESSED

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

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