

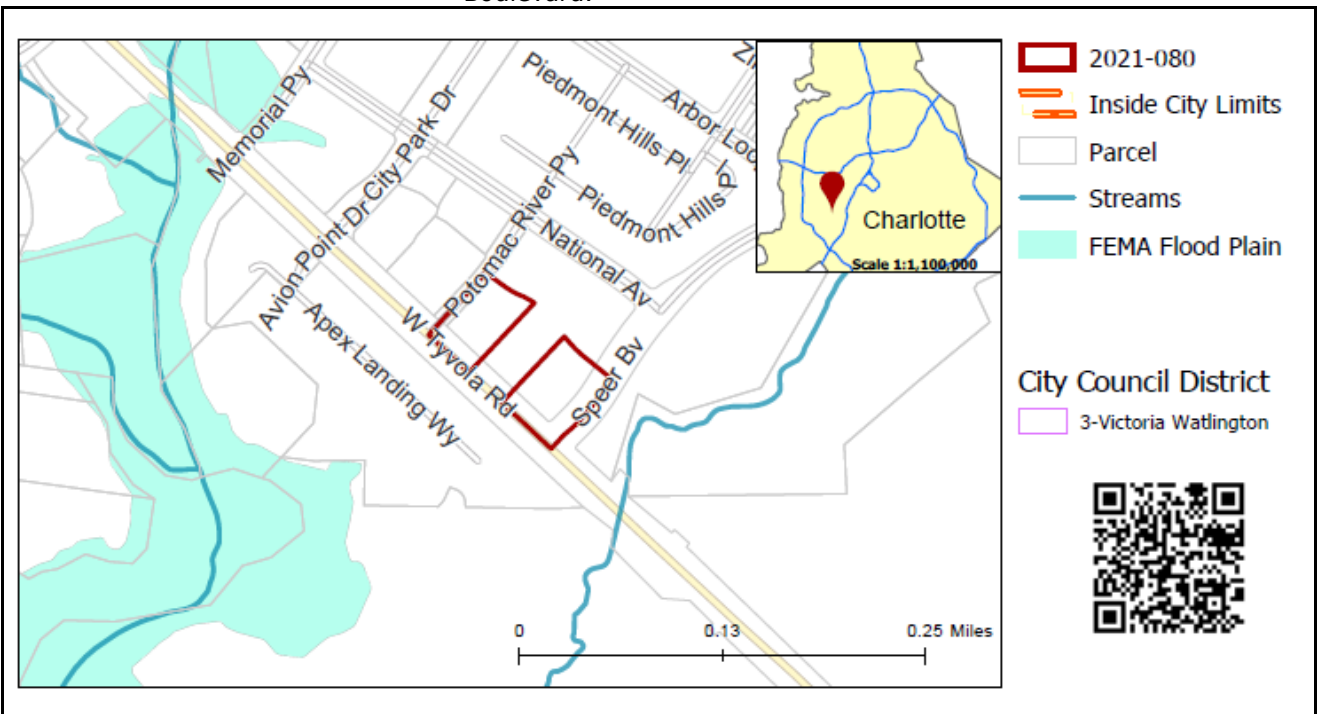
**REQUEST**

Current Zoning: MUDD-O (Mixed-Use Development District, Optional)

Proposed Zoning: MUDD-O SPA (Mixed-Use Development District, Optional, Site Plan Amendment)

**LOCATION**

Approximately 1.66 acres located on the eastern corner of the intersection of W Tyvola Road and Potomac River Parkway and western corner of the intersection of W Tyvola Road and Speer Boulevard.



**SUMMARY OF PETITION**

The petition proposes to amend a previously approved site plan to allow an additional drive-through use for a total of two drive-throughs on the site in conjunction with 12,000 square feet of commercial space. The site is part of the larger City Park development and is partially developed with paved surface parking.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Apollo Holding Company LLC  
Apollo Holding Company LLC  
Collin Brown & Brittany Lins

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 1

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the mixed-use land use recommended for this site by the *Southwest District Plan* (1991) as amended by rezoning petition 2007-082 and 2018-001.

Rationale for Recommendation

- The petition is consistent with the mixed-use recommendation for the site.
- Through rezoning petition 2018-001, one drive-through service window was previously approved for the site.
- Drive-through service windows were previously approved on adjacent parcels fronting Tyvola Road.
- The petition commits to screening of drive-through service lanes from view of public streets.

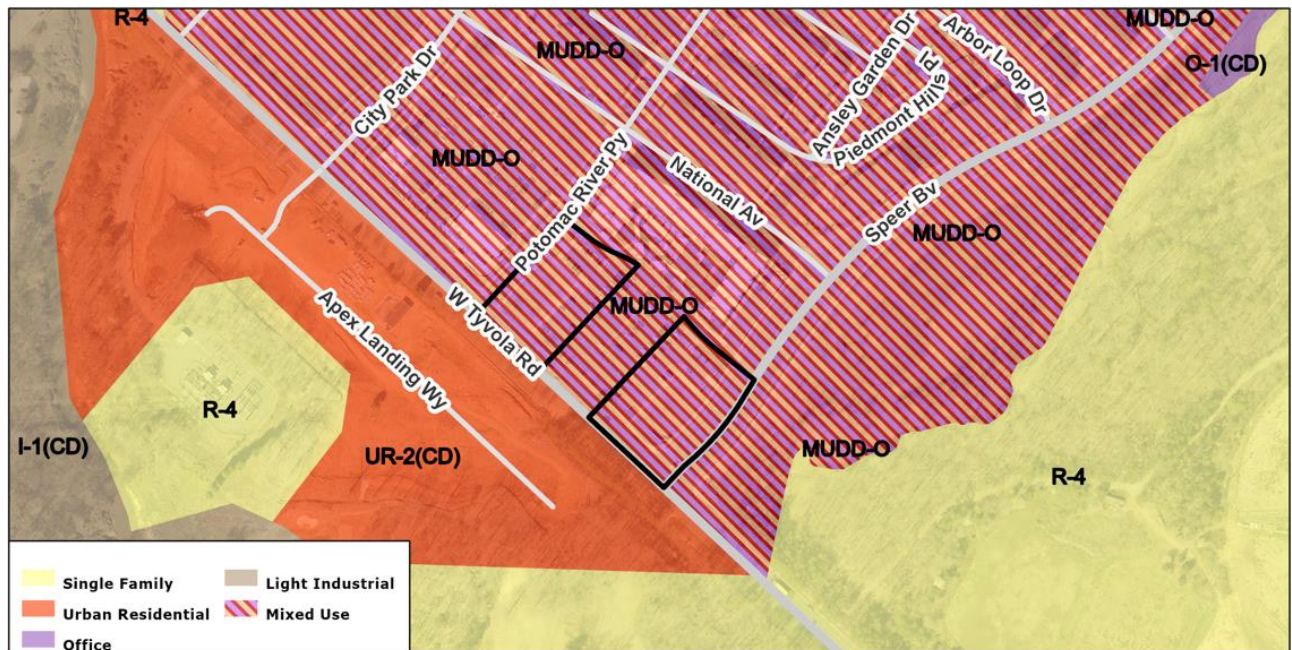
**PLANNING STAFF REVIEW**

- **Proposed Request Details**

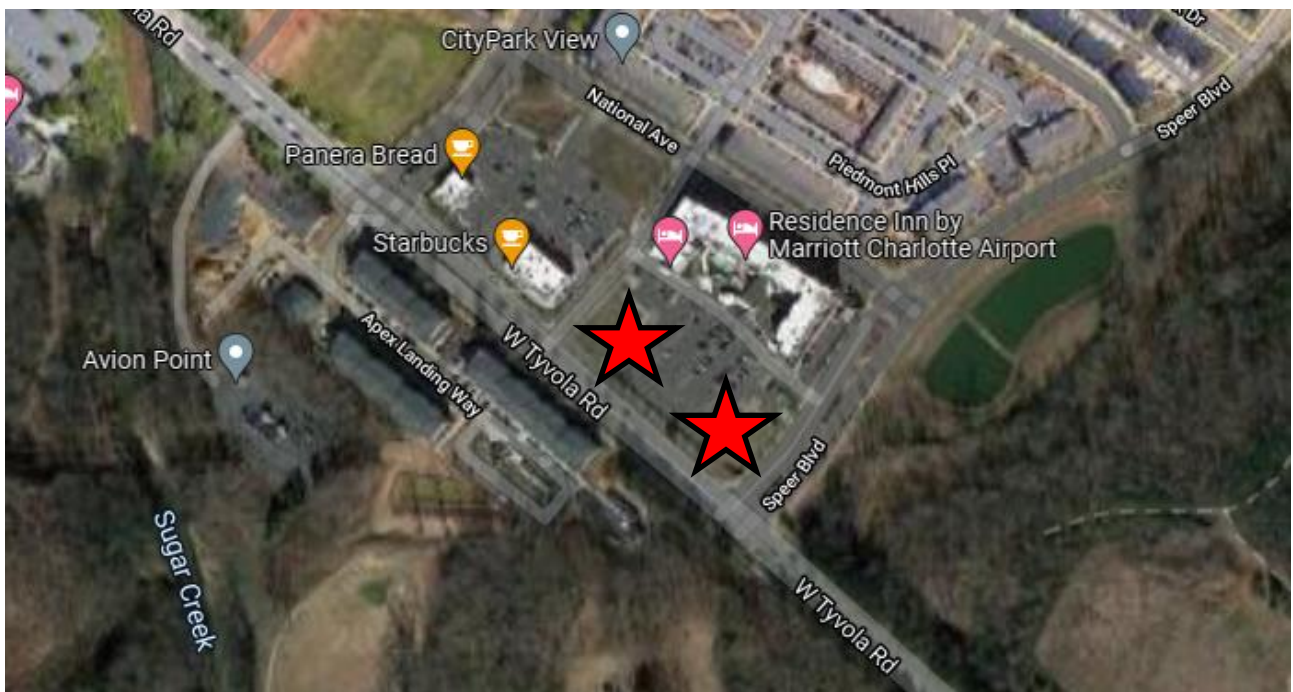
The site plan accompanying this petition contains the following provisions:

- Allows up to 12,000 square feet of commercial uses (entitled by previous rezoning).
- Permits an additional drive-through service window as an accessory to an eating, drinking, and entertainment establishment. A total of two drive-through service windows will be permitted on the site.
- Permits maneuvering between the street and the buildings for the two drive-through service windows.
- Prohibits the following uses: convenience stores with gasoline sales, car washes, and automotive service stations.
- Requires buildings to be a minimum height of 22 feet.
- Commits to architectural standards pertaining to street facing activation, blank wall limitations, pedestrian connections, and building articulation.
- Commits to screening of drive-through service lanes from view of public streets.

- **Existing Zoning and Land Use**



The site is partially developed with surface parking and is part of the larger City Park mixed-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 site was subsequently rezoned via petition 2018-001 to permit one drive-through service window as an accessory use to 12,000 square feet of retail uses.



The site, marked by red stars, is part of the City Park development.



The property to the north of the site is developed with a hotel.



The property to the east of the site across Speer Boulevard is city owned and vacant, wooded land.

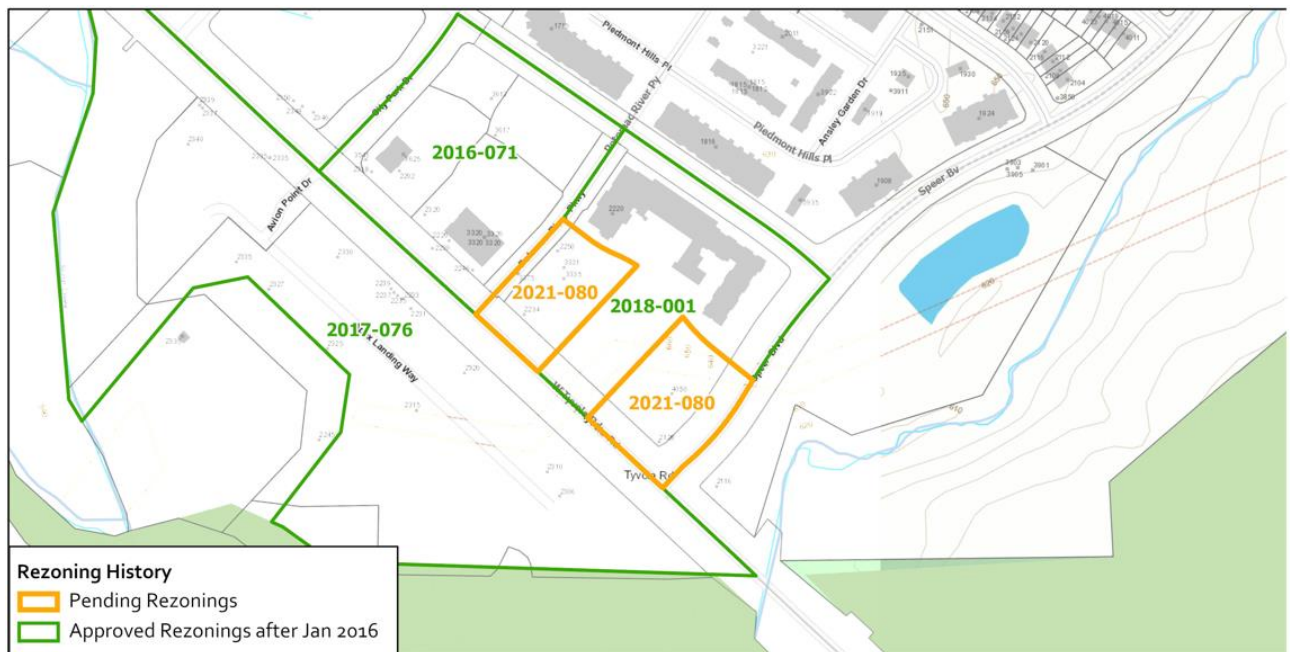


The property to the south of the site across Tyvola Road was recently developed with multifamily residential uses.



The property to the west of the site across Potomac River Parkway is developed with commercial uses, including two drive-through service windows.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-001	The petition amended a previously approved site plan to allow for the development of 12,000 square feet of commercial uses.	Approved
2017-076	The petition rezoned 14.56 acres to UR-2(CD) to allow for the development of 200 multi-family residential units, 80 of which can be age restricted.	Approved
2016-071	The petition amended a previously approved site plan to allow for the development of 20,000 square feet of commercial uses.	Approved.

- **Public Plans and Policies**



- The *Southwest District Plan* (adopted 1991) recommends residential/office/retail land use for this site, as amended by rezoning petition 2007-082 and 2018-001.
- **TRANSPORTATION SUMMARY**
  - This site is located within the City Park Development adjacent to West Tyvola Road, a City-maintained major thoroughfare and Speer Boulevard, a City-maintained minor thoroughfare. CDOT is coordinating with the petitioner to ensure all transportation improvements, established in the original 2007-082 rezoning, have been accounted for and are on schedule for completion. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to revising the site plan to accurately reflect the existing striping and intersection conditions of Speer Boulevard and Tyvola Road as well as including requirements previously assigned to the site via Rezoning Petition 2007-082.
  - **Active Projects:**
    - There are no active projects near the site.
  - **Transportation Considerations**
    - No outstanding issues.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on parking lot).
      - Entitlement: 3,715 trips per day (based on 6,000 SF of retail and 6,000 SF of drive-thru restaurant).
    - Proposed Zoning: 5,655 trips per day (based on 12,000 SF of drive-thru restaurant).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.

- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding accessibility to sewer system connections. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **City Arborist:** No comments submitted.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry:** No outstanding issues.

### OUTSTANDING ISSUES

#### Transportation

- ~~1. Revise rezoning sheet RZ-2 by completing, and including, the table illustrated in CDOT's memo for transportation improvements established in the original 2007-082 rezoning. Pending the table's completion and CDOT's review, CDOT may require any incomplete transportation improvement(s) to be included as a part of this petition and completed upon development of this site.~~ **RESCINDED**

### REQUESTED TECHNICAL REVISIONS

#### Transportation

- ~~2. A site plan note specifying dedication and fee simple conveyance of all rights of way to the City and/or NCDOT before the site's first building certificate of occupancy is issued is needed. CDOT requests rights of way set at 2' behind back of sidewalk where feasible.~~ **ADDRESSED**
- ~~3. A site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued is needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **ADDRESSED**

#### Environment

- ~~4. Add the following note: "The site will comply with the Charlotte Tree Ordinance."~~ **ADDRESSED**

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Joe Mangum (704) 353-1908






## Goals Relevant to Rezoning Determinations

### Rezoning petition 2021-080

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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✗
	<b>Goal 3: Housing Access for All</b> 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.	N/A
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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.	✗

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>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.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>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.</p>	
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>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.</p>	
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>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.</p>	<p><b>N/A</b></p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p><b>N/A</b></p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>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</p>	<p><b>N/A</b></p>