

<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: NS, neighborhood services
<b>LOCATION</b>	Approximately 3.56 acres located on the southeast corner at the intersection of South Tryon Street and Steelescrot Parkway. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes a 30,000-square foot commercial development with a minimum 10,000 square feet for office uses or a 25,000-square foot commercial development with no office requirement.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	C.G. Whitley and Annie Ruth Whitley LandNet, LLC Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 5-1 to <b>DEFER</b> this petition to the Zoning Committee meeting on September 25, 2013.
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<b>VOTE</b>	Motion/Second: Ryan/Labovitz Yeas: Dodson, Firestone, Labovitz, Low, and Ryan Nays: Allen Absent: Eschert Recused: None
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**ZONING COMMITTEE DISCUSSION** Staff indicated that the petitioner requested a deferral of the petition to September 25, 2013 so that they could continue to work on the outstanding issues. One Committee member noted that the petition had been moved to the special meeting and they hoped the issues would have been resolved. The Committee waived their rules and asked the petitioner about the outstanding issues. Mr. Walter Fields representing the petitioner indicated that they had worked to staff but there was more work that needed to be done before all of the issues were resolved.

**MINORITY OPINION** One Committee member was concerned about the need for an addition deferral after a special meeting had been called to review the petition.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 30,000-square foot commercial development with a minimum 10,000 square feet for office uses or a 25,000-square foot commercial development with no office requirement.
- Allows all uses permitted within the NS zoning district with a limit of two uses with accessory drive through facilities.
- Building height limited to 60 feet and not to exceed four stories.
- Parking ratio of one space per 250 square feet.
- Vehicular access provided to the site by a right-in/right-out drive from South Tryon Street and full movement drives from Steelescrot Parkway and Old Steele Creek Road.
- Transportation improvements at the intersection of South Tryon Street and Steelescrot Parkway which will be installed prior to the first building's certificate of occupancy issued for any parcel fronting South Tryon Street.
- Buildings oriented to South Tryon Street and Steelescrot Parkway with no parking/maneuvering allowed between the buildings and those streets, with the exception of drive through lanes.

- A low screen wall and plantings will be provided in areas where a drive through lane is located between a building and a public street. The low wall will be constructed of materials consistent with those on the buildings.
- A 50-foot landscaped setback will be provided along South Tryon Street and will include two rows of trees planted 40 feet on center.
- Raised crosswalks will be provided across drive through lanes to better delineate pedestrian paths.
- Building facades shall be constructed with a minimum 50 percent brick, brick veneer, stone, simulated stone, or cementitious board. The materials chosen shall be consistent throughout the site.
- Detached lighting will be limited to 25 feet in height and all lighting will utilize full cut-off type lighting fixtures.
- Abandonment for portions of the Steelescrot Parkway right-of-way.
- **Public Plans and Policies**
  - The *Steele Creek Area Plan* (2012) recommends that if the properties are not developed under their existing zoning, residential, office, and/or retail land uses would be appropriate.
  - The *Steele Creek Area Plan* also contains "Community Design" policies addressing nonresidential developments and freestanding single tenant buildings. These policies recommend minimizing the impacts of drive-through lanes, orienting buildings towards the street, and creating unified interconnected developments by providing meaningful amounts of usable and accessible open space and safe pedestrian pathways throughout the development.
  - The proposed land use of this petition is consistent with the *Steele Creek Area Plan*. However, the current site plan associated with this petition is inconsistent with the "Community Design" policies of the adopted plan. The proposed plan does meet some of the policies; however, additional commitments are necessary to prevent the subject site from being developed as three independent auto-oriented outparcels. Therefore, it is important that the petition incorporate all "Community Design" policies detailed in the plan to create a more unified interconnected development.

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

- **Charlotte Area Transit System:** Provide a note indicating the petitioner will install a CATS passenger waiting pad between the back of curb and the sidewalk along Steelescrot Parkway.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following outstanding issues:
  - Rewrite Note 3.c to read: "In accordance with discussions with CDOT/NCDOT, the Petitioner will be responsible for all transportation improvements as generally depicted on Sheet RZ-3, titled "Off Site Road Improvements". These improvements may include additional rights-of-way, asphalt milling/overlaying or other methods to remove existing pavement marking as needed, underground traffic signal conduct, pull boxes, traffic signal easements, etc. The conceptual intersection plan (Sheet RZ-3) is not a construction plan document; therefore, it does not represent all construction items necessary for the proposed concept to be implemented. The petitioner, CDOT, and NCDOT will work together during the construction plan review process to determine all necessary construction items to be included in the project. The petitioner will need to coordinate the final geometric transportation improvements (i.e. roadway work) to accommodate a proposed traffic signal at NC 49/Steelescrot Parkway and existing traffic signal modifications at NC 49 /Grandiflora Drive. All transportation improvements as depicted on Sheet RZ-3 need to be constructed and approved prior to the site's first building certificate of occupancy issuance."
  - Provide an additional "Transportation Improvements" note to read: "The Petitioner shall be responsible for obtaining the required rights-of-way to implement the transportation improvements identified and depicted on Sheet RZ-3. Additionally, the Petitioner will be responsible for all associated costs to acquire these rights-of-ways."
  - CDOT requests the Petitioner construct an eight-foot planting strip and six-foot sidewalk along the south side of South Tryon Street (NC 49) between Steelescrot Parkway and Old Steele Creek Road. Construction of this sidewalk will complete a gap in the sidewalk network along this stretch of South Tryon Street.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.

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- **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte-Mecklenburg Utilities:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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#### **ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - This site meets minimum ordinance standards.
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#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Limit the number of uses with accessory drive through facilities to one use.
    2. Provide open space/amenity area(s) shared by all uses to create a more unified interconnected development. Indicate the amenities that will be provided within the open space/amenity area(s).
    3. Indicate a minimum open space requirement of 15 percent of the site.
    4. A pedestrian path is illustrated along the access drive off Steelescroft Parkway. Provide an additional pedestrian path along the access drive connecting South Tryon Street to Old Steele Creek Road.
    5. Eliminate Note 1.d. on Sheet RZ-2 except for the second and third sentences. Relocate those two sentences to the end of Note 1.a. Also, add to that note a reference to the additional screening requirements of the drive through lanes indicated in Note 5.e.
    6. Modify Note 2.a. on Sheet RZ-2 to eliminate automobile service stations, residential, equipment rental and leasing, locksmith/gunsmiths, nurseries/greenhouses, and pet services (outdoor) as permitted uses.
    7. Modify Note 4.a. on Sheet RZ-2 to read: "...Each exterior building wall facade, exclusive of doors and windows, will be constructed with a minimum of 50% brick, brick veneer, stone, ~~cementitious board (such as HardiPlank)~~, and /or simulated stone. The masonry material and color chosen shall be consistent throughout the development..."
    8. Insert the following as the second sentence to Note 5.e. on Sheet RZ-2: "The petitioner will also construct a screen wall/planting as depicted on Sheet RZ-2 between Steelescroft Parkway and the parking envelope identified on the tract between South Tryon Street and the access drive off Steelescroft Parkway".
    9. Modify the last sentence of Note 5.e. on Sheet RZ-2 to read: "The screen wall will be a minimum of three feet in height and if a low wall is constructed, it will be constructed using materials consistent with the materials used on the buildings within the development. The screen wall will be located within a minimum five-foot wide planting strip behind the required public sidewalk and be placed a minimum three feet from the sidewalk".
    10. Modify the title of the elevation and plan view of the screen wall on Sheet RZ-2 to indicate "Screen Wall/Plantings" rather than "drive-through screen".
    11. Address Transportation comments.
    12. Address CATS comment.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Shad Spencer (704) 353-1132