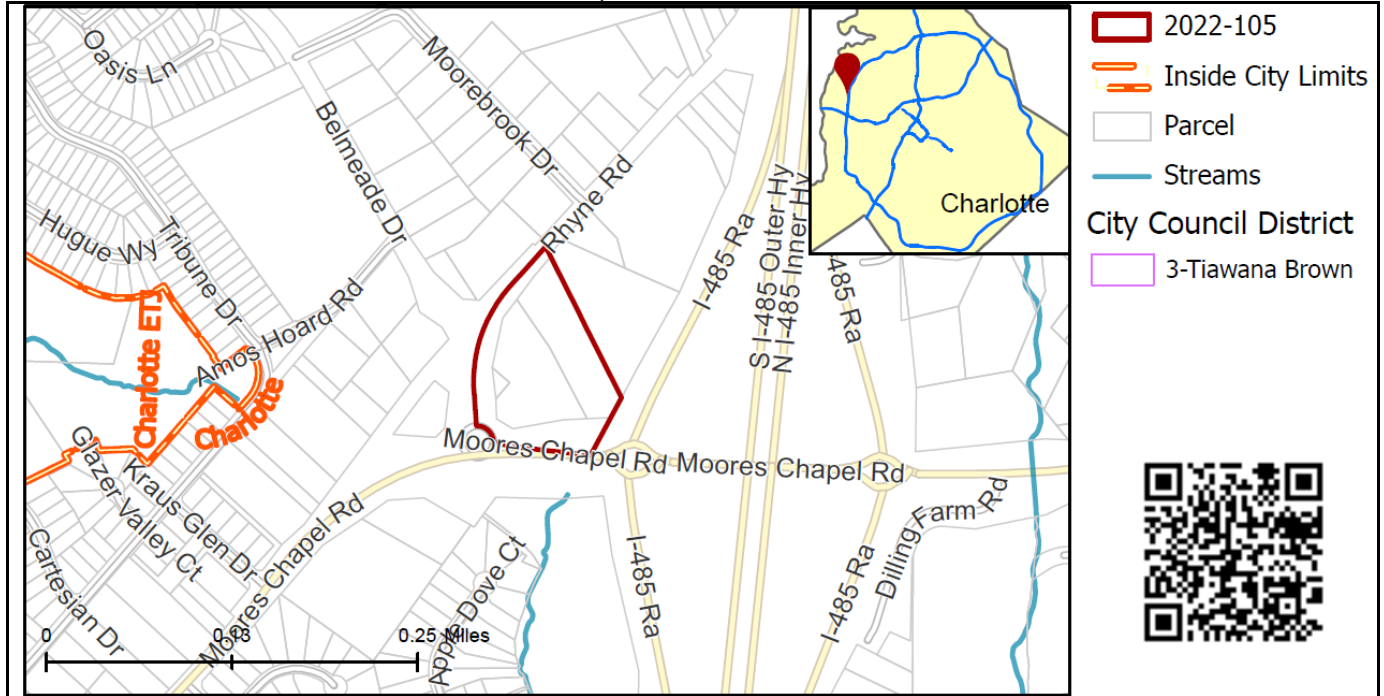


REQUEST

Current Zoning: N1-A (Neighborhood 1-A)
Proposed Zoning: B-1 (CD) (Neighborhood Business, Conditional)

LOCATION

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



SUMMARY OF PETITION

The petition proposes to develop a vacant property in northwest Charlotte with up to 10,000 square feet of uses permitted in the B-1 zoning district including 16 fuel pumps and a fast food restaurant with drive-through.

PROPERTY OWNER

JC Barefoot Properties of NC, LLC

PETITIONER

Moores Chapel Retail, LLC

AGENT/REPRESENTATIVE

Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 8.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the 2040 Policy Map recommendation for Neighborhood Center place type for the northern portion of the site and **inconsistent** with the 2040 Policy Map recommendation for Neighborhood Center place type for the southern portion of the site.

Rationale for Recommendation

- The proposed retail and gas station uses are consistent with Neighborhood Center place type. However, the proposed drive-through use is inconsistent.
- The site is located in an automobile-oriented environment at the interchange of Interstate 485 and Moores Chapel Road and on the primary route to the U.S. National Whitewater Center.

- The petition is committing to installing a 12' multi-use path along the site's Rhyne Road frontage. However, staff is requesting that the multi-use path be extended along the site's Moores Chapel Road frontage as well.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 5: Safe & Equitable Mobility
 - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the recommended place type for the southern portion of the site as specified by the *2040 Policy Map*, from Neighborhood Center place type to Commercial place type.

PLANNING STAFF REVIEW

- **Background**

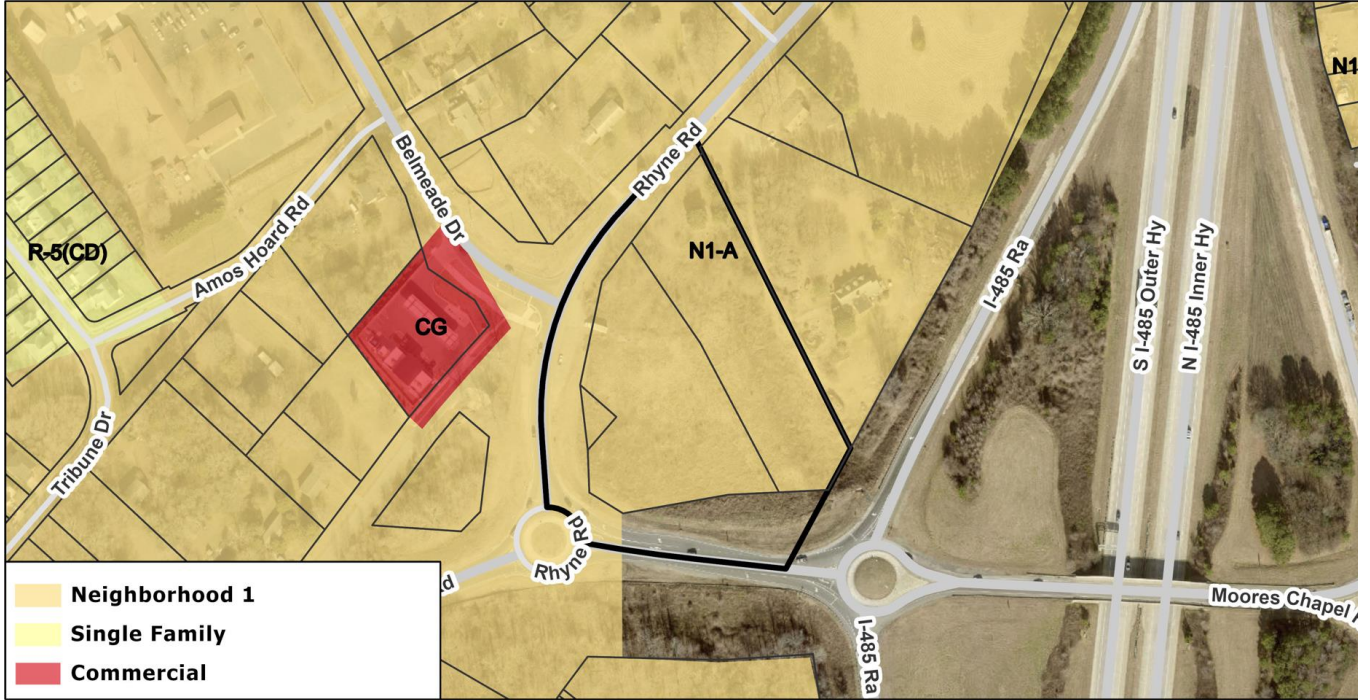
- City council previously approved a similar rezoning request in petition 2018-073 on October 15, 2019. That petition was subsequently overturned by the court system due to an incomplete signature sheet.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows for up to 10,000 square feet of uses permitted in the B-1 zoning district.
- Commits to screening the drive-through component from adjacent rights-of-way with plantings or a 4' screening wall.
- Limits freestanding lighting to 25' in height and must be full cut-off luminaries.
- Illustrates a 43' Class B buffer along the site's eastern property boundary where adjacent to N1-A zoning.
- Commits to the following transportation improvements:
 - Access via a right-in only driveway south of Belmeade Drive and a full movement driveway north of Belmeade Drive.
 - 12' multi-use path along Rhyne Road.
 - Conversion of the southbound off-ramp of I-485 at Moores Chapel Road to a free-flow right turn lane by extending the right turn lane between the two roundabouts.
 - Construction of an eastbound left turn lane on Belmeade Drive at Rhyne Road with 150' of storage.
 - Construction of a southbound left turn lane on Rhyne Road at the northernmost driveway.
 - Construction of a southbound right turn lane on Rhyne Road at Moores Chapel Road.

• **Existing Zoning**



- The site and most of the surrounding properties are zoned N1-A. One adjacent property at the corner of Rhyne Road and Belmeade Drive is zoned CG.



The site, marked by a red star, is surrounded by a mix of uses including single-family residential, commercial, and institutional.



Street view of the site as seen from Moores Chapel Road.



Street view of single-family residential use to the north of the site across Rhyne Road.



Street view of single-family residential use and the Interstate 485 ramp to the east of the site.

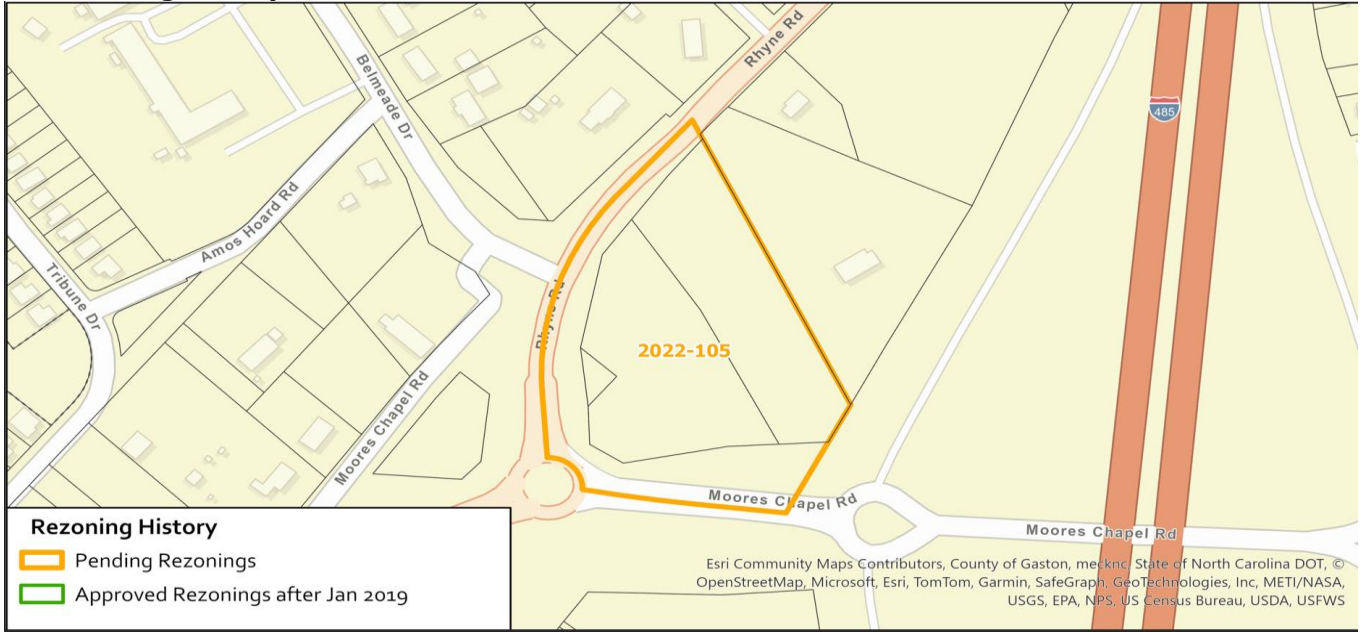


Street view of vacant, wooded land and single-family residential use to the south of the site across Moores Chapel Road.



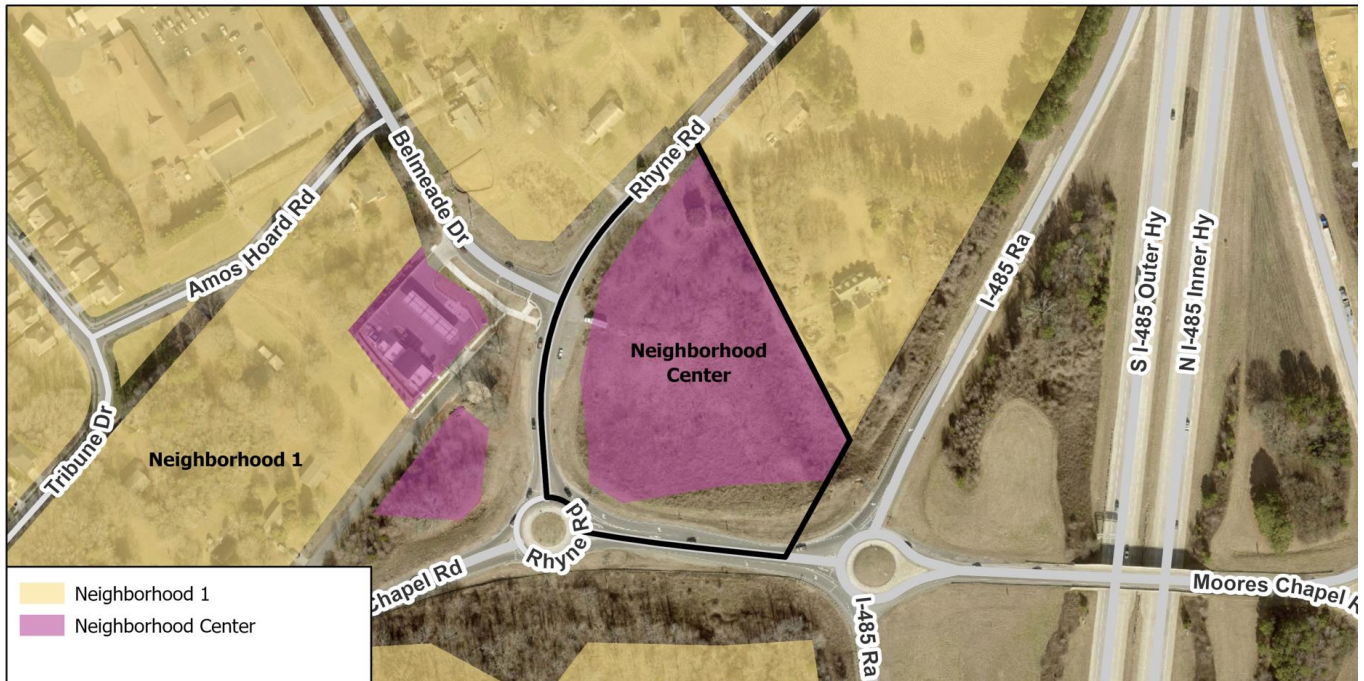
Street view of commercial use to the west of the site across Rhyne Road.

Rezoning History in Area



Petition Number	Summary of Petition	Status
	There have been no recent rezonings in the vicinity of this site.	

Public Plans and Policies



- The 2040 Policy Map (2022) recommends Neighborhood Center place type for the site.

TRANSPORTATION SUMMARY

The petition is located on the north side of Moores Chapel Road, a State-maintained minor thoroughfare and along Rhyne Road, a State-maintained minor thoroughfare street. A Traffic Impact Study (TIS) was submitted and approved by CDOT on 3/8/2024. There are no further outstanding transportation issues.

- Active Projects:**
 - N/A
- Transportation Considerations**
 - No outstanding issues.
- Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 135 trips per day (based on 11 single family dwellings).

Proposed Zoning: 5,505 trips per day (based on 2,700 SF fast food with drive-through, convenience store/gas station with 16 fuel pumps).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- **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 16-inch water distribution main located in Rhyne Road and an existing 16-inch water distribution main in Moores Chapel Rd. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main within Moores Chapel Rd. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUESTransportation

1. ~~Revise site plan and conditional note(s) to provide 12-foot multi-use path and 8-foot planting strip for the remainder of the Moores Chapel Road frontage. Sidewalk facilities are required per City ordinance for all public street frontages.~~ Revise the ramp locations and conditional note Transportation Note E to include the additional ramps that will be required. Provide SUE located 2 feet behind sidewalk if located outside of the ROW. Add conditional note to coordinate Control of Access Break with NCDOT for proposed multi-use path along Moores Chapel Road. **ADDRESSED**
2. ~~Label and dimension streetscape along all public road frontages (12-foot multi-use path and 8-foot planting strip). Revise ramp locations as shown above and update conditional note to incorporate additional ramps. Provide SUE located 2 feet behind sidewalk if located outside of the ROW. Add conditional note to coordinate Control of Access Break with NCDOT for proposed multi-use path along Moores Chapel Road.~~ **ADDRESSED**
3. ~~Label, dimension, and commit to curb and gutter and multi-use path in conditional notes.~~ **ADDRESSED**
4. ~~Add a conditional note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued as needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **ADDRESSED**
5. ~~Add conditional note "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the broad western Mecklenburg area, by way of a private/public partnership effort or other public sector project support."~~ **ADDRESSED**
6. ~~Remove "Convert the southbound right turn lane to a free flow right" as its mentioned twice. Then add the following to the first sentence for the Moores Chapel at I-485 SB Off-Ramp intersection~~

~~"Convert the southbound right turn lane to a free-flow right with channelization island." (See CDOT Memo 04-09-24)~~ **ADDRESSED**

- ~~7. Rhyne Rd At Belmeade—remove note regarding construction of an eastbound left turn lane on Belmeade with 150' of storage plus taper as it's already been constructed.~~ **ADDRESSED**

Site and Building Design

- ~~8. Remove the first sentence of Transportation note b. Connections between buildings and the public sidewalk are required by ordinance.~~ **ADDRESSED**
- ~~9. Revise Streetscape and Landscaping Note a to commit to screening the drive-through to UDO standards.~~ **ADDRESSED**
-

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Joe Mangum (704) 353-1908