



# Charlotte Department of Transportation

## Memorandum

---

**Date:** June 24, 2010

**To:** Tom Drake & Tammie Keplinger  
Charlotte-Mecklenburg Planning Department

Michael A. Davis, PE *Rich H. Grubbs for*  
Development Services Division

**Subject:** Rezoning Petition 10-047: Located near US 29 between I-485 and the  
Mecklenburg county line  
*(Revised June 17, 2010)*

---

CDOT previously provided comments in our May 28, 2010 memorandum to you.

**Consistency with Transportation Action Plan (TAP):** The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on implementation of the Centers, Corridors and Wedges land use strategy. This project site is located in a Corridor. Such areas should include a dense and interconnected network of thoroughfares and local streets. Specific comments are provided below to link proposed changes in land use with improved transportation network.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are provided below to bring the petition into compliance with best practices for multimodal transportation.

### Vehicle Trip Generation and TIS Requirements

This site could generate approximately 11,500 trips per day as rezoned in 2006, for which a Traffic Impact Study (TIS) was prepared. The proposed rezoning site plan shows a sufficient increase in daily trips. The site plan submitted calls out uses that will generate an increase of approximately 2,500 trips, bringing the sites total trips to approximately 14,000 trips per day.

The petitioner is working with CDOT on potential traffic mitigation that may be required due to the amount of trips generated by the development. A first draft of the Traffic Study has been submitted to CDOT and is currently in the review process. Since access is proposed to an NCDOT-maintained roadway, they have also required a TIS as part of their driveway permit approval process. They may have additional or different requirements for their approval than what is identified in this rezoning process. The developer/petitioner is recommended to meet with NCDOT early in the development process to identify any issues that they may have.

CDOT understands this petition is scheduled for a July 19, 2010 public hearing. The petitioner needs to understand that a traffic mitigation package needs to be agreed upon 10 days prior to the public meeting, Friday July 9. This schedule is necessary to ensure there is sufficient time in the rezoning process so that the public can be notified and review the proposed traffic mitigation improvements before the July public hearing.

We have the following comments regarding apparent conflicts between the proposed rezoning and existing ordinances or policies:

1. Note 4D reserves the right for the petitioner to count on-street parking towards the parking requirement. The Commercial Center District does not allow for a provision for on-street parking to be counted towards the required parking.

In addition to the above, CDOT requests the following changes to the rezoning plan:

1. Note 2 states the site may be developed in phases. Note 11 states that phasing to the site is not applicable. If the site is to be phased the site plan should clearly indicate what the phasing will be for the proposed project. CDOT needs to verify that the appropriate transportation infrastructure is proposed with each phase of the development, please clarify.
2. Note 4B refers to a new driveway connection for Parcel "B". CDOT request that the note be revised to state "Parcel "B" shall not have an additional connection to US 29 and shall be serviced with the extension of Proposed Access "C" unless otherwise approved by CDOT and NCDOT.
3. Note 4B included with the original submittal for this rezoning petition stated that the petitioner would contribute 50 percent of the cost of the creek crossing on the east side of the site. The note has been reworded and does not include the petitioner contributing money towards the creek crossing. CDOT request that the petitioner add the note back into the rezoning petition.
4. Note 4G indicates that a pedestrian connection could be made from Parcel "A" to Parcel "B" with the permission of CMUD. It is unclear as to why CMUD would need to approve a connection across a public street. Proposed Access "A" should be a public street through the southernmost connection for the assisted living units. CDOT request the not be removed from the plan or additional information be provided as to why CMUD would be involved in a pedestrian crossing in the location described.
5. Note 4G states that Proposed Access "B" will have dedicated bike lanes. CDOT request that the petitioner provide bike lanes on Proposed Access "D" instead of Proposed Access "B". The original site plan indicated bike lanes would be placed on both access roads.
6. Note 6 states "that all internal streets will have a six foot planting strip and a 5 foot sidewalk". CDOT originally requested that all internal roads should have an eight foot planting strip and a six foot sidewalk. CDOT maintains the original request. In addition, the City of Charlotte Zoning Ordinance, section 11.405 E, requires a minimum six-foot sidewalk in the Commercial Center zoning district.
7. It appears that the planting strip was reduced below both the six foot planting strip noted by the petitioner and the requested eight foot planting strip requested by CDOT along Proposed Access "B". CDOT request that the petitioner take into account the planting strip in the site layout.
8. The main entrance at US 29 and Caprington Avenue to the development does not account for the through movements at the intersection to align properly. Offsite improvements to Caprington Avenue will need to be implemented in order for the four way intersection to function properly and possibly signalized in the future. We are requesting a scaled conceptual sketch as part of our TIS comments to show Caprington's Avenue's alignment across US 29 to verify the alignment is feasible and to identify if any off-site right-of-way needs are necessary.

9. The site plan indicates a potential traffic signal located at the main entrance to the development across the street from existing Caprington Avenue. The proposed alignment will create a four legged intersection and the signal will need to be installed at the cost of the developer. A note needs to be added to the plan stating "The developer agrees to install a traffic signal at the intersection at the time dictated by CDOT and/or NCDOT. All expenses associated with the cost of the signal will be at the expense of the petitioner, including interconnection costs to adjacent traffic signals and any pedestrian signals if necessary to make this a complete traffic signal.
10. North Tryon is a major thoroughfare with 120 feet of existing right-of-way. The road improvements identified in the TIS may require additional right-of-way. The petitioner is requested to convey any additional right-of-way in fee simple title to accommodate road improvements.
11. The developer is requested to design a connection from Proposed Access "A" to existing Circle Drive. If the City's Connectivity Program Manager determines that funds are available at the time of construction the Connectivity Program will pay for the culvert crossing and any offsite improvements that are needed to make the connection to Circle Drive.
12. The site plan shows a development sign located in the public right-of-way. The sign may not interfere with sight distance at the intersection and will be required to be in an encroachment agreement with NCDOT, since US 29 is a state maintained road. The petitioner may move the sign outside the right-of-way to avoid having to obtain an encroachment agreement.

The following are requirements of the developer that must be satisfied prior to driveway permit approval. We recommend that the petitioner reflect these on the rezoning plan as-appropriate.

1. The Subdivision Ordinance will require that the petitioner build the street stub as close as possible to the adjoining property to the west of the site as conditions permit.
2. The proposed driveway connections to North Tryon will require a driveway permits to be submitted to CDOT and the North Carolina Department of Transportation for review and approval. The exact driveway location(s) and type/width of the driveways will be determined by CDOT during the driveway permit process. The locations of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
3. All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.
4. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
5. The Subdivision Ordinance will require that the petitioner build the street stub as close as possible to the adjoining property to the west of the site as conditions permit.

6. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

If we can be of further assistance, please advise.

- c: R. H. Grochoske (via email)  
J. Shapard – Review Engineer (via email)  
B. D. Horton (via email)  
A. Christenbury (via email)  
E. D. McDonald (via email)  
T. Votaw (via email)  
Scott Cole – NCDOT (via email)  
Louis Mitchell – NCDOT (via email)  
Rezoning File