

REQUEST	<p>Current Zoning: O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional)</p> <p>Proposed Zoning: B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)</p>
LOCATION	<p>Approximately 9.55 acres located at the northeast corner of John Adams Road and West Mallard Creek Church Road. (Council District 4 - Phipps)</p>
SUMMARY OF PETITION	<p>The petition proposes an amendment to existing entitlements for an unbuilt business development in the University City North area to allow 30,000 square feet of uses permitted in the B-1 (neighborhood business) district. Although other uses may be located on the site, only one convenience store/automobile service station and one use with an accessory drive-through service window will be allowed.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>John Wayne Adams John Adams Walter Fields</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent with the <i>Northeast Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The <i>Northeast Area Plan</i> recommends a mix of office, research, and retail land uses for the area in which the subject property is located. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is located within ¼ mile of an I-85 interchange; and • In light of the interchange proximity, the proposed uses, which include a convenience store with gas sales and a use with an accessory drive-through, are appropriate at this location; and • The proposed development will provide additional street connectivity through the construction of a new alignment of John Adams Road and a new street parallel to West Mallard Creek Church Road; and • The increased connectivity will support future development on vacant land to the north that will be accessed through this development; and • Pedestrian connectivity in the area will also be enhanced through new sidewalks along streets, including along West Mallard Creek Church Road; <p>By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by McClung).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Revised the site plan to depict and label the maintenance or replacement of the two existing accesses across Mallard Creek Church Road from the site (Deaton Lane and driveway directly across from existing John Adams Road serving tax parcel 04718104). 2. Revised the site plan to modify transportation notes as follows:
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- Note E 1 – Deleted second sentence referencing private agreement.
 - Note E 3 – Revised second bullet as follows: “Remark the pavement on existing John Adams Road from three lanes to two lanes (one entering lane and one exiting lane that terminates as a right turn lane). Existing John Adams Road eastern curb return will be constructed to decrease overall roadway width at Mallard Creek Church Road to two lanes.”
 - Note E 4 – Revised second sentence to reference an “eastbound” left-turn (not westbound).
 - Note E 6 - Revised note as follows: “The petitioner will provide an easement for a driveway connection to be built as part of the development of the site and the extension of the new John Adams Road to the north. This petitioner will construct this connection at a location agreed to by the petitioner and the Mallard Glen Apartment ownership as generally indicated on the site plan. The petitioner will construct the connection to the property line, with adjacent property ownership being responsible for the construction of the connection on their site. If at any point prior to construction of this connection the ownership of the Mallard Glen Apartments property notify the petitioner in writing that they do not want to connect to the petitioner’s property and to the future John Adams Road, the petitioner shall be relieved of this commitment and the site may be developed in accordance with the other provisions of this plan without the need to any further modifications. The connection between future John Adams Road and Mallard Highlands Drive will be constructed with two travel lanes and a 5-foot sidewalk on one side. The construction of the connection to new John Adams Road within six months of the certificate of occupancy for Phase 1 Parcel.”
 - Amended Note E5 to add the following: “Install/revise bike lane, planting strip, pedestrian refuge and sidewalk on Mallard Creek Road along the site frontage to comply with current City standards.”
 - Added Note E 7 - Berkley Place and Mallard Creek Church Road as follows: “The petitioner commits to modify right-turn phasing from permissive to permissive/overlap upon approving the cost estimate to be provided by CDOT.”
3. Reduced the number of driveways on the east-west street and aligned driveway with opposing driveways as much as possible. Specific locations will be determined during the site’s permitting process.
 4. Showed the construction of the new John Adams Road alignment from Mallard Creek Church Road to the connection to the adjacent parcel to the east including the future outside curblines for the 2030 build out street cross section.
- Site and Building Design
5. Amended building layout on the parcel in Phase I to reflect sidewalk connections to all public streets.
 6. Removed parking between the Phase I parcel and the abutting future parcel so as to not preclude an opportunity for cross-access between the two parcels.

VOTE

Motion/Second: Majeed / Fryday
 Yeas: Fryday, Majeed, McClung, Spencer, Watkins and Wiggins
 Nays: None
 Absent: Lathrop
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and indicated that all outstanding issues had been resolved. Staff noted that the petition is consistent with the *Northeast Area Plan*. There was no further discussion.

STAFF OPINIONStaff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Existing entitlements will be amended to allow replacement of a proposed 24,000-square foot child care center and 30,000 square feet of sit down restaurants with up to four buildings with uses allowed in the B-1 (neighborhood business) district. Permitted B-1 uses include residential, office, retail, institutional, and civic uses. However, the proposal indicates that there will be no more than one convenience store/automobile service station, and one use that may have a drive-through window.
- A minimum 75 percent of the exterior walls of all buildings constructed on the site, excluding doors, windows, soffit and eave areas, will be composed of masonry materials such as brick, brick veneer, stone including artificial stone, and stucco.
- Sidewalk connections to all public streets reflected on Phase I.
- Potential cross-access between the Phase I parcel and the abutting future parcel.
- Detached signs will be ground mounted and limited to seven feet in height and no more than 50 square feet in area.
- Site will have access to the existing and newly constructed John Adams Road and to a new public street to be constructed that will connect to Mallard Creek Church Road.
- Transportation improvements identified in the traffic impact study, which are attributable to the development of up to 30,000 square feet of total floor area on this site, will be constructed and approved before the site's first building certificate of occupancy is issued or phased.
- All rights-of-way required to accommodate the transportation improvements attributable to the development of this site will be dedicated and conveyed in fee simple to NCDOT before the site's first building certificate of occupancy is issued.
- Transportation improvements include:
 - Signalization of Mallard Creek Church Road and I-85 Southbound exit ramp;
 - Signalization of Mallard Creek Church Road and I-85 Northbound exit ramp;
 - Modification from an unsignalized "T" intersection to right-in/right-out at the intersection of Mallard Creek Church Road and John Adams Road;
 - Modification from an unsignalized "T" intersection to eastbound directional cross-over at Mallard Creek Church Road and Mallard Glen Drive;
 - Signalized "T" intersection with proposed full movement access at future John Adams Road.
 - An easement for a driveway connection to be built as part of the development of the site and the extension of the new John Adams Road to the north. The connection between future John Adams Road and Mallard Highlands Drive will be constructed with two travel lanes and a five-foot sidewalk on one side. The construction of the connection to new John Adams Road will occur within six months of the certificate of occupancy for Phase 1 Parcel.
 - Reduced the number of driveways on the east-west street and aligned with opposing driveways as much as possible. Specific locations will be determined during the site's permitting process.
 - Showed the construction of the new John Adams Road alignment from Mallard Creek Church Road to the connection to the adjacent parcel to the east including the future outside curblines for the 2030 build out street cross section.
- **Public Plans and Policies**
 - The *Northeast Area Plan* (2000) recommends a mix of uses (office, retail, and research), with retail not to exceed 100,000 square feet for the area within which this site is located.

• TRANSPORTATION CONSIDERATIONS

- The site is along Mallard Creek Church Road, a major thoroughfare, adjacent to the I-85 interchange. The current site plan commits to construction of offsite improvements as identified in the traffic impact study. The petitioner further commits to construction of the new John Adams alignment from Mallard Creek Church Road including connection to the adjacent development's private street; the complete east-west internal street connection to existing John Adams; the ultimate cross section at the realigned John Adams Road intersection; and the preservation of existing access on the south side of Mallard Creek Church Road (Deaton Lane) at the time the access modifications are made at Mallard Glen Drive and existing John Adams to mitigate access impacts to adjacent property owners that result from the proposed signalized access for

development needs.

- A traffic impact study (TIS) was performed to identify offsite mitigations. This petition provides access management modifications along Mallard Creek Church Road to provide access for development needs. The widening of Mallard Creek Church Road, realignment of John Adams Road, a proposed traffic signal and a bi-directional left over, which were identified as necessary traffic mitigation improvements by the 2016 Traffic Impact Study.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 10 trips per day (based on one single family detached dwelling).
 - Entitlement: 5,600 trips per day (based on a 30,000-square foot restaurant and a 24,000-square foot child care center).
 - Proposed Zoning: 13,570 trips per day (based on an automobile station with 20 gasoline pumps/convenience market, a 5,000-square foot bank with an accessory drive-through window, and 15,000 square feet of retail uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No comments received.
 - **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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Attachments Online at www.rezoning.org

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

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