

<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: NS, neighborhood services
<b>LOCATION</b>	Approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive. (Council District 2 – Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow 8,200 square feet of retail and office uses, including a convenience store with gas sales.
<b>PROPERTY OWNER</b>	Charles Gibson
<b>PETITIONER</b>	Sam's Real Estate Holdings, Georgia, LLC
<b>AGENT/REPRESENTATIVE</b>	Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 7-0 to <b>DEFER</b> this petition to their May 5, 2014 meeting.
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<b>VOTE</b>	Motion/Second:	Labovitz/Walker
	Yeas:	Allen, Dodson, Labovitz, Nelson, Ryan, Sullivan, and Walker
	Nays:	None
	Absent:	None
	Recused:	None

<b>ZONING COMMITTEE DISCUSSION</b>	Staff noted that the petition is requesting a deferral of this petition to the April Zoning Committee meeting. There was no discussion of this petition.
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**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:
  - Maximum 8,200 square feet of retail and office uses, including a convenience store.
  - Site plan specifies 2,000 square feet of retail, 3,700 square feet of convenience store/gas sales, and 2,500 of office on second floor.
  - Prohibited uses include automobile repair, nurseries and greenhouses, nightclubs, bars and lounges, locksmiths, gunsmiths, and pet services (outdoors).
  - Maximum two-story building that addresses the intersection of Northlake Center Parkway and Point O'Woods Drive, with articulated facades, windows and/or doors to prevent expanses of blank walls in excess of 20 feet in length.
  - An eight-foot sidewalk and eight-foot planting strip along Northlake Centre Parkway.
  - A 24-foot setback along Point O' Woods Drive and Northlake Centre Parkway and a five-foot side yard with landscaping abutting the CC (commercial center) zoning developed with residential homes to the north.
  - A full access vehicular connection to Point O'Woods Drive and to Northlake Centre Parkway.
  - Reservation of land for future public street right-of-way on the northern end of site.
  - Construction and use of a temporary private driveway connection located in an area reserved for a future public street right-of-way on the northern end of the site, which will be used until such time that right-of-way for a future public street is acquired and the street is constructed.
  - Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway.

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- Petitioner will work with CDOT on the design and installation of a northbound left-turn lane and storage at the signalized intersection that serves Northlake Mall and the properties to the west, including the petitioner's site.
  - Alternate underground storm water detention.
  - Height of freestanding lights limited to 30 feet.
  - **Public Plans and Policies**
    - The Northlake Area Plan (2008) recommends a pedestrian-oriented, mixed-use "town center" Activity Center, which should:
      - Provide concentrations of economic activity and contain mixtures of uses including retail, office, residential, and civic or cultural uses
      - Provide for the coordination of land use and transportation networks in the creation of a more walkable, less auto-oriented environment with mixed-uses fronting Northlake Centre Parkway and W.T. Harris Boulevard
      - Integrate where people live with working, shopping, leisure time opportunities, civic spaces, and travel choices
    - The Plan further recommends:
      - A mix of residential (up to 17 dwelling units per acre), office, and retail
      - Residential uses above office and/or retail
      - Working towards a unified development with the adjacent properties zoned CC (commercial center) in 2008 (rezoning petition 2008-060)
      - A freestanding, single-tenant or office/retail building could be considered if:
        - The building is oriented towards and addresses both Northlake Centre Parkway and Point O'Woods Drive
        - Is well integrated into the site
        - Has parking in the rear
        - Enhances the pedestrian environment within the Activity Center
        - Meets the design goals and vision of the Plan
        - Is designed in a village-arrangement around shared amenities
    - The petition is consistent with the Northlake Area Plan (2008) in terms of land use. However, the design is inconsistent with the Plan's pedestrian-friendly site design goals.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation: CDOT has the following issues:**
  - CDOT understands the previous rezoning petition number 2008-060 for the subject parcel was modified via an Administrative Approval that included a realignment of Dolley Todd Drive to Northlake Centre Parkway, as a public local commercial street, built to public street standards identified in the City's Subdivision Ordinance. This future realignment and connection of Dolley Todd Road to Northlake Centre Parkway needs to align properly with the Northlake Mall's private street, east of Northlake Centre Parkway. Dolley Todd Road at Northlake Centre Parkway will become the existing signalized intersection's fourth (4<sup>th</sup>) approach leg, and therefore needs to be aligned properly at this location. The petitioner will be responsible for the dedication of the public right-of-way and the construction of this commercial street within the site. The petitioner will need to dedicate the proper street right-of-way width after the construction permitting phase (i.e. after site engineering determines the minimum Dolley Todd Road right-of-way requirements). Public street right-of-way needs to be dedicated from Northlake Centre Parkway to the site's northern property line.
  - When Dolley Todd Road is further extended to Philadelphia Court, access from Dolley Todd Road to this site needs to be provided through parcel number 02529117 and the interim driveway closest to the Northlake Centre Parkway must be closed. CDOT requests that a conditional note committing to the closure of the interim driveway upon street extension be added, or that the petitioner acquire a permanent easement thru parcel number 02529117. If the petitioner is unsuccessful in gaining a permanent access easement thru parcel 02529117 prior to when Dolley Todd Road is extended north, then a raised median will be added to Dolley Todd Road at the petitioner's expense at the interim full-access driveway (Figure 1 provided on CDOT memorandum). The final median design will be determined during the driveway permit process.

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- The petitioner will be responsible for all traffic signal modifications necessary to create the fourth approach of the existing traffic signal intersection located at Northlake Center Parkway/Dolley Todd Road/Northlake Mall Private Street. A Traffic Signal Developer's Agreement will be needed by the petitioner during the construction permitting phase to identify and agree to all traffic signal modifications and funding responsibility at this existing signalized location. CDOT requests that the petitioner add a conditional note to the revised site plan.
  - CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street connection provided that a northbound left-turn lane is constructed on Northlake Centre Parkway at Dolley Todd Road. CDOT recommends the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street connection. The left-turn lane needs to be designed using NCDOT standards with a minimum 150 feet of storage. CDOT requests that the petitioner add a conditional note to the revised site plan.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Not applicable.
  - **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.
  - **Urban Forestry:** 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 proposed petition in its current form is inconsistent with the *Northlake Area Plan*. The *Northlake Area Plan* encourages that the rezoning site and the abutting parcels be designed under a unified plan in order to support the Plan's vision of a walkable town center.
- The petitioner should:
  1. Modify the site design and layout to ensure the proposed building has a stronger presence along Northlake Centre Parkway and Point O'Woods Drive. The frontage is disrupted by the location of the proposed water quality area and parking that should be located in the rear of the site.
  2. Provide information noting how the water quality area will be incorporated into the site.
  3. Ensure the proposed building contains clear glass windows that face the streets.
  4. Modify the building façade to provide for better pedestrian access via doors, and walkways connecting to sidewalks along Northlake Centre Parkway and Point O'Woods Drive.
  5. Provide additional building elevations, including perspectives of the building internal to the site, as well as from Northlake Centre Parkway and Point O'Woods Drive.
  6. Identify and label the required cross-section components (including dimensions) for Northlake Centre Parkway, as per the *Northlake Area Plan*. The cross-section requirements for Northlake Centre Parkway should be labeled on the site plan as follows: 24-foot setback, eight-foot amenity zone, eight-foot pedestrian sidewalk, eight-foot planting strip, five-foot bike lane, 22-foot travel lanes, and 16-foot median/turn lane.
  7. Confirm the cross-section for Point O'Woods Drive (Commercial local) by identifying and labeling all requirements for the cross-section on the site plan. The cross-section includes the following: 16-foot setback, eight-foot pedestrian sidewalk, eight-foot planting strip, seven-foot parking/trees, and 26-foot mixed vehicle zone with 13-foot lanes.

8. Clarify the following statements and indicate what is specifically being committed to by noting that the "petitioner will work with CDOT":
    - a. Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway.
    - b. Petitioner will work with CDOT on the design and installation of a northbound left-turn lane and storage at the signalized intersection that serves Northlake Mall and the properties to the west, including the petitioner's site.
  9. Specify architectural standards for this site. The Architectural Standards language refers to the regulations of the NS (Neighborhood Services) district. This district has no design guidelines.
  10. Add that a drive-through window as an accessory use is prohibited under Permitted Uses.
  11. Provide more detail on treatment of the open space provided at the intersection of Northlake Centre Parkway and Point O'Woods Drive.
  12. Limit the maximum height of freestanding lighting to 25 feet.
  13. Address all CDOT comments.
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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
- 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
- Urban Forestry Review

**Planner:** Claire Lyte-Graham (704) 336-3782