

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive. (District 2 – Austin)
SUMMARY OF PETITION	The petition proposes to allow 8,200 square feet of retail and office uses, including a convenience store with gas sales.
STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition in its current form. The proposed petition is consistent with the <i>Northlake Area Plan</i> recommendation for a mix of residential, office, and retail uses for this and abutting sites, as part of the Northlake Activity Center. However, the design is inconsistent with the Plan recommendations for the Activity Center to be designed to support pedestrian activity.</p> <p>The proposed development does not meet the Plan's pedestrian-friendly site design goals for the following reasons:</p> <ul style="list-style-type: none"> • The proposed uses are not oriented toward or accessed from the public sidewalk system; • Most of the sidewalk system abuts parking and vehicular maneuvering, instead of pedestrian-oriented buildings; • The gas sales component, as proposed, is not adequately screened from all abutting rights-of-way; • The proposal is not designed so that it can be a component of a larger master plan for a pedestrian-oriented development.
PROPERTY OWNER	Charles Gibson
PETITIONER	Sam's Real Estate Holdings, Georgia, LLC
AGENT/REPRESENTATIVE	Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

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, and 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 8-foot sidewalk and 8-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.
- 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.

- **Existing Zoning and Land Use**

- The site is currently developed with a single family residence built in 1981, and is surrounded by single family, multi-family, commercial, retail, and office uses and undeveloped acreage on properties zoned R-3 (single family residential), R-17MF (multi-family residential), and CC (commercial center).

- **Rezoning History in Area**

- Rezoning petition 2013-067 rezoned approximately 18.95 acres located on the west side of Northlake Centre Parkway near the intersection of Madison Square Place, Northlake Mall Drive and Northlake Centre Parkway, from R-3 (single family residential) and BP (business park) to UR-3(CD) (urban residential, conditional). The approved petition allows the construction of up to 416 multifamily units at a density of 22 dwelling units per acre.
- Rezoning petition 2008-060 abuts the rezoning site and shared access onto Northlake Centre Parkway. It rezoned approximately 21.22 acres from R-3 (single family residential) to CC (commercial center) in order to allow the development of a mixed use, pedestrian-friendly village type center. The approved site plan allows residential mixed use and/or planned multi-family buildings containing up to 320 units, and a maximum 50,000 square feet of multi-use development devoted to retail or office uses. Approval allows for one (1) freestanding single tenant retail building with a drive-through that may be a bank; or a restaurant, or any other retail or office use. As part of the approved development, a public street was proposed to provide access from Point O'Woods with a future connection to Northlake Centre Parkway via access through the subject rezoning site.

An administrative approval for rezoning petition 2008-060 was granted in 2011, in order to accommodate a new layout of the public street and multi-family building envelope layout of the site.

- **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 a 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
 - 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.

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 requests:
 - 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 within 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 (4th) 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.
- 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.
- **Vehicle Trip Generation:**
Current Zoning: 60 trips per day.
Proposed Zoning: 5,500 trips per day.
- **Connectivity:** The petitioner is responsible for various transportation improvements, including connecting Dolley Todd Road to Northlake Centre Parkway; traffic signal modifications; and construction of a left-turn lane on Northlake Centre Parkway at Dolley Todd Road. Conditional notes should be placed on the site plan as requested by CDOT.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **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.

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.

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 these 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. Should 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 follow: 24-foot setback, 8-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":
 - Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway.
 - 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 area Northlake Centre Parkway and Point O'Woods Drive.
 12. Limit the maximum height of freestanding lighting to 25 feet.
 13. Address all CDOT comments.

Attachments Online at www.rezoning.org

- Application
- 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