

REQUEST	Current Zoning: INST(CD) (institutional, conditional) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Novant Health Novant Health Jeff Brown/Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Albemarle Road/I-485 Interchanges Study</i> and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing as amended by a 5-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Removed the "Other TBD" under c. Graphics and Alterations. 2. Added a note entitled Alternative Phasing as follows: "Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of Petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this petition." 3. Added a note requiring, at a minimum, 10,000 square feet of gross floor area of general or medical office uses to be developed within the area zoned B-1(CD). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD). 4. Addressed Transportation comments by adding notes under the headings of Transportation Improvements and Access and Right-of-way Dedication as follows: <ol style="list-style-type: none"> a. (Proposed Improvements) <u>At the intersection of Albemarle Road and the I-485 outer ramps</u>: Extend the westbound right-turn lane on Albemarle Road back to the right-in right-out driveway; b. (Proposed Improvements) <u>Along the Sites frontage on Albemarle Road i)</u>construct a right-in right-out driveway; and ii) construct a westbound right turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an approximate taper. c. (Standards, Phasing and Other Provisions) <u>Right-in Right-out Driveway</u>: The right in right-out driveway to Albemarle Road
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- will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
- d. (Standards, Phasing and Other Provisions) Contribution to Roadway Improvements: The following provisions shall apply in addition to other commitments of Petitioner and provisions of this Section 3:
- i) In order to facilitate the construction of the extension of Public Street #1 to the east as a connection (the "Connector Road") to a north/south road that will provide full movement access to Albemarle Road (the approximate location of the Connector Road portion being shown on Sheet RZ-3.1), the Petitioner shall contribute to the design and construction costs of such Connector Road in an amount of up to the lesser of (A) one-third (1/3) of such design/construction costs evidenced by written bids for such work, or (B) \$360,000 (the "Contribution Amount").
 - ii) The contribution amount will be paid to the City of Charlotte to be held and then used solely for either (A) the construction of the connector road, or (B) if acceptable to CDOT and NCDOT the installation of certain roadway and/or traffic signal improvements to the intersection of Public Street #1 and Albemarle Road (the "Intersection Improvements"), provided however, such intersection improvements must be of the nature that improve the access conditions at such intersection in a manner reasonably acceptable to petitioner and CDOT.
 - iii) In the event of scenario (A) of subsection c.ii immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the city that (X) subdivision plans have been approved to allow the construction of the connector road and (Y) other parties, whether public sector or private parties, have committed to provide the balance of the funding of the design/construction costs needed above the contribution amount. In the event of scenario (B) of subsection c.ii. immediately above, the contribution amount will be delivered to the City within 30 days of written notice from the City that the City and NCDOT have decided to use the contribution amount to fund the intersection improvements (as reasonably approved by petitioner as set forth above) and written evidence that the costs of such intersection improvements can be covered by the contribution amount or in concert with other approved funding for such intersection improvements.
 - iv) If (A) the City's written notice under subsection c.iii. above is not provided to petitioner within seven years of the date of approval of this rezoning petition, or (B) construction earnest of the connected road or the intersection improvements, as the case may be, is not commenced within eight years of the date of such approval, the City will return the contribution amount to the petitioner and petitioner shall have no further obligations to provide for such funding.
- e. (Standards, Phasing and Other Provisions) Alternative Phasing: Changes to the above referenced phasing can be approved through the administrative amendment process upon the determination and mutual agreement of petitioner, CDOT, Planning Director, and as applicable, NCDOT, provided, however, the proposed alternate phasing provides comparable transportation improvements to the phasing identified in this

- petition.
- f. Access and Right-of-Way Dedication
 - i) Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway in the manner generally depicted on the rezoning plan.
 - ii) The right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
 - 5. Addressed CATS comments by adding a note "the petitioner will provide CATS a public access easement to allow CATS transit service to enter the site and utilize the site's private streets to turn around. The location and terms of the easement to be determined during the subdivision review process."
 - 6. Staff rescinded the request to define "personal services."

VOTE

Motion/Second: Sullivan/Eschert
 Yeas: Dodson, Eschert, Labovitz, Nelson, and Sullivan
 Nays: None
 Absent: Ryan and Walker
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition, noting that transportation improvements have been provided that support the proposed development on the site, and the petition is consistent with the *Albemarle Road/I-485 Interchange Study*. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - Petition 2008-052 rezoned the subject property from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) to allow a 100-bed hospital, up to 140,000 square feet of medical office space, and 20,000 square feet of retail/commercial space. The hospital was to be built in two 50-bed phases, and the medical offices in four buildings.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - A hospital consisting of 50 beds.
 - Up to 80,000 square feet of medical and general office uses and dental, medical, and optical laboratory uses, and accessory uses including a helistop in the proposed O-2(CD) (office, conditional) zoning.
 - Up to 37,000 square feet of general and medical office, retail, restaurant and personal services uses in the proposed B-1(CD) (neighborhood business, conditional) zoning, of which no more than 25,000 square feet may be used for retail, restaurant, and personal services uses.
 - A minimum 10,000 square feet of general or medical office uses must be developed within the area zoned B-1(CD) (neighborhood business, conditional). No more than two buildings containing only retail, restaurant or personal service uses may be constructed within the area zoned B-1(CD), prior to the construction of 10,000 square feet of gross floor area of general or medical office uses within the area zoned B-1(CD).
 - Total number of principal buildings will not exceed nine.
 - Up to 30,000 of the allowed square footage can be transferred from the O-2(CD) (office,

- conditional) to the B-1(CD) (neighborhood business, conditional) area.
- Up to 20,000 allowed square footage can be transferred from the B-1(CD) (neighborhood business, conditional) area to the O-2(CD) (office, conditional) area.
 - One accessory drive-through window is permitted in the B-1(CD) (neighborhood business, conditional) area but the accessory use may not be associated with a restaurant.
 - Surface parking and/or maneuvering areas, and drive-through window lanes will not be allowed between Albemarle Road and the proposed buildings.
 - Building material consisting of a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, EIFS, decorative block and/or wood.
 - Building elevations for the health institution building that reflect the architectural style and quality.
 - A landscaped open space/court yard area that includes seating areas will be provided between proposed buildings along Albemarle Road.
 - A Class "C" buffer and undisturbed landscaping will be provided along Interstate 485.
 - A 75-foot Class "B" buffer will be provided along the site's other boundaries.
 - A public access easement will be provided to allow CATS transit service to enter the site and utilize the site's private streets to turn around.
 - Transportation improvements include:
 - Access to the site will be from Albemarle Road via a new public street and a right-in right-out driveway.
 - An eastbound restrictive leftover on Albemarle Road into the site at Public Street #1.
 - Median break on Albemarle Road to the west will be closed upon installation of the restrictive leftover.
 - Extension of existing left turn lane on Albemarle Road.
 - A channelized westbound right turn lane into the proposed development on Albemarle Road.
 - A two-lane cross-section with an ingress and egress lane at the intersection of Public Street #1 and Albemarle Road, with a channelized southbound egress lane placed under stop-controlled conditions.
 - An exclusive westbound turn lane on Albemarle Road to accommodate U-turn movements, and an accompanying modification of the traffic signal to incorporate an additional left-turn phase, in addition to construction of a bulb-out to accommodate the U-turning movements.
 - Certificates of occupancy for proposed uses contingent upon phased completion of roadway improvements and either re-evaluation of the operation of the roadway improvements to show that additional capacity is available that will support additional development or the extension of Public Street #1 to the east and connection to a north/south road that will provide full movement access to Albemarle Road.
 - A right-in right-out driveway along the site's frontage on Albemarle Road.
 - A westbound right-turn lane on Albemarle Road at the right-in right-out driveway with 50 feet of storage and an appropriate taper.
 - A right-in right-out driveway to Albemarle Road will be closed and removed once Public Street #1 is extended to the east and connected to a north/south road that provides the site with full movement access to Albemarle Road.
 - The petitioner shall contribute to the design and construction costs of the connector road in an amount of up to the lesser of (A) one-third of such design/construction costs or (B) \$360,000.
 - The contribution amount of \$360,000 will be paid to the City of Charlotte and used solely for either the construction of the connector road or the installation of certain roadway and/or traffic signal improvements to the intersection of Public Street #1 and Albemarle Road.
 - The City will return the contribution amount to the petitioner and the petitioner shall have no further obligations to provide for such funding if the City's written notice is not provided to the petitioner within seven years of the date of approval of the rezoning or if construction of the connector road or the intersection improvements have not commenced within eight years of such approval.
 - Phasing changes can be approved through the administrative amendment process if mutually agreed upon by the petitioner, CDOT, Planning Director and as applicable, NCDOT.
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 - **Public Plans and Policies**
 - The *Albemarle Road/I-485 Interchange Study* (2003), as modified by a previous rezoning,

recommends an institutional use and supporting office and retail uses.

- The petition is consistent with *the Albemarle Road/I-485 Interchange Study*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No comments received.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No comments received.
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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

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

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