

<b>REQUEST</b>	Current Zoning: O-2(CD) (office, conditional) and B-2(CD) (general business, conditional) Proposed Zoning: B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional, site plan amendment) with five year vested rights
<b>LOCATION</b>	Approximately 8.64 acres located on the west side of Collins Aikman Drive between McCullough Drive and West W. T. Harris Boulevard. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes a zoning change and a site plan amendment to a vacant site located within an office/business development in University City to increase the number of hotels allowed from two to three, allow residential dwellings, relocate a street connection, and amend development standards from the current zoning.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	City Center Hotel, Inc. City Center Hotel, Inc. Brian Upton and H. K. Patel
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found the proposed hotel and office uses to be consistent with the <i>University City Area Plan</i>, and the proposed retail uses to be inconsistent with the <i>University City Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends residential, office, institutional, and hotel uses</li> </ul> <p>However, 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"> <li>• The proposed uses, except for the retail, are consistent with the <i>University City Area Plan</i>.</li> <li>• The residential component has been deleted.</li> <li>• The proposed retail is allowed by the current conditional zoning petition that governs the site.</li> <li>• Site provides pedestrian connectivity from each building to the street and to other hotels, in addition to between the Pike Road hammerhead and Collins Aikman Drive.</li> <li>• The petitioner provided a schematic site plan that illustrates the building locations relative to the street and parking lots along with sidewalks for pedestrian connectivity.</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Majeed seconded by Labovitz).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Infrastructure</u></p> <ol style="list-style-type: none"> <li>1. Reflected sidewalk connectivity from each building to the street and to other hotels.</li> <li>2. Provided a pedestrian connection between the Pike Road hammerhead and Collins Aikman Drive. Showed and labeled on the site plan via an internal sidewalk system, with a note that steps may be necessary due to site topography. Amended Note 10 under Sidewalks to add the following: "In particular, a well-defined pedestrian route shall be established through the property to connect Pike Road to Collins-Aikman Drive. The final configuration of this pedestrian route will be determined as part of the detailed</li> </ol>
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design of the first building to be constructed.”

3. Deleted Note 11.3 under Storm Water.

#### Site and Building Design

4. Added a note that buildings shall be oriented to the street with pedestrian access directly to Collins Aikman Drive from the building.
5. Replaced the note limiting the number of independent free standing buildings (or cluster of interconnected buildings that is independent) devoted solely to retail and/or restaurant uses that may be developed on the site to one.
6. Added note requiring the public street between Brentmoor and Collins Aikman Drive to be constructed prior to the issuance of a certificate of occupancy on any building within this rezoning.
7. Added Note 4D as follows: “Parking will be located behind the buildings,” and Note 7.7 as follows: “No parking shall be allowed between buildings and Collins-Aikman Drive.”
8. Added two notes that pertained to residential uses to Section 4 under the heading of “Design and Architectural Treatment” to apply to the commercial section as follows: “Note 4b Buildings on the site will feature four sided architecture,” and Note 4c “The portion of the building located below the roof line and with the exception of windows, doors, architectural accents, fenestrations and wall signage shall be composed of brick, stone, or cultured stone and or conventional stucco material.”
9. Amended Note 4(e) to add that blank walls will not be more than 20 feet in length on all floors and must include both vertical and horizontal articulation.

#### Land Use

10. Clarified permitted uses as three limited service hotels with up to 400 rooms, with associated hotel amenities such as eating/drinking/entertainment establishments; up to 190,000 square feet of office space; and up to 40,000 square feet of retail and/or eating/drinking/entertainment establishment space. Provided a schematic site plan (Sheet RZ-3) that illustrates the building locations relative to the street and parking lots.
11. Labeled the 10-foot setback as a 10-foot yard on the abutting property that fronts Brentmoore Drive.
12. Limited the maximum amount of retail and/or eating/drinking/entertainment establishment space allowed to 40,000 square feet and required all retail to be located on the ground floor of hotels.
13. Specified that setbacks along public streets will be measured from the right-of-way.
14. Specified on Sheet RZ-3 that trees will be planted in the landscape strip along Collins Aikman Drive

#### Requested Technical Revisions

15. Amended Development Data Table to reflect existing zoning as O-2(CD) and B-2(CD).
16. Submitted an administrative amendment to rezoning 2008-105 to remove all uses except one hotel with up to 125 rooms from the part of Area B not included in this rezoning and to clarify the remaining development rights.
17. Amended technical site plan to separately reflect “Parking Envelope” and “Building Envelope.”
18. Added Note 11.3 under “Storm Water Management” as follows: “The petitioner shall control and treat the entire runoff volume for the one-year, 24-hour storm. Runoff draw down time shall be a minimum of 24 hours but not more than 120 hours.”
19. Added Note 11.4 under “Storm Water Management” as follows: “The peak storm water release rates shall match predevelopment rates for the 10-year and 6-hour storm events and a downstream flood analysis shall be performed to determine whether additional peak control is needed and if so, for what level of storm frequency. If a downstream analysis is not performed, the peak storm water release rate shall match predevelopment rates for the 10-year and

- 25-year, 6 hour storms.”
20. Added Note 11.5 under “Storm Water Management” as follows: “Water quality best management practices (BMP’s) shall be constructed on the site to achieve 85% total suspended solid removal for the entire post development runoff volume for the runoff generated from the first 1-inch of rainfall. BMP’s must be designed and constructed in accordance with the NC Department of Environmental and Natural Resources Best Management Practices Manual, April 1999, Section 4.0. Design standards shall be met according to the City of Charlotte Best Management Practices Manual, when available. Use of low impact development techniques is optional.”
  21. Deleted residential dwellings as a proposed use.
  22. Deleted Notes 4.2 under “Design and Architectural Treatment” that pertain to residential uses, which are no longer proposed.
  23. Deleted note under “Transportation” as follows: “Adequate sight triangles must be reserved at the existing/proposed street entrances. Two 35’ x 35’ and two 10’ x 70’ sight triangles are required for the entrances to meet requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrances. Such items should be specified on the site plan.”
  24. Amended Note 7.1 by deleting the reference to parking for residential uses as follows: Off-street parking for residential units will be provided at a ratio of at least 1.6 spaces per unit.
  25. Deleted Note 8.3 as follows: No wall “pak” type lighting will be allowed facing public streets. Any wall “pak” type lighting will be downwardly directed.
  26. Deleted Note under heading “Charlotte Mecklenburg Schools Agreement” as follows: Development of the site will conform to the letter or agreement between the petitioner and CMS dated September 7, 2006.
  27. Amended Note 4 to include retail/office/hotel uses.
  28. Amended Note 1 under “Architectural Standards” to add the following: “The entrance to the building from Collins Aikman Drive to be architecturally articulated to read as a primary entrance with a canopy and/or vestibule, as well as detailing that is proportional to the overall size and scale of the building.”
  29. Amended Note 2.3(c) to state that no more than one freestanding eating/drinking/entertainment establishment (EDEE) or office building shall be developed on the site.
  30. Amended Note 2.3(d) as follows: “Retail and/or eating/drinking/entertainment establishments may be located within a hotel and/or office structure but must be limited to the ground floor of the buildings.”
  31. Replaced “restaurant” with “eating/drinking/entertainment establishment” (in Section 2).

**VOTE**

Motion/Second: Majeed / Labovitz  
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition. Staff noted that there are not outstanding issues associated with the petition. There was no further discussion.

Staff noted that this petition is proposed hotel and office uses to be consistent with the *University City Area Plan*, and the proposed retail uses to be inconsistent with the *University City Area Plan*. However, the proposed retail is allowed by the current conditional zoning petition and will not be free standing.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
**(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))**

**PLANNING STAFF REVIEW**

• **Background**

- The subject property, which is vacant, was initially rezoned to O-2(CD) and B-2(CD) via Petition 2006-96. The subject property was a part of an area for which the following uses were allowed: 75,000 square feet of retail and/or restaurant space in mixed use buildings, up to 200,000 square feet of office space, two hotels of which one was required to be full service. The hotels were limited to a total of 525 rooms. Hotel rooms could be converted to additional office space at the rate of 500 square feet for each undeveloped hotel room up to a maximum of 100,000 square feet of additional office space. The total amount of retail and restaurant space shall not exceed 40,000 square feet and any such use shall be located in mixed use retail/restaurant/office buildings. No single tenant or single fee ownership user may occupy more than 25,000 square feet on the ground floor for retail and/or restaurant uses. Fast food restaurants with drive-through window facilities and gas stations/convenience stores with gasoline sales are prohibited.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Increases the number of hotels. Two hotels are currently allowed in the larger area which includes the subject parcel. The proposed request would allow three hotels with up to 400 rooms in the area currently proposed for rezoning. In addition, land is available in the area abutting the subject property for additional hotel development.
  - Increases the number of hotel rooms allowed from 375 to 400.
  - Removes the requirement for any of the hotels to be a full service hotel.
  - Permitted uses include three limited service hotels with up to 400 rooms, with associated hotel amenities such as eating/drinking/entertainment establishments; up to 190,000 square feet of office space; and up to 40,000 square feet of retail and/or eating/drinking/entertainment establishment space.
  - Limited the maximum amount of retail and/or eating/drinking/entertainment establishment space allowed to 40,000 square feet. Retail and/or eating/drinking/entertainment establishments may be located within a hotel and/or office structure but must be limited to the ground floor of the buildings.
  - Provides a pedestrian connection between the Pike Road hammerhead and Collins Aikman Drive.
  - Buildings will be oriented to the street with pedestrian access directly to Collins Aikman Drive from the building.
  - Allows no more than one freestanding eating/drinking/entertainment establishment (EDEE) or office building to be developed on the site.
  - Parking will be located behind the buildings, and no parking shall be allowed between buildings and Collins-Aikman Drive.
  - The entrance to the building from Collins Aikman Drive to be architecturally articulated to read as a primary entrance with a canopy and/or vestibule, as well as detailing that is proportional to the overall size and scale of the building.
  - Increases the width of the sidewalk along Collins Aikman Drive to eight feet with an eight-foot planting strip, which is an increase from a five-foot sidewalk and eight-foot planting strip.
  - Existing trees within the 30-foot setback along Collins Aikman Drive may be removed to accommodate the proposed building construction and installation of an eight-foot sidewalk and eight-foot planting strip. Trees will be planted in the landscape strip along Collins Aikman Drive.
  - Proposed new public street extending from Collins Aikman Drive in a westerly direction to connect with Brentmoor Drive. This public street will be designed to standards for a local office/commercial wide street designation and will be constructed with the development of either Building #2 or #3.
  - Pike Road shall be terminated with a hammerhead in connection with any development that is to occur as opposed to extending Pike Road to Collins Aikman Drive as shown on the approved plan.
  - Deleted note under Design and Architectural Treatment requiring the main entrance points into the residential areas to include a tiered landscape treatment including large maturing trees, small ornamental trees, low-lying shrubs, and ground covers.
  - Architectural standard applicable to retail, office and hotel uses.
- **Public Plans and Policies**

- The *University City Area Plan (2015)* recommends residential, office, institutional, and hotel uses for this site.
- The *University City Area Plan* recommends the extension of Pike Road to Collins Aikman Drive.
- **TRANSPORTATION CONSIDERATIONS**
  - CDOT prefers the original location of the street extension to create a better overall street network. However, since that location may now be infeasible, the new location appears to be the next best option.
  - Vehicle Trip Generation:  
Current Zoning: 9,900 trips per day (based on 250 hotel rooms, 200,000 square feet of office and 75,000 square feet of retail)  
Proposed Zoning: 12,300 trips per day (based on 175 dwelling units, 400 hotel rooms, 200,000 square feet of office and 75,000 square feet of retail)

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Fire Department:** No issues.
    - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for University Meadows Elementary (120%), James Martin Middle from (87%), or Vance High (116%).
  - **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](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools 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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