

<b>REQUEST</b>	Current Zoning: B-1SCD (business shopping center district) Proposed Zoning: B-2(CD) (general business, conditional)
<b>LOCATION</b>	Approximately 0.527 acres located on the south side of University City Boulevard east of East W.T. Harris Boulevard. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to use a portion of the existing Town Center Plaza shopping center parking lot located in the College Downs neighborhood to allow an automotive fuel/gasoline center associated with the existing Harris Teeter grocery store.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Town Center Associates Harris Teeter, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>University City Area Plan</i>, which recommends office, retail, and civic/institutional uses for the site.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The proposed retail use is located in the existing Town Center Plaza shopping center, fronts a major thoroughfare, and is near the signalized intersection of University City Boulevard and W.T. Harris Boulevard.</li> <li>• The proposed use is consistent with the land use recommendation for retail uses.</li> <li>• Vehicular access is provided via existing driveways on University City Boulevard. This results in limited driveway conflicts, which is important to the function and safety of the multi-use path recommended along University City Boulevard and W.T. Harris Boulevard.</li> <li>• Pedestrian access will be enhanced via an off-site sidewalk connection to existing sidewalk along University City Boulevard.</li> </ul>
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**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Permitted uses include an automotive fuel/gasoline center with a maximum of seven fuel pumps and 14 fueling stations. Accessory uses include retail sales, outdoor merchandising, vending machines, and electric charging stations for vehicles. Car washes are prohibited.
- Maximum of one accessory building allowed at a maximum of 250 square feet that may contain retail sales, restroom facilities, and an office for the fuel/gasoline center attendants.
- Alternate uses should the fuel/gasoline center not be developed include surface parking, an express lane with a maximum 2,000 square foot accessory building for customer grocery pickup for a grocery store located in the adjacent Town Center Plaza shopping center.
- Site access via existing driveways off University City Boulevard.
- Pedestrian connection to the overall site from the existing sidewalk located along University City Boulevard via a new five-foot wide sidewalk to be located near the westernmost vehicular access point of the overall site.
- Renderings depicting fuel/gasoline center and accessory building with stainless steel pumps, brick columns, brick building façade, and mansard standing seam metal roof/canopy.
- **Aforementioned monetary commitment will be used to improve the landing located along University City Boulevard. In addition, evergreen shrubs that will have a minimum height of three feet at the time of installation, and be installed along the site frontage on University City Boulevard, in a manner to provide a minimum 65% opacity.**

- The petitioner has agreed to pay \$25,000 to CDOT to be applied to the cost to construct and install certain pedestrian crossing improvements on University City Boulevard adjacent to the subject property.
- **Existing Zoning and Land Use**
  - The subject property is currently used as a surface parking lot for the Town Center Plaza shopping center.
  - Petition 1990-55C approved a site plan amendment for 29.91 acres located on the south side of University City Boulevard east of East W.T. Harris Boulevard that included the subject property, to increase the maximum building square footage via expansions to existing buildings and one new building, from 191,000 square feet to 220,000 square feet.
  - Surrounding properties south of University City Boulevard contain retail/strip shopping center, financial institution, single family detached and multi-family dwelling units in B-1(CD) (neighborhood business, conditional), B-1SCD (business shopping center district), O-1(CD) (office, conditional), R-17MF (multi-family residential) and R-3 (single family residential) districts. A financial institution, and UNC-Charlotte exist in O-1(CD) (office, conditional) and INST (institutional) zoning located on the north side of University City Boulevard.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
  - The *University City Area Plan* (2015) recommends office, retail, and civic/institutional uses for the site. Moderate density residential (up to 22 dwelling units per acre) may also be appropriate as part of a multi-or mixed use development.
  - Along University City Boulevard, improve the aesthetic quality and pedestrian environment by adding a landscape zone directly behind the sidewalk. This area could include elements such as low walls, trees, shrubs, seasonal plantings, pedestrian plazas, and/or walkways.
  - Provide a separate and clearly designated path from the street/sidewalk to the front door of primary structures to minimize potential conflict between pedestrians and automobiles.
  - As development occurs, a multi-use path should be constructed on both sides of University City Boulevard and on W.T. Harris Boulevard that connects to the Toby Creek Greenway extension. Additional pedestrian and bicycle connections should be provided to the future expansion of Toby Creek Greenway from development. Minimizing driveway conflicts is particularly important to the function and safety of the multi-use path recommended along University City Boulevard and W.T. Harris Boulevard. The adopted streetscape for University City Boulevard, which is a 10-foot sidewalk, 15-foot planting strip, no bike lanes, and three 12-foot travel lanes in each direction with a median. The subject property is internal to the overall site, and does not have direct frontage along University City Boulevard or W.T. Harris Boulevard.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located along a major thoroughfare near the signalized intersection of University City Boulevard and W.T. Harris Boulevard. CDOT requests that the petitioner participate to enhance the City's current crossing improvement project for the Toby Creek-UNCC-Cross Charlotte Trail crossing at W.T. Harris to offset the increased crossing conflict potential caused by the additional vehicle trips generated by the proposed use.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on parking lot use).
      - Entitlement: 0 trips per day (based on parking lot use).
    - Proposed Zoning: 2,280 trips per day (based on 14 pump automotive gasoline service station with convenience market).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood 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 Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch water distribution mains located within parcel 049-282-01. Sanitary sewer system capacity is limited in the area.

- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed or planted in the right-of-way of University City Boulevard without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Transportation

1. ~~Revise the site plan and conditional notes to commit to further development of a high-use pedestrian crossing location between Toby Creek greenway and the University area multi-use path to offset the increase crossing conflict potential caused by the additional vehicle trips generated by the proposed use. Petitioner is requested to partner with the City to construct the curb return improvements on the site side of University City Boulevard, expand the plaza (square footage to be determined in conjunction with urban design), which requires pipe extension, and widen the existing sidewalk to a 12-foot multi-use path along the shopping center's University City Boulevard site frontage. Additional coordination is needed to document the partnership responsibilities in a conditional note or developer's agreement. Addressed with alternative as noted in "Request Details."~~

### Infrastructure

2. ~~Improve the landing located along University City Boulevard or provide a brick wall along the entire site frontage. Addressed with alternative as noted in "Request Details."~~

## REQUESTED TECHNICAL REVISIONS

### Land Use

3. ~~Amend Parking Summary on Sheet RZ-1 to reflect the correct required parking ratios of one space 250 square feet for the proposed automotive fuel/gasoline center and accessory retail use.~~
4. ~~Properly label the parking requirements so it is clear that after the removal of existing parking spaces to allow for the new development, the site will comply with the parking requirement per the B-1SCD. Addressed.~~

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327