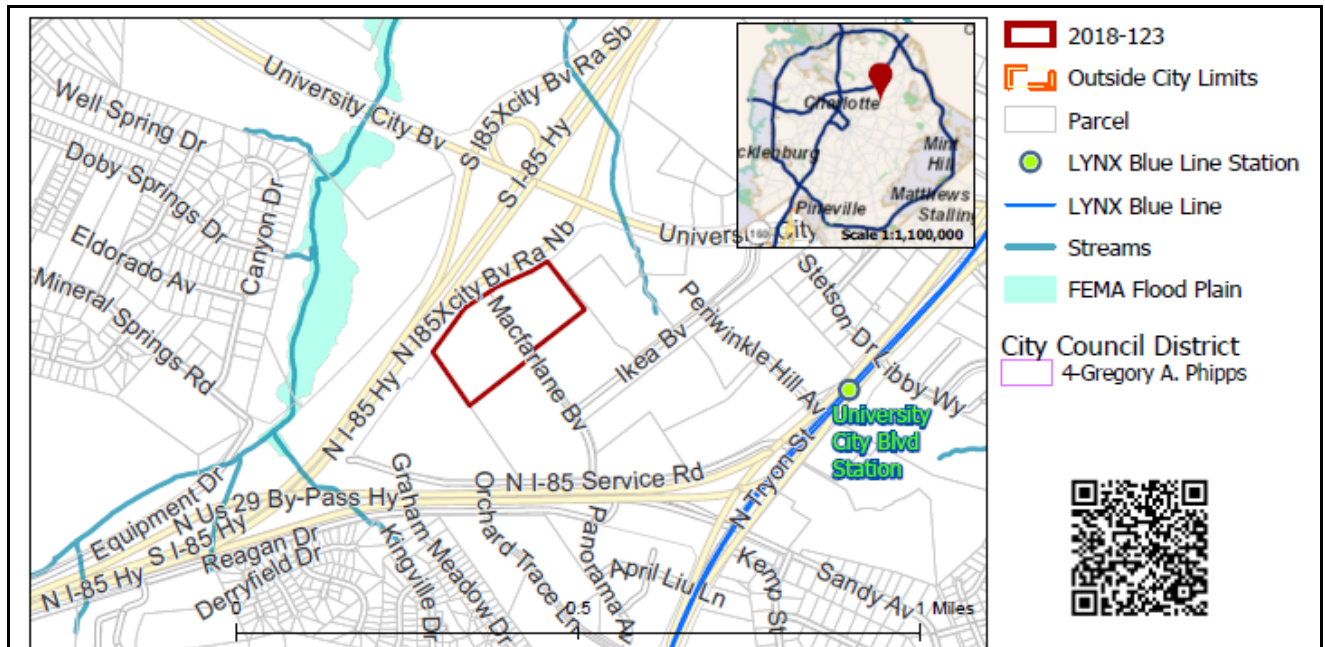


## REQUEST

Current Zoning: MUDD-O (mixed use development, optional)  
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)

## LOCATION

Approximately 14.2 acres located along McFarlane Boulevard and south of University City Boulevard.  
(Council District 4 - Phipps)



## SUMMARY OF PETITION

The petition proposes a site plan amendment to allow two additional ground mounted signs not exceeding a total of 3,000 square feet in area and 30 feet in height, associated with an approved eating/drinking/entertainment establishment (EDEE), while retaining the existing development entitlements.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

UCED-1 LLC  
Topgolf International, Inc.  
Collin Brown and Bailey Patrick, Jr.

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 2

## STAFF RECOMMENDATION

Staff recommends approval of the petition.

### Plan Consistency

The petition is consistent with the land use recommendation to allow EDEE and outdoor entertainment uses consisting of golf related activities as approved by previous rezoning 2017-108.

### Rationale for Recommendation

- The use is consistent with the land use plan.
- The proposed digital signage will provide a 0.0 footcandle visibility level beyond the site's boundaries, to limit light pollution.
- The existing 50-foot buffer along the site's property line adjacent to I-85 will be enhanced with landscaping by the petitioner to reduce visibility to a condition generally depicted on the rezoning

plan. If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this Rezoning Plan

- The proposed signs are located internal to the site.

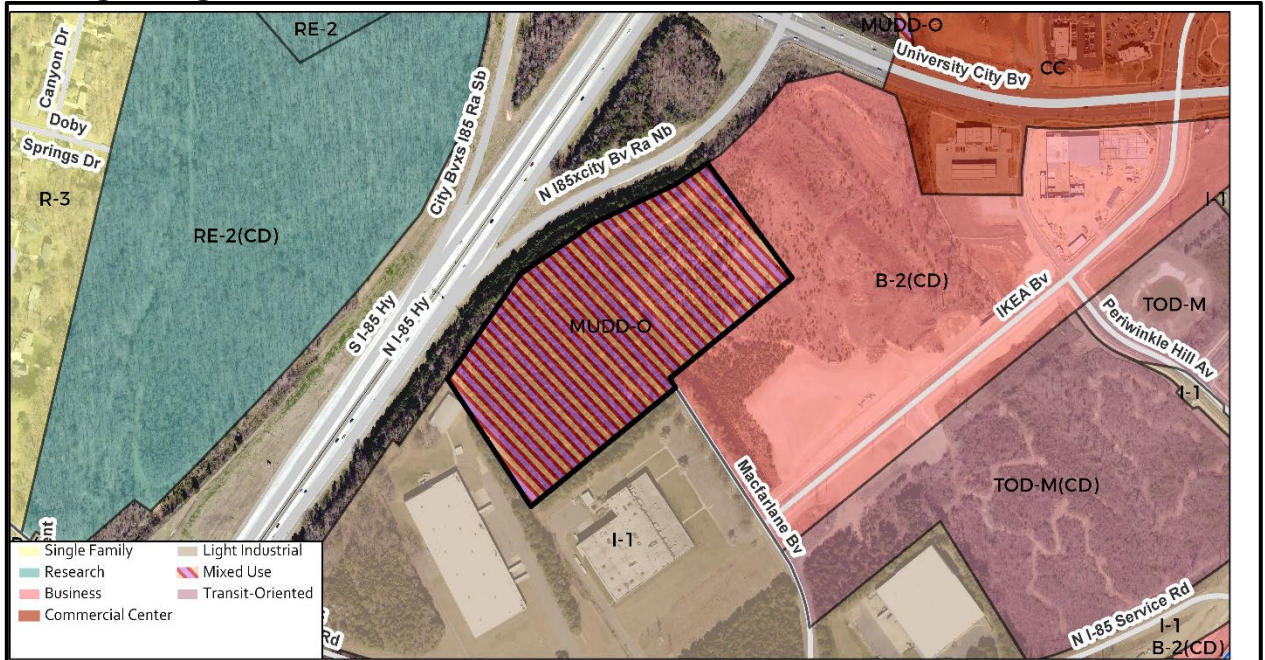
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan amendment contains the following changes:

- Optional request to allow two digital screens, with a total maximum area of 3,000 square feet, and not to exceed thirty feet in height. Signs are for an approved eating/drinking/entertainment establishment (EDEE) with outdoor entertainment uses consisting of golf related activities.
- Screens are oriented internal to the site.
- Existing entitlements from the previous rezoning include 80,000 heated square feet for a Type 1 or 2 eating/drinking/entertainment establishment, with outdoor entertainment uses consisting of golf related activities, with a maximum building height of 80 feet. A 250 square-foot wall sign may be installed at the top third of the main building elevation above the front door entrance. Netting and support poles associated with the golf related use up to 180 feet in height.
- The approved site plan also allows 1,270 square feet of signs and logos to be integrated into the building architecture.
- Proposed screens will not increase the amount of light at the site's boundary, in relation to the already approved Topgolf site. The photometric plan reflects that the screens will not increase the light pollution outside the site's boundary.
- Proposed signage will not become operable until issuance of the certificate of occupancy for the principal building to be located on the site per previous rezoning 2017-108, other than for routine installation and testing purposes.
- In addition to the existing 50-foot buffer along the site's property adjacent to I-85, the petitioner shall commit to provide additional plantings within the buffer, in the area closest to the proposed screens, as depicted on the site plan, in the event the proposed screens are installed as part of the overall development project.
- Photometric plan has been submitted.

### • Existing Zoning and Land Use



- The subject property is currently vacant, and zoned MUDD-O (mixed use development, optional).
- Petition 2017-108 rezoned the subject property to MUDD-O (mixed use development, optional) to allow an 80,000-square foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses. Permitted signage includes a 250 square-foot wall sign that may be installed at the top third of the main building elevation above the front door entrance, and 1,270 square feet of signs and logos to be integrated into the building architecture.

- Properties surrounding the petitioned site are developed with industrial/ warehouse and retail uses. The Belgate development is located across University City Boulevard. Vacant properties are located across Interstate 85. Properties south of North Tryon Street are developed with a few business and residential uses.



The subject property is vacant.



The property to the south along McFarlane Boulevard is a warehouse use.



The property is bordered to the north by Interstate 85.

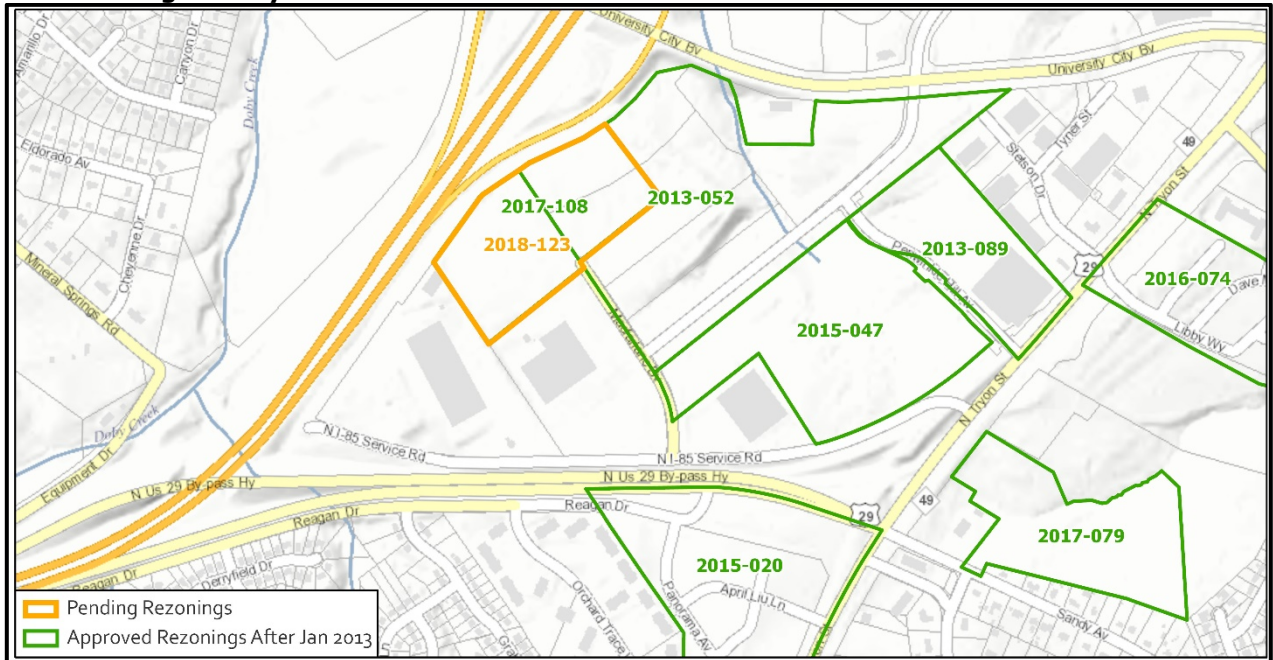


The property to the west along Interstate 85 Service Road is a warehouse use.



The property to the east along Ikea Boulevard is a parking lot.

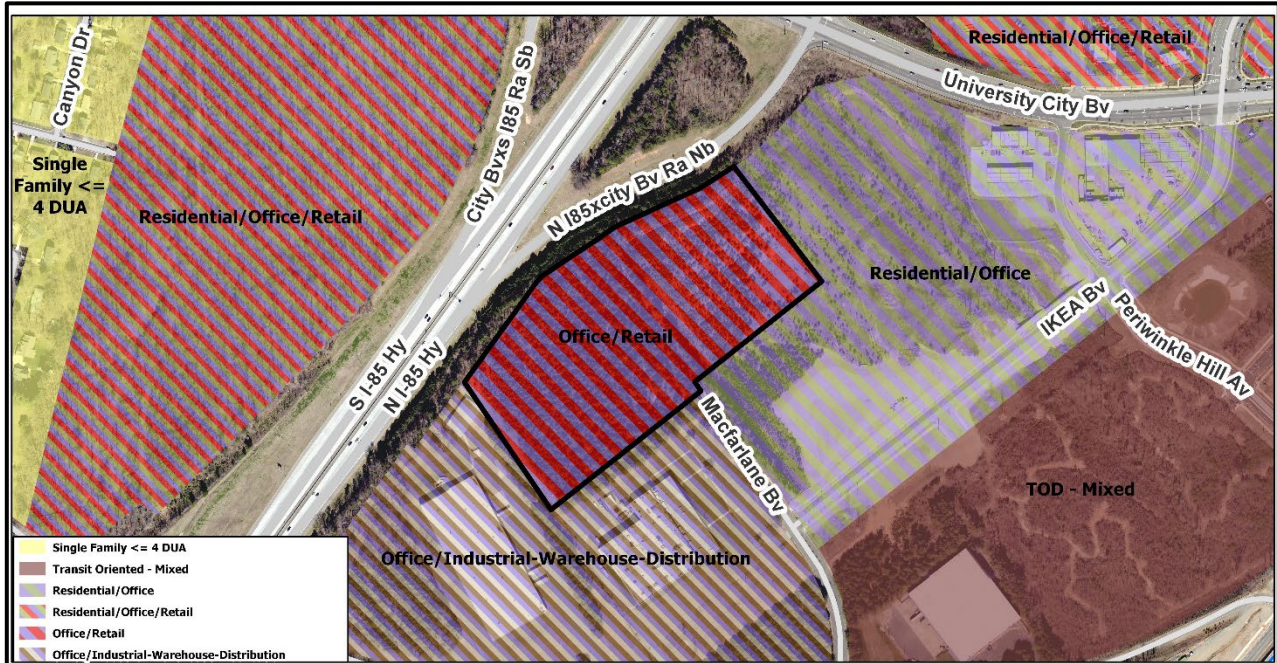
- Rezoning History in Area**



| Petition Number | Summary of Petition                                                                                                                                                                                                                                             | Status   |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2017-108        | Rezoned 14.2 acres located along McFarlane Boulevard, and south of University City Boulevard to MUDD-O to allow an 80,000 square-foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses. | Approved |

|          |                                                                                                                                                                                                                                                                                             |          |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 2017-079 | Rezoned 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue to TOD-M(CD) to allow all uses in the TOD-M district.                                                                                                                                         | Approved |
| 2016-074 | Rezoned 15 acres located on the east side of N Tryon St between Sandy Av and Rocky River Rd to TOD-M(CD) to allow all uses in the TOD-M district.                                                                                                                                           | Approved |
| 2015-047 | Rezoned 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street to TOD-M(CD) to allow all uses in the TOD-M district.                                                                                         | Approved |
| 2015-020 | Rezoned 15.43 acres located on the southwest corner at the intersection of US 29 By-Pass Highway and North Tryon St. to TOD-RO to allow all uses in the TOD-R district, and limits multi-family to 375 units.                                                                               | Approved |
| 2013-089 | Rezoned 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive to TOD-M to allow all uses in the TOD-M district.                                                                                                 | Approved |
| 2013-052 | Rezoned 39.06 acres located on the southeast corner at the intersection of Interstate 85 and University City Boulevard across from IKEA Boulevard to B-2(CD) to allow a 275,000-square foot automotive mall consisting of up to five separate dealerships and accompanying retail services. | Approved |

#### • Public Plans and Policies



The *University City Area Plan* (2015) recommends EDEE/golf entertainment complex, with outdoor entertainment uses as amended by previous rezoning petition 2017-108.

#### • TRANSPORTATION CONSIDERATIONS

- The site is bound by Macfarlane Boulevard and Ikea Boulevard extension (major collectors) in an area between major thoroughfares and I-85. This petition requests additional building signage, and CDOT has no transportation comments and/or improvements relative to this case.

##### • Vehicle Trip Generation:

Current Zoning:

Existing Use: 0 trips per day (based on vacant property).

Entitlement: 3,000 trips per day (based on 80,000-square foot golf entertainment complex).

Entitlement: 3,000 trips per day (based on 80,000-square foot golf entertainment complex).

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

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Fire Department:** No outstanding 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 12-inch water distribution mains located along Macfarlane Boulevard and the North I-85 Service Road. The proposed rezoning is located in an area that Charlotte Water has been determined to have limited sanitary sewer system capacity. Sanitary sewer service cannot be provided until the completion of a public infrastructure project—Doby Creek Sanitary Sewer Improvements. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** Site must comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Site and Building Design

1. ~~Delete optional request to allow two outdoor digital signs up to 3,000 square feet in area and 30 feet in height. Limit proposed signs to 380 square feet in area per sign face area, and to comply with ordinance regulations for outdoor advertising signs pertaining to message duration (remain fixed and static for eight seconds, with changing sequence to be accomplished in two seconds or less), and illumination (maximum of 7,500 candelas per square meter during daylight hours, and 500 candelas per square meter between dusk to dawn).~~ **Rescinded by staff.**
2. Specify location of proposed signs. **Addressed**
3. Specify whether panels will be dimmable to adjust for ambient conditions. **Addressed by noting that screens will not automatically adjust for ambient conditions. However, the need for dimmable screens has been eliminated by a commitment to a 0.0 footcandle so there will be no light pollution outside of the property.**
4. ~~Add a note that the proposed signage will not become operable until issuance of the certificate of occupancy for the principal building to be located on the site per previous rezoning 2017-108.~~ **Addressed**
5. Provide screening so that the signs are not visible from Interstate 85. **Addressed**

### **New Requests based on revised site plan**

6. Add a note committing to provide a photometric plan before permitting. **Addressed. Photometric plan submitted March 4, 2019, with revised site plan.**
7. Amend III(d) as follows: If the existing 50-foot buffer along the site's property line adjacent to I-85 becomes insufficient so as to allow visibility of the screens from the vehicular viewpoint of I-85, the petitioner shall enhance the landscaping within the buffer area to reduce visibility to a condition generally depicted on Sheet 4 of this rezoning plan. **Addressed. Commitment to additional enhanced landscaping in the area of the proposed screens at the time the screens are installed.**
8. Sheet 5, as referenced in Note III(d) below, reflects the site during daylight. Sheet 4 of the revised site plan submitted 122018 reflects the site during evening hours. Confirm that Note III(d) should reference Sheet 4. **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 Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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