

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2006-005**

- Property Owner:** Dorothy Carol Gallant, Moody Lake Office Park Development, LP, Service Retail at Whitehall, LLC
- Petitioner:** Paul L. Herndon
- Location:** Approximately 18.7 acres is located on the east side of Sandy Porter Road and south of West Arrowood Road.
- Request:** R-3, single family residential and B-1 (CD), neighborhood business conditional district to B-1 (CD) SPA neighborhood business conditional district site plan amendment, B-1 (CD), neighborhood business conditional district and O-2(CD), office conditional district.

### **Summary**

This petition proposes to rezone approximately 18.7 acres to develop a shopping center/ office complex with 225,000 square feet. A maximum of 70,000 square feet will be devoted to retail uses.

### **Conclusion and Consistency Statement**

Several past rezonings have moved the location of a 70,000 square foot neighborhood center recommended for the northeast side of the I-485 and Arrowood Road interchange to the Arrowood Road and Sandy Porter Road intersection. The adopted plans recommend a maximum of 70,000 square feet of retail for the center.

The amount of retail proposed in this petition along with that approved in petition 2006-014 would create 95,000 square feet of retail at the intersection of Arrowood Road and Sandy Porter Road. Although the proposed unified project will serve to enhance the viability of the development in this area staff cannot recommend approval of the petition in its current form as it is inconsistent with the adopted plans.

If the petitioner reduces the amount of retail to 45,000 square feet and addresses the outstanding site plan issues this petition could be considered consistent and appropriate for approval.

### **Background**

Residential uses are permitted on the western portion of the site along Sandy Porter Road. Petition 2000-147 rezoned 7.3 acres of the property from R-17MF (CD), multi family conditional district to B-1(CD), neighborhood business conditional district. Uses were limited to 50,000 square feet of O-2 uses (except hotels and motels) and 5,000 square feet of restaurants with no drive-thru service.

## **Existing Zoning and Land Use**

The properties to the north are a mix of single-family residential and commercial zoning and while the properties to the west are predominantly residential in use and zoning. The residential property on the northeast corner of Sandy Porter Road and Arrowood Road was rezoned to B-1CD in petition 2006-14 with up to 60,000 square feet of office/retail, with a maximum of 25,000 square feet retail, and 130-room hotel/motel. Office and industrial zoning and land use occur along Whitehall Park Drive

## **Rezoning History in Area**

The industrial square footage in the overall Whitehall development has been reduced while increasing office footage with previous rezoning petitions. The most recent petition in the area (other than 2006-014 across Arrowood Road) was for the property across Whitehall Park Drive from the subject site. The petition (2002-007) rezoned approximately 27 acres from O-2(CD) and I-1(CD) to O-2(CD).

## **Public Plans and Policies**

**Southwest District Plan (1991).** The *Southwest District Plan* Future Land Use Map recommends Single Family Residential (up to 4 dwelling units per acre) on the parcels abutting Sandy Porter Road, and Office/Commercial on the parcels abutting Whitehall Park Drive. The Single Family Residential land use classifications of the parcels abutting Sandy Porter Road are inconsistent with the request.

The Southwest District Plan notes that a neighborhood office and shopping facility with a retail component limited to 70,000 square feet could be developed within the northeast quadrant of the Arrowood Road Extension/Outer Belt Interchange through the conditional rezoning process. Through previous rezonings, this center has shifted to the south side of the interchange.

## **Proposed Request Details**

The requested rezoning will allow retail uses (not permitted in the current zoning) and office uses. The site plan associated with this petition does not permit convenience stores, car washes, automobile service stations, detached or multi-family dwellings, boarding houses, or funeral homes. Restaurants with drive through facilities are not permitted however accessory drive in window services are permitted and limited to two tenants within the development. The site plan provides two alternate designs showing how the drive-thrus may be accommodated. Eight buildings are shown with a walking trail in the lower left corner.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 9,100 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 15,300 trips per day. This will have a significant impact on the surrounding thoroughfare system.

Therefore, we request that the developer submit a Traffic Impact Study (TIS) in order to evaluate the effect that site generated traffic will have on the thoroughfare system in the vicinity.

The preparer of the TIS must contact Mark Cook (704-432-1555) of the Charlotte Department of Transportation (CDOT) prior to beginning the TIS to determine the study requirements. Since access is proposed to an NCDOT-maintained roadway, they may also require a TIS as part of their driveway permit approval process. They may have additional or different requirements for their approval than what is identified in this rezoning process. The developer/petitioner is recommended to meet with NCDOT early in the development process to identify any issues that they may have. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- Driveways that provide access to the site should have a letter or number unique identifier, so that they can be easily referenced in the “Development Standards.”
- The existing edges of pavement, pavement markings, median, sidewalk, and curb/gutter on West Arrowood Road, Sandy Porter Road, and Whitehall Park Drive should be shown on the site plan.
- The driveway labeled as a “PROPOSED FULL ACCESS POINT” on Sandy Porter Road will be restricted to right-in/right-out movements only because of its proximity to Arrowood Road. A median that physically restricts left-turns into and out of the driveway and that extends from Arrowood Road along the site’s frontage needs to be shown on the site plan. A full movement driveway could be considered if the proposed driveway is relocated to the southern end of the property and a left-turn lane is constructed on Sandy Porter Road to serve traffic using the driveway. The left-turn lane design must not conflict with existing/future storage requirements for the northbound Sandy Porter Road left-turn lane at Arrowood Road.
- This development will require that the intersection of Arrowood/Whitehall Park be converted to a directional crossover (“left-over”) as a condition of the driveway/access permit. This is necessary with the intensification of traffic generated by the development and consistent with the I-485 Interchange Analysis that was adopted by the Mecklenburg-Union MPO (July 1999). The design of the directional crossover must accommodate the northbound left-turn lane/movement serving a development (conditional site plan) with access opposite Whitehall Park Drive.
- Internal channelization is required at each driveway and must be a *minimum* of 150 feet, measured from the proposed rights-of-way of Arrowood Road and Sandy Porter Road.
- Additional comments may follow our review of the TIS.

**CATS.** CATS issues have been addressed.

**LUESA.** See attached memo for comments on best management practices.

**Storm Water.** Under Storm Water Management:

- Remove the following sentence in its entirety: These additional storm water rules and regulations will only apply to Parcels A and B.”
- Under note 4, remove the phrase “into parcel 201-043-01” in its entirety. Structural storm water treatment shall be for the entire site.

**School Information.** This petition will not affect the school system.

### **Outstanding Issues**

**Land Use.** A portion of the request is inconsistent with the single-family residential land use recommendation for the parcels abutting Sandy Porter Road. In addition, the amount of retail for this intersection should be limited to a neighborhood convenience center or 70,000 square feet.

**Site plan.** The following site plan issues are outstanding:

- The amount of retail should be reduced to 45,000 square feet.
- A tree survey of setbacks and right-of-way along Arrowood Road
- Note one under building massing should say that the proposed service retail buildings will be one story.
- Note that the Charlotte Mecklenburg Planning Commission staff will review and comment on the final design.
- An illustration of the proposed uses with drive-thru windows should be provided.
- A note that buffers will not be reduced should be added.
- The undisturbed buffer should be supplemented as required by ordinance.
- The setback along Arrowood Road should be increased to 50-feet.
- Please indicate where the streetscape treatment in note 5 under Landscaping will apply.
- Bike racks should be provided as required by ordinance.
- The buffer, walking trail and any other amenities should be labeled.