

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-014

Property Owner: Dorothy Carol Gallant

Petitioner: Merrifield Partners LLC

Location: Approximately 8.254 acres located east of Sandy Porter Road and nor of West Arrowood Road

Request: R-3, single family residential, O-1 (CD) office conditional district and B-1 (CD), neighborhood business conditional district to B-1 (CD), neighborhood business conditional district and O-1 (CD), SPA, office conditional district site plan amendment.

Summary

The proposed request is to allow the development of a shopping center with up to 75,000 square feet of retail, 130 room hotel/motel and office uses.

Consistency and Conclusion

The *Westside Strategic Plan* recommends office uses with up to 25,000 square feet of retail for the petitioned site. Therefore, this petition is not consistent with the Westside Strategic Plan. In addition, there are numerous outstanding site plan issues. For these reasons, this petition is not considered appropriate for approval.

Existing Zoning and Land Use

Residential, office and commercial zoning surround the petitioned site. To the south, petition 2006-005 has been submitted to rezone the R-3 and B-1 CD property between Sandy Porter Road and Whitehall Park Drive to O-2 CD and B-1CD to develop an office/retail center with 275,000 square feet. This petition has been deferred until March 2006.

Rezoning History in Area

The most recent petition in the area was on the south side of Arrowood Road and east side of Whitehall Park Drive. This petition (2002-007) rezoned approximately 27 acres from O-2(CD) and I-1(CD) to O-2(CD).

Public Plans and Policies

Westside Strategic Plan (2000). This plan recommends office development on this parcel along with other acreage bounded by Sandy Porter and Brown-Grier Roads and I-485, with a small retail component (not to exceed 25,000 square feet), if it is well integrated with the office component. It should be noted that two parcels located directly east were rezoned in 2000 from R-3 to B-1(CD) and O-1(CD) to accommodate a hotel of up to 130 rooms and two retail sites

totaling up to 25,000 square feet. Thus, the proposed rezoning to accommodate approximately 54,800 square feet of commercial/retail development is inconsistent with the Plan's recommendation for office uses with up to 25,000 square feet of retail.

Southwest District Plan (1991). The *Southwest District Plan* which was updated by the Westside Strategic Plan recommended Multifamily on the subject parcel.

Proposed Request Details

The site plan accompanying this petition indicates that the frontage along Sandy Porter and Arrowood Road will be landscaped with a 100' buffer and may include walking trails etc. The architectural design for the buildings will include pitched roofs and will feature brick exteriors or stucco exteriors with brick accents. The petitioner will dedicate and convey right-of-way (50' from centerline on Arrowood and 35' from centerline on Sandy Porter) prior to the issuance of certificates of occupancy. The site plan accompanying this petition indicates the following:

Parcel 1

- All uses in the B-1 except automobile service station, car washes, convenience stores, and restaurants with drive through facilities.
- 60,000 square feet maximum
- Lighting will be limited to 25 feet in height
- Parking lot lighting will be fully shielded and downwardly directed
- Attached lighting will be capped and downwardly directed
- No wall park lighting will be allowed however wall mounted decorative fixtures such as sconces will be permitted.

Parcel 2

- All uses in the B-1 district except fast food restaurants and restaurants with drive thru services.
- 25,000 square feet of office/retail
- Maximum height of freestanding lighting fixtures will not exceed 30 feet
- All parking lot lighting will be fully shielded and downwardly directed.
- Any lighted attached to a building will be capped and downwardly directed
- Wall pack lighting will not be allowed however, decorative light fixture such as sconces will be permitted.

Parcel 3

- General office uses and one hotel/motel are permitted
- The hotel/motel will not exceed 130 rooms.
- If the motel/hotel is not developed the site may increase the office space at the rate of 200 square feet for each room eliminated up to a maximum of 26,000 square feet.
 - Maximum height of freestanding lighting fixtures will not exceed 30 feet
 - All parking lot lighting will be fully shielded and downwardly directed.
 - Any lighted attached to a building will be capped and downwardly directed
 - Wall pack lighting will not be allowed however, decorative light fixture such as sconces will be permitted.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 230 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 8,300 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 has contacted the Charlotte Department of Transportation (CDOT) 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:

- The existing edge of pavement on both sides of the road, pavement markings, raised median, sidewalk, curb and gutter on West Arrowood Road, Sandy Porter Road, and Whitehall Park Drive should be shown on the site plan. *(previous 11/30/05 review comment)*
- A median will be required to physically restrict prohibited left-turn movements at the proposed right-in/right-out driveway on Sandy Porter Road. The median on Sandy Porter Road must be constructed between the Arrowood/Sandy Porter intersection and the proposed full movement driveway at the northern end of the property. This construction includes any necessary adjustments on the approach and departure ends of the median to maintain lane/cross section alignment through intersections and the full access driveway. *(previous 11/30/05 review comment)*
- Additional comments may follow our review of the TIS. The CDOT approved recommendations should be placed in the Access/Transportation section of the Development Standards.

CATS. CATS acknowledges receipt of the revised petition/site plan and is reiterating its request for the construction of sidewalk along the entire length of the site on Arrowood Rd. and an easement for a future bus stop on Arrowood Rd. CATS also requests that the same be incorporated in the site plan.

Storm Water. The petitioner shall include the following notes on the petition:

The petitioner shall control and treat the entire runoff volume for the post-development 1-year 24-hour storm. Runoff draw down time shall be a minimum of 24 hours, but not more than 120 hours. Peak storm water release rates should match pre-development rates for the 2-year and 10-year 6-hour storm events.

The use of structural storm water treatment systems (wet ponds, extended detention wetlands, bio-retention, etc) shall be incorporated into the site and designed to have an 85% average annual removal for Total Suspended Solids generated from the development according to specifications in the most recent version of the N.C. Department of Environment and Natural Resources Best Management Practices Manual (Design Standards shall be met according to the City of Charlotte BMP Manual, when available).

LUESA. Water Quality comments are attached.

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

Outstanding Issues

Land Use. The *Westside Strategic Plan* recommends office development on this parcel along with other acreage bounded by Sandy Porter and Brown-Grier Roads and I-485, with a small retail component (not to exceed 25,000 square feet), if it is well integrated with the office component. It should be noted that two parcels located directly east were rezoned in 2000 from R-3 to B-1(CD) and O-1(CD) to accommodate a hotel of up to 130 rooms and two retail sites totaling up to 25,000 square feet. Thus, the proposed rezoning to accommodate commercial/retail development is inconsistent with the Plan's recommendation for office uses with up to 25,000 square feet of retail.

Site plan. The following site plan comments are outstanding:

- Show site layout for parcels 2 and 3.
- Pedestrian amenities need to be provided throughout site and along public streetscapes.
- No parking between buildings and public street. Buildings need to be pulled up to setback.
- Drive-thrus need to be internal to site, not along public street frontage.
- A tree survey of the setbacks and right-of-way should be provided.
- Stormwater detention should not be allowed in the required and proposed setbacks.
- Drive through facilities should be limited to one.
- A note should be added that no spandrel glass will be allowed.
- Note that the Charlotte Mecklenburg Planning Commission staff will review and comment on the final design.
- The petitioner should dedicate and convey right-of-way prior to the issuance of building permits.
- Provide sidewalks and a 6-foot planting strip along both side of the driveway adjacent to the Olympic Corporate Center property.
- The water quality measures required by Storm Water Services and LUESA should be addressed.
- The 100 foot setback along Sandy Porter Road should be maintained as a tree preservation area.