

MANDATORY REFERRAL-REPORT NO. 03-06
Sale of the Coliseum property off of Tyvola Road

PROJECT PROPOSAL AND LOCATION:

The City of Charlotte is recommending to sell the Coliseum and associated property to help fund the new arena being built in the Center City. The Coliseum property (consisting of approximately 155 acres) is located at 100 Paul Buck Boulevard (see attached map) in the Tyvola Road area. The property includes the 478,200 square foot coliseum, a 12,810 square foot office building, two pre-engineered metal warehouses containing 5,550 and 5,000 square feet of gross floor area, and a 308 square foot utility building.

PROJECT JUSTIFICATION:

The Tyvola Road Coliseum was designed prior to Charlotte obtaining an NBA team. As such, it lacks some of the amenities other NBA-type arenas throughout the country have in their facilities. City Engineering staff had studied the existing building to determine if the building can be renovated to bring it up to NBA standards. Engineering's conclusion is that the renovation would be too cost prohibitive and would still not accommodate the needs of another NBA team.

CONSISTENCY WITH ADOPTED LAND USE PLANS AND PUBLIC POLICY:

The Southwest District Plan identifies the recommended land use be institutional. This recommendation was based on the existence of the Charlotte Coliseum and did not anticipate it's removal. Staff recognizes an institutional land use may not be the best use for the property in the event the arena is removed.

PROJECT IMPACT:

The sale of the property will help offset the construction cost of the new arena. The sale will enable this property to be put back on the tax rolls. The new development can potentially incorporate land uses that take advantage of the adjacent park, office, and hotel sites.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The property consisting of approximately 155 acres is uniquely situated between the Coliseum Center (office development), a new hotel, and Renaissance Park. In addition, it has excellent road access from major thoroughfare roads Billy Graham Parkway and Tyvola Road. The property is within close proximity to Charlotte Douglas International Airport and I-85. In the last five years the adjacent properties have seen tremendous office development. The property is located in the Westside Strategic Plan area. This plan recommends that the Coliseum be used as a catalyst to help support development on the Westside. This property is one of three city-owned properties needed to be sold to help fund the new center city Arena.

ESTIMATED PROJECT COMPLETION DATE:

Build-out is contingent upon the market; it is anticipated that it will take at least several years.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed the matter at their December 4, 2002 meeting, and the following comment was offered: County Real Estate noted that a portion of a proposed greenway as portrayed in the Greenway Plan crosses this property, and it was suggested that sufficient property be retained in public ownership to serve this purpose. Additionally, since an adjoining area is scheduled for a June 30, 2003 annexation Utilities has identified a need to cross the subject property with a sewer trunk to serve the adjoining annexation area. Sufficient easements to serve this purpose should be retained.

CMPC STAFF RECOMMENDATION:

Staff recommends selling the property to a private developer for the purpose of creating a mixed-use center. Development should be done in a manner that is consistent with the Westside Strategic Plan and Smart Growth principles. A rezoning application has been submitted asking to change the zoning from R-4 (Special Use) to O-2 (CD)/CC (CD). This zoning would create the conditions needed for the desired mixed-use center. Staff believes the details of the proposal (i.e., amount of retail development, traffic impacts) should be analyzed during the rezoning process.

Staff recommends that the sale include dedication of the R.O.W. needed to meet County Real Estate and CMUD needs.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their March 18, 2003 meeting, the Planning Committee recommended approval of staff recommendation by a 5-2 vote.

Dissenting Opinion on Mandatory Referral M.R.#03-06

The Planning Committee is tasked with making recommendations on Mandatory Referrals based on how the proposed land use of the subject property (whether it is an acquisition or disposition) relates to existing land use policies and/or existing adopted land use plans. In the instance of M.R. #03-06, the subject property is under a petition for rezoning. This petition is the best indication of future use of the property, and therefore should be the primary focus in determining whether the future land use is appropriate or not. The dissenting opinion on this vote was against the proposed use, and therefore the Mandatory Referral, for the following reasons:

1. The use proposed under the zoning petition is not consistent with the Southwest District Plan, which calls for institutional use on the property. While there is a valid argument that the institutional use (the coliseum) is no longer feasible on the site due to the new arena, adequate information about how this change in use would affect the immediate area, and the entire area of the Southwest District Plan was not provided by staff.
2. According to the Planning Staff presentation, the existing zoning petition calls for extremely intensive (1,000,000 square feet) of retail development. Application of current land use policies will not support anywhere NEAR this intensity, and in fact would probably result in recommendations for a neighborhood center (100,000 s.f. of retail) or less. Development on the order of Carolina Place Mall is totally inappropriate, and would result in a major impact on the entire Southwest quadrant of the city. Assurances by the Planning Staff that this "would be addressed during the zoning process" does not change the fact that this is what the petition is seeking, and there are NO guarantees that any changes will be made. It is extremely surprising that the Planning Staff has taken such a nonchalant approach to this request given the vehement opposition by staff to much less intensive retail requests by other property owners. There is no doubt that if this petition were initiated by a private land owner on closely held land, the reaction on the part of Planning Staff would be drastically different.
3. The City clearly stated that the purpose for requesting the change in land use to such a high intensity was to "maximize the revenue from the sale of the property". If the proposed land use was in compliance with existing policy and/or adopted plans, this would be a logical... and acceptable... action. However, when the proposed land use intensity is blatantly excessive, we should not approve the action. The rezoning petition should be withdrawn, and a well-thought out land use plan that is consistent and compatible with our current land use policies re-submitted.

