

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-050

Property Owner: FCD-Development, LLC

Petitioner: FCD-Development, LLC

Location: Approximately 18.8 acres located southwest of the intersection of E. Independence Boulevard and Pierson Drive

Request: B-2, general business and R-5, single family residential to CC, commercial center

Summary

This petition proposes to rezone approximately 18.8 acres from R-5 and B-2 to CC for the development of 155,000 square feet of retail in the form of a Wal-Mart store.

Consistency and Conclusion

The East District Plan recommends commercial development at the subject location and recognizes this area as part of a community size mixed use center.

The Transit Station Area Principles, apply to the site, encourage a mixture of complementary transit-supportive uses, and increased land use intensity. In some cases, station area plans will recommend lesser intensities for development. These lesser intensities might be necessary to preserve existing structures, to insure that new development is consistent with the character of existing transit supportive development or to mitigate traffic impacts. From a land use perspective, this petition can be considered consistent with the transit station area principals.

For the proposed land use to be considered appropriate, the outstanding site plan issues should be addressed.

Existing Zoning and Land Use

The properties along E. Independence Boulevard are zoned B-2. Due to the construction of the freeway, many of the centers have considerable vacancies. The properties along Pierson Drive are zoned O-2 and some have converted from residential uses to office uses. Other properties to the south of the site are zoned R-4 and R-5, single family residential.

Rezoning History in Area

No rezonings have occurred in the area in the last five years.

Public Plans and Policies

East District Plan (1990). The East District Plan recommends commercial development at the subject location and recognizes this area as part of a community size mixed use center.

Transit Station Area Principles (2001). The subject site is within a ¼ mile radius of a potential transit station (either BRT or LRT) to be located on Independence Blvd. between Westchester Blvd. and Woodland Drive. The Transit Station Area Principles, which are part of the General Development Policies, would therefore apply to the site.

The Transit Station Area Principles encourage a mixture of complementary transit-supportive uses and increased land use intensity. For non-residential development, the principles recommend a minimum floor area ratio (FAR) of .75 within a ¼ mile walking distance of a transit station and .50 within ½ mile walking distance. For residential development, the principles recommend a minimum of 20 dwelling units per acre within the ¼ mile walk area, and 15 dwelling units per acre within the ½ mile walk area.

In some cases, station area plans will recommend lesser intensities for development. These lesser intensities might be necessary to preserve existing structures, to insure that new development is consistent with the character of existing transit supportive development or to mitigate traffic impacts.

Proposed Request Details

The site plan accompanying this petition needs further refinement. The site plan has the following conditions:

- Maximum 155,000 square feet for retail, shops, office, and restaurants.
- No restaurants with drive-through facilities and no gasoline sales are permitted.
- Outdoor seasonal sales on sidewalks or parking areas are not permitted with the exception of the location of the enclosed pallet and bale storage area.
- The petitioner reserved the right to reduce the setback from 35 feet to 14 feet.
- Walkways and pedestrian improvement will be installed in phases but the plan does not indicate what these phases are.
- Pedestrian amenities will be “installed” throughout the site but no indication is given as to the type of amenities and when they will be “installed.”
- The maximum height of light pole is 42 feet and they will be capped and downwardly directed.
- Vacancy mitigations procedures are noted for “building area 1”.
- Signs will be allowed per the zoning regulations.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 10,900 trips per day as currently zoned. Under the proposed zoning, the site could generate approximately 9,700

trips per day. Although the proposed zoning could generate a lesser number of potential trips than existing zoning, the existing shopping center has been vacant for a number of years and was not previously evaluated with consideration for access changes resulting from the Independence/Albemarle interchange construction.

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 and streets in the adjacent neighborhoods. We have been contacted by the developer/petitioner's traffic consultant and the scope of the traffic study has been determined. We are currently working with the traffic consultant on the specific study parameters.

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:

- Independence Boulevard is a Class I Freeway requiring a minimum of 350 feet of right-of-way. The proposed right-of-way, setback, and transitional setback need to be identified on the site plan. The developer/petitioner should convey right-of-way in fee simple title to meet this requirement, measuring 175 feet from the centerline of the roadway.
- The proposed driveway to Independence Boulevard is not designed with adequate internal channelization. As proposed, there is only 60 feet of channelization beyond the 175-foot future right-of-way line. In addition, to better facilitate site ingress, the Independence Boulevard driveway must be designed so that vehicles entering the site do not have an immediate stop condition and subsequent turn requirement.
- It appears that the proposed outparcels and related parking areas, as well as an existing drive aisle paralleling Independence Boulevard, are located within the 175-foot future right-of-way line. These items are not permitted in the existing and transitional setback areas.
- Additional comments will follow our review of the TIS.

CATS. CATS acknowledges receipt of the revised site plan and has the following comments:

Due to the projected high demand for service at this location, CATS anticipates serving this site with three buses (1 local, 2 neighborhood shuttles) and requests an easement within that portion of the site adjacent to the loading dock/service entry area. CATS buses will need to enter the site from Pierson Drive and layover for passenger pick-up and drop-off. Therefore, the petitioner needs to ensure (via the site plan) acceptable ingress and egress to that portion of the site along with adequate turning radius for a 40' bus as well as heavy-duty pavement to support the weight of bus travel. The petitioner will need to provide a waiting-pad for two buses. CATS will provide the bus shelters to be installed on the waiting pads.

CATS requests that the external sidewalk along Independence Rd. be setback by at least 15' (with appropriate tree buffer) and extended all along the length of the site on NC 74 / Independence.

CATS requests that both the site plan and the notes should reflect the petitioner's willingness to provide bus-access and the amenities requested. The easement agreement (attached) previously executed, relative to the Wal-Mart store on Wilkinson Blvd. reflects similar terms and conditions as expected by CATS for the subject property.

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

Storm Water Quality Treatment: For projects with defined watersheds greater than 24% built-upon area, construct water quality best management practices (BMPs) to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

Volume and Peak Control: For projects with defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

For residential projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.

For commercial projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-yr, 6-hour storms.

For commercial projects with less than or equal to 24% BUA, but greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10-year, 6-hour storm.

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

Outstanding Issues

Land Use. Typically, this level of big-box retail is not considered transit supportive; however, advanced station area pre-planning was done with this particular project through a design

workshop in October 2005. The workshop involved representatives from Wal-Mart and the property owner, as well as project engineers, City staff and transit consultants. The workshop resulted in evaluation of alternative site designs and recommendations for land use, architectural/site design, transportation and environment to ensure the proposed development, over time, best supports the adjacent residential neighborhoods and the transit initiative.

Site plan. The following site plan comments are outstanding:

- The garden center component should have an effective outward orientation and should have a well defined street entrance.
- The petitioner has provided building elevations as part of the revised plan. Staff is reviewing the elevations but feels that additional modifications and enhancements are needed prior to approval.
- The developer should explore, within reasonable limits, a LEED based approach to water efficiency, storm management, recycled materials, and heat island reduction.
- Wal-Mart parking field should be broken down into rooms with landscaped pedestrian walkways, parking breaks that allow vehicular flow north and south, and planting islands.
- Add the following note to the rezoning site plan and/or related rezoning documents:
“The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply.”
- A tree survey of the setbacks is required with the rezoning petition for commercial sites.
- A commitment that the additional development on the project site (i.e.; office /live-works, building liner retail, and freestanding retail) will occur during phase one of the construction. The developer for such additional uses should be identified at the time of the rezoning hearing, and must have a performance bond. Any other uses agreed upon should have building foundations poured prior to the petitioner pulling a ‘rack permit’ to stock their store.
- All other department comments should be addressed.