

**ZONING COMMITTEE
RECOMMENDATION
December 19, 2007**

Rezoning Petition No. 2007-082

Property Owner: P & L Coliseum LP and City of Charlotte

Petitioner: Pope and Land Enterprises, Inc.

Location: Approximately 170.27 acres located between W. Tyvola Road and Billy Graham parkway at the site of the old Charlotte Coliseum

Center, Corridor or Wedge: Center

Request: **FROM:** R-4, single family residential, O-15 (CD), office conditional district, O-1 (CD), office conditional district, MUDD-O mixed use development district, optional and I-2 (CD), general industrial conditional district

TO: MUDD-O, mixed use development district optional and MUDD-O SPA, mixed use development district, optional, site plan amendment and vesting of five years.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- The Pedestrian enhancements on Tyvola Road are now addressed in Section 10 of the Development Standards and specifically provide as follows:

“Pedestrian connections across Tyvola Road will be provided as generally depicted on the Conceptual Site Plan that will include the necessary crosswalks, a landscaped median refuge island, and pedestrian signals.”
- There will only be one building which needs a deviation from the MUDD height standards; namely the building located at the top of City Park Boulevard which will be known as the Pinnacle at City Park. This building may have 11 stories above ground and a height of up to but not exceeding 150 feet. All other buildings within City Park will satisfy the general height requirements of the MUDD ordinance.
- A note will be added as follows:

“The intent of the City Park redevelopment concept is to create a variety of architectural experiences. The redevelopment will utilize primarily stone, brick, stucco and/or architectural face block construction materials and contains a provision referring to a perspective which is intended to describe the conceptual

architectural theme proposed for City Park. However, it should be noted that the perspective is schematic in nature. Accordingly, the architectural concept may be altered or simplified during design development and construction phases.”

- This Petition proposes utilization of the MUDD-O provisions to allow for the following optional deviations:
 - Deviations that would allow surface level off street parking spaces and maneuvering within areas between any building fronting on any public street that was in existence as of the date on which this Rezoning Petition is approved and the particular public street involved.
 - Deviations that would allow those buildings within the City Park Town Square Retail District which are shown on the Conceptual Site Plan or the Conceptual Site Plan Alternate to have off-street parking spaces or maneuvering within areas between these buildings and the public or private street on which they front to have such areas.
 - Deviations that would allow surface level off street parking spaces and maneuvering within areas located between any building constructed within that part of the Site which is bounded by Billy Graham Parkway, re-aligned Yorkmont Road and Price Lane and the street on which it fronts.
- The Site will have 7% of tree save as noted on Sheet RZ4.0 of the Rezoning Plans.
- The spandrel glass issue has been resolved by rewriting the text under Section 14 Design and Performance Standards.
- The 11th bullet now provides as follows:

“The street elevations of the first floors of all buildings in which ground floor retail uses are to be located on City Park Drive and City Parkway will be designed to encourage and complement pedestrian – scale interest and activity by the use of doors which shall remain open during business hours and transparent store front glass so that the uses are visible from and accessible to the street.

“Expanses of blank walls exceeding 20 feet in length that would not add to the character of the streetscape will be eliminated through use of any one or more of the following design elements:

awnings,
display windows,
ornamentation,
molding,

string courses,
belt courses,
fountains,
street furniture,
landscaping and garden areas, and
display areas.

“Provided, however, that the use of opaque or reflective glass may not be utilized as a means for addressing blank walls.

“Meter boxes, back flow preventors, and similar items will be screened from public view.

- The Petitioner has added a new paragraph to Section 6 which establishes maximums for the various types, sizes, and height of certain signs which are subject to deviations. These sign provisions are as follows:

Deviations from the signage provisions to allow the following:

Detached, ground-mounted project /tenant identification signs are permitted. Signs on Tyvola Road, Yorkmont Road, and Billy Graham Parkway may extend to a height of up to 25 feet and may include up to 100 square feet in signage area. The number of signs will be limited to two along Tyvola and one each on Yorkmont and Bill Graham Parkway.

Other detached project/tenant identification signs on the interior of the project shall be limited in size to 10 feet in height and 80 square feet in signage area;

Allowable signage types include all types of signage permitted under Chapter 13, including and/or in addition to computer programmable L.E.D. systems with full color, full matrix display and message boards including ticker tape type moving messages. However, in no event shall a L.E.D. sign or a message board sign be permitted along any portion of the Site's frontage along Tyvola Road, Yorkmont Road or Billy Graham Parkway;

One monument style building identification sign of up to 6 feet in height and up to 36 square feet in signage size area for each building located within the site;

Wall mounted signage to conform to the UMUD District standards of the Ordinance.

- Section 9 of the Development Standards speaks specifically to this concern by providing that:

“The Site’s internal street system shall be composed of public and private streets as depicted on the Technical Data Sheet. The right to

deviate from the street alignments depicted on the Technical Data Sheet is reserved, provided any proposed change in alignment is approved in advance by CDOT and/or NCDOT, as applicable. Each street section will be consistent with the proposed Urban Street Design Guidelines for its type of street.”

- A new Perspective Rendering looking up City Park Drive will be provided to set the standard for City Park.

Vote:	Yeas:	Howard, Johnson, Lipton, Loflin, Randolph, and Rosenburgh
	Nays:	None
	Absent:	Sheild
	Recused:	None

Summary of Petition

This petition proposes to modify the previously approved zoning and site plan for the former Charlotte Coliseum property and several adjacent properties along Price Lane. The request includes up to 200,000 square feet of retail, two hotels with no more than 350 rooms, up to 400,000 square feet of commercial (office) development and up to 2,500 attached, multi-family or detached single-family residential units. The petitioner is requesting vesting for a period of five (5) years.

The site plan accompanying this petition includes the following:

- A three-mile hard surface trail system will encircle the site.
- Lighting facing a residential component will be capped and downwardly directed.
- Roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.

The optional requests are as follows:

- Deviations that would allow surface level off-street parking and maneuvering space within areas located to the front of any building fronting any public street which was in existence as of the date on which this rezoning petition is approved.
- Deviations that would allow temporary surface level parking and maneuvering within areas between public or private streets and buildings fronting these streets in instances where the areas are earmarked for future buildings.
- A port-cochere for a hotel.
- Enclosed, sheltered, and unenclosed urban spaces and plazas.
- Drop-off areas in front of office buildings.
- Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery.
- Deviations from the requirements for urban open space, trees, street trees and other plantings (including types, placement, and maintenance systems set fourth in the Ordinance).
- A deviation from that would allow the sidewalks currently located on the site which runs along Tyvola road to remain.
- Deviations to accommodate optional paving systems used on private plazas and walkways.
- Deviations from the sign ordinance that are specified in the Signage package which accompanies the petitioner’s rezoning application.
- The establishment of limited drive-through facilities as accessory uses for each of the following principal uses that may be located on the site in accordance with (and subject to) the provisions of Section 3: a coffee shop; a bank; a drug store; and a dry cleaners.

Zoning Committee Discussion/Rationale

Keith MacVean reviewed the petition and the zoning and land use in the immediate area. He further described the details on the proposed site plan, optional request as noted above, as well as the proposed public street system and access points. The request is consistent with the Southwest District Plan and staff is recommending approval.

The Committee discussed the existing bike trails located on the adjacent park and partially on the petitioned site. The petitioner has worked with the people that use the trail and it will have to be realigned.

Consistency Statement

A motion was made by Commissioner Loflin, seconded by Commissioner Johnson, to find this proposal to be consistent with the *Southwest District Plan* and to be reasonable and in the public interest. The motion passed unanimously.

Vote

Upon a motion by Commissioner Loflin, seconded by Commissioner Rosenburgh, the Zoning Committee voted unanimously to recommend APPROVAL of this petition, incorporating the modifications noted above.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.