

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-105

Property Owner: The Carlisle Apartments, L.P. & McCullough Harris, LLC

Petitioner: Bradley Minsley and Jackson Naftel
Phillips Development and Realty, LLC

Location: Approximately 41.19 acres located on the southwest corner of McCullough Drive and Collins-Aikman Drive

Center, Corridor, or Wedge: Corridor

Request: B-2(CD), general business conditional; O-2(CD), office conditional; and NS, neighborhood services to B-2(CD) SPA, general business conditional site plan amendment; O-2(CD) SPA, office conditional site plan amendment; and NS SPA, neighborhood services site plan amendment

Summary

The purpose of this site plan amendment is to clarify the wording of the Development Standards Note 2.5(c) from Petition 2006-096 to reflect that the limitation on the size of a single tenant or fee ownership user relates only to retail uses and does not relate to office uses. All other aspects of the current approved rezoning plan will remain the same with no increase in the square footage of commercial uses, number of residential units or hotel rooms.

Background

The approved site plan for this parcel allows up to 392 residential units, up to 90,000 square feet of retail and/or restaurant space; up to 200,000 square feet of office; and, up to two hotels with no more than 525 rooms.

Consistency and Conclusion

University City Area Plan (2007). The proposal is consistent with the *University City Area Plan*, which recommends a mixture of retail, office and moderate intensity (17 dua) housing.

Existing Zoning and Land Use

The site is surrounded by a mix of retail and office uses to the north, east, and south on properties zoned B-1(CD), B-2(CD), O-2(CD), O-3(CD), and O-15(CD). The parcels are bounded to the west by Interstate 85.

Rezoning History in Area

Recent rezoning in the area have been approved, allowing the construction of various projects, including IKEA located at the northwest quadrant of the I-85/City Boulevard interchange; a pedestrian-friendly multi-use development located on the east side of I-85 at the City Boulevard interchange; and, the accommodation of additional parking for an existing office building in University Place.

Public Plans and Policies

The rezoning site lies within the *University City Area Plan* (Edge Area A-2), which states that it is, "...appropriate for a mixture of office, residential and mixed-retail uses in a suburban scale and form." It further states that, "Over time, the area should redevelop or be redesigned to allow for a more intense mix of retail; office and moderate intensity housing (up to 17 du/a) that is more integrated and creates a "park once" environment.

Proposed Request Details

The proposal seeks to clarify a development on the approved site plan to indicate that there is no cap on single user office uses. No other modifications to the approved site plan are proposed with this request. Development Standards Note 2.5(c) currently states the following: *No one single tenant or single fee ownership user may occupy more than 25,000 square feet of gross floor area on the ground floor;...*

The note is proposed to be amended per this site plan amendment as follows: *"No one single tenant or single fee ownership user may occupy more than 25,000 square feet of gross floor area on the ground floor for retail and/or restaurant uses;"*

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT indicates that based upon the request, there are no transportation issues with this petition provided that all other conditions of the existing approved conditional site plan remain. CDOT has provided comments pertaining to adequate sight triangles, driveway permits, right-of-way encroachment agreement, and other items to facilitate building permit/driveway permit review and approval.

CATS. CATS has not submitted comments on this petition.

Connectivity. Primary access to this site is proposed via McCullough Drive and Collins Aikman Drive.

LUESA. Mecklenburg County Land Use and Environmental Services Agency (LUESA) states that the proposed project may be subject to certain air quality permit requirements. In addition, a Solid Waste Management Plan will need to be submitted prior to initiating demolition and/or construction activities.

Storm Water. Charlotte-Mecklenburg Storm Water Services notes that the site drains to a stream listed as impaired by the NC Division of Water Quality.

School Information. Charlotte Mecklenburg Schools has not submitted comments on this request.

Outstanding Issues

Land Use. The proposal is consistent with the *University City Area Plan*, which recommends a mixture of retail, office and moderate intensity (17 du/a) housing. The proposal seeks to clarify that there is no cap on single user office uses, which is appropriate.

Site plan. While the purpose of this request is to clarify a development note, all other conditional notes and requirements identified on this site plan remain applicable with respect to development of this site.