

<b>REQUEST</b>	Current Zoning: O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional)  Proposed Zoning: B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
<b>LOCATION</b>	Approximately 9.55 acres located at the northeast corner of John Adams Road and West Mallard Creek Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes an amendment to existing entitlements for an unbuilt business development in the University City North area to allow 30,000 square feet of uses permitted in the B-1 (neighborhood business) district. Although other uses may be located on the site, only one convenience store/automobile service station and one use with an accessory drive-through service window will be allowed.
<b>PROPERTY OWNER</b>	John Wayne Adams
<b>PETITIONER</b>	John Adams
<b>AGENT/REPRESENTATIVE</b>	Walter Fields
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site design.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Northeast Area Plan</i>, which recommends a mix of office, research, and retail land uses for the area in which the subject property is located.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The site is located within ¼ mile of an I-85 interchange.</li> <li>• In light of the interchange proximity, the proposed uses which include a convenience store with gas sales and a use with an accessory drive-through are appropriate at this location.</li> <li>• The proposed development will provide additional street connectivity through the construction of a new alignment of John Adams Road and a new street parallel to West Mallard Creek Church Road.</li> <li>• The increased connectivity will support future development on vacant land to the north that will be accessed through this development.</li> <li>• Pedestrian connectivity in the area will also be enhanced through new sidewalks along streets, including along West Mallard Creek Church Road.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Existing entitlements will be amended to allow replacement of a proposed 24,000-square foot child care center and 30,000 square feet of sit down restaurants with up to four buildings with uses allowed in the B-1 (neighborhood business) district. Permitted B-1 uses include residential, office, retail, institutional, and civic uses. However, the proposal indicates that there will be no more than one convenience store/automobile service station, and one use that may have a drive-through window.
  - A minimum 75 percent of the exterior walls of all buildings constructed on the site, excluding doors, windows, soffit and eave areas, will be composed of masonry materials such as brick,

- brick veneer, stone including artificial stone, and stucco.
- Detached signs will be ground mounted and limited to seven feet in height and no more than 50 square feet in area.
- Site will have access to the existing and newly constructed John Adams Road and to a new public street to be constructed that will connect to Mallard Creek Church Road.
- Transportation improvements identified in the traffic impact study, which are attributable to the development of up to 30,000 square feet of total floor area on this site, will be constructed and approved before the site's first building certificate of occupancy is issued or phased.
- All rights-of-way required to accommodate the transportation improvements attributable to the development of this site will be dedicated and conveyed in fee simple to NCDOT before the site's first building certificate of occupancy is issued.
- Transportation improvements include:
  - Signalization of Mallard Creek Church Road and I-85 Southbound exit ramp;
  - Signalization of Mallard Creek Church Road and I-85 Northbound exit ramp;
  - Modification from an unsignalized "T" intersection to right-in/right-out at the intersection of Mallard Creek Church Road and John Adams Road;
  - Modification from an unsignalized "T" intersection to eastbound directional cross-over at Mallard Creek Church Road and Mallard Glen Drive; and
  - Signalized "T" intersection with proposed full movement access at future John Adams Road.
- **Existing Zoning and Land Use**
  - The subject property was rezoned as part of a 24.6 acre development proposal via Petition 1999-040C to allow 124,000 square feet of office and a 120-room hotel in O-1(CD) (office, conditional) zoning, plus a 30,000 square foot restaurant and 24,000 square feet of office or child care center uses in B-1(CD) (general business, conditional). The subject property is identified as Tract I and a portion of Tract II.
  - The subject property is developed with one single family detached dwelling.
  - Surrounding properties located on the northeast side of the intersection of Interstate 85 (I-85) and West Mallard Creek Church Road are zoned R-12MF(CD) (multi-family residential, conditional), O-1(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional), and developed with multi-family apartments.
  - The southeast quadrant of I-85 and West Mallard Creek Church Road contains single family detached dwellings, multi-family dwellings, indoor warehousing/self-storage, retail, office and eating/drinking/entertainment establishments in R-3 (single family residential), R-12MF(CD) (multi-family residential) R-43MF (multi-family residential), B-D(CD) (distributive business, conditional), and CC (commercial center) zoning.
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2015-015 rezoned 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane from B-D(CD) (distributive business, conditional) and CC (commercial center) to CC (commercial center) and B-D(CD) (distributive business, conditional) to exchange existing development rights and zoning for a 130,000-square foot self-storage facility with the development rights and zoning for a 258,000-square foot retail/office component.
- **Public Plans and Policies**
  - The *Northeast Area Plan* (2000) recommends a mix of uses (office, retail, and research), with retail not to exceed 100,000 square feet for the area within which this site is located.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is along Mallard Creek Church Road, a major thoroughfare, adjacent to the I-85 interchange. The current site plan commits to construction of offsite improvements as identified in the traffic impact study. However CDOT strongly recommends the petition further commit to construction of the new John Adams alignment from Mallard Creek Church up to and including the complete connection to the adjacent development's private street; the complete east-west internal street connection to existing John Adams; the ultimate cross section at the realigned John Adams Road intersection; and the preservation of existing access on the south side of Mallard Creek Church Road (Deaton Lane) at the time the access modifications are made at Mallard Glen Drive and existing John Adams to mitigate access impacts to adjacent property owners that result from the proposed signalized access for development needs.
  - A traffic impact study (TIS) was performed to identify offsite mitigations. This petition requests access management modifications along Mallard Creek Church Road to provide access for development needs. The widening of Mallard Creek Church Road, realignment of John Adams Road, a proposed traffic signal and a bi-directional left over are necessary traffic mitigation improvements identified by the 2016 Traffic Impact Study.

- See Outstanding Issues, Notes 1-4.
- **Vehicle Trip Generation:**  
Current Zoning:
  - Existing Use: 10 trips per day (based on one single family detached dwelling).
  - Entitlement: 5,600 trips per day (based on a 30,000-square foot restaurant and a 24,000-square foot child care center).Proposed Zoning: 13,570 trips per day (based on an automobile station with 20 gasoline pumps/convenience market, a 5,000-square foot bank with an accessory drive-through window, and 15,000 square feet of retail uses).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**Transportation

1. The petitioner should revise the site plan to depict and label the maintenance or replacement of the two existing accesses across Mallard Creek Church Road from the site (Deaton Lane and driveway directly across from existing John Adams Road serving tax parcel 04718104). CDOT recommends the petitioner coordinate with NCDOT.
2. The petitioner should revise the site plan to modify transportation notes as follows:
  - Note F 1 – Delete second sentence referencing private agreement. This transportation improvement is a commitment to be completed as a condition of this petition.
  - Note F 3 – Revise second bullet to include reconstruction of existing John Adams Road curb returns to crossing width.
  - Note F 4 – Revise second sentence: An “eastbound” left-turn (not westbound).
  - Note 6 - Revise second sentence to commit to constructing the full connection to the existing street with two (2) travel lanes and a 5-foot sidewalk on one side as an offsite improvement at the time the access is modified at Mallard Glen.
  - Note F 6.5 - Include commitment to construct pedestrian refuge across Mallard Creek Church Road.
  - Add Note F 7 - Berkley Place and Mallard Creek Church Road – modify right-turn phasing from permissive to permissive/overlap.
3. CDOT requests that the petitioner reduce the number of driveways on the east-west street and align across as much as possible. Specific locations will be determined during the site’s permitting process.
4. Petitioner should show the construction of the new John Adams Road alignment from Mallard Creek Church Road to the connection to the adjacent parcel to the east including the future outside curblines for the 2030 build out street cross section.

Site and Building Design

5. Amend building layout on the parcel in Phase I to reflect sidewalk connections to all public streets.
6. Remove parking between the Phase I parcel and the abutting future parcel so as to not preclude an opportunity for cross-access between the two parcels.

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report

- Department Comments
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704)-336-8327