

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2008-066

Property Owner:	Financial Enterprises III Limited Liability Company 8 th and Main Parking Associates, LLC
Petitioner:	Financial Enterprises III Limited Liability Company c/o Martin Brill
Location:	Approximately 6.50 acres located on the northwest corner of N. Tryon Street and W. W.T. Harris Boulevard
Center, Corridor, or Wedge:	Corridor
Request:	CC, commercial center to CC S.P.A, commercial center site plan amendment; B-1SCD, shopping center district to CC, commercial center

Summary

The purpose of this rezoning is to provide additional parking for the existing office structure and enhance efficient utilization of the building. The rezoning site is located within University Place and consists of three parcels which include the following: parking area and open space (Parcel 1); a portion of the “view corridor” (Parcel 2); and, an existing office building (Parcel 3).

Consistency and Conclusion

The request is inconsistent with the *University City Area Plan* (2007) recommendation for transit-oriented development – mixed on this site. However, the parking addition and reconfiguration will allow for a more efficient use of the existing office building and will not preclude the redevelopment of the site for more intensive uses in the future. Therefore, staff can support this request subject to the petitioner addressing the outstanding site plan items.

Background

The University Place site plan was originally approved in 1982, allowing a variety of uses including a hotel, conference center, convenience retail, retail/entertainment, offices, a school, a sports club, and residential units. A view corridor/open space area was included as part of the site plan, extending from the intersection of Harris Boulevard and Highway 29 to the lake.

The approval of Rezoning Petition 97-25 rezoned the 5.5-acre portion currently occupied by Smokey Bones restaurant from B-1SCD to CC, and restricted development of the site to a restaurant not to exceed 7,200 square feet. The petition also identified required parking for the restaurant as well as First Union National Bank (now Wachovia). The approved site plan also

provides a development note prohibiting the placement of the proposed restaurant in such a way as to obstruct the “view corridor” to the University Place lake.

Existing Zoning and Land Use

The site is located within University Place, which is comprised of a mix of office, retail, and hotel uses. The site is surrounded by retail, office and hotel uses on properties zoned B-1 SCD, B-1(CD), Inst, O-15(CD), O-2, and CC.

Rezoning History in Area

The most recent rezoning in the area was Rezoning Petition 2006-96, located on the west side of McCullough Drive and south of W. T. Harris Boulevard and approved by City Council on September 18, 2006. Approximately 41.2 acres were rezoned from O-2(CD) and B-2(CD) to NS to allow up to 400 residential units, 200,000 square foot of office and retain the existing commercial uses and a hotel.

Public Plans and Policies

The *University City Area Plan* (2007) recognizes this parcel as part of the University City Station Area and recommends transit oriented – mixed land uses for this site. The specific recommendations for the station area recognize that University Place will most likely redevelop over time and encourages more intensive infill development that includes a mix of pedestrian uses.

Proposed Request Details

The site plan attached to this request divides the rezoning area into three parcels, with the proposed improvements as follows:

- Parcel 1 is developed with 291 parking spaces and open space. Development on this site is devoted to only off-street parking and open space. The site plan shows 50-foot and 100-foot building and parking setback and landscape areas along Hwy 29 and W. W.T. Harris Boulevard frontages, respectively.
- Parcel 2 is part of the “view corridor” for University Place. Proposed installation of 29 parking spaces and landscaping, along with construction of a five-foot sidewalk and retaining wall. Parking area is intended to serve adjacent office building.
- Parcel 3 is developed with a 92,000 square-foot building and 89 parking spaces. An additional 14 spaces are proposed to be constructed, along with a proposed four-foot sidewalk and crosswalk. Parcel 3 is restricted to a maximum building area of 92,000 square feet and to identified service, office, retail and institutional uses.
- A note identifying dedication and conveyance of portions of the site immediately adjacent to W. W.T. Harris Boulevard is shown. This is required to provide right-of-way measuring 100 feet from existing center line prior to issuance of any permit relating to construction of the proposed parking lot on Parcel 2.

- A note identifying dedication and conveyance of portions of the site immediately adjacent to N. Tryon Street as required to provide right-of-way measuring 82.5 feet from existing center line prior to issuance of any permit relating to construction of the proposed parking lot on Parcel 2.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed this petition and notes that trip generation has not been calculated for this petition as it does not seek to change development intensities. CDOT has provided the following comments pertaining to the site plan:

- Curb and gutter and six-foot sidewalk need to be constructed along the site's North Tryon Street frontage.
- A ten-foot shared bike/pedestrian trail needs to be constructed along the site's W.T. Harris Boulevard frontage.

CATS. CATS has not submitted comments on this petition.

Connectivity. The rezoning area is directly accessible from J.M. Keynes Drive. The overall University Place development has primary access from N. Tryon Street and W. W.T. Harris Boulevard.

Storm Water. Mecklenburg County Land Use and Environmental Services (LUESA) has provided comments regarding possible submittal of an asbestos Notification of Demolition and Renovation Solid Waste Management Plan.

The City of Charlotte Storm Water Services (SWS) has requested that the petitioner add a note to the site plan regarding compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

School Information. This petition will not impact the school system.

Outstanding Issues

Land Use. The request is inconsistent with the *University City Area Plan (2007)* recommendation for transit-oriented development – mixed on this site. However, parking addition and reconfiguration will allow for a more efficient use of the existing office building and will not preclude the redevelopment of the site for more intensive uses in the future.

Site plan. The following items remain outstanding and must be addressed.

- The petitioner should remove the note on the site plan regarding the potential inclusion of an additional 7-8 parking spaces, and revise parking calculations to identify a maximum number of new parking spaces.

- The site plan shows a proposed four-foot sidewalk along a portion of J.M. Keynes Drive. The petitioner should revise the site plan and amend sidewalk width to five-feet.
- Add additional large maturing and small trees in 100-foot setback along Harris Boulevard and Hwy 29.
- All CDOT and storm water notes should be added to the site plan.