

PETITION NO. 73-12 of  
J. E. CARTER, J. H. CONNER, CLIVEDON PROPERTIES, INC., ET ALS  
(ARLEN SHOPPING CENTERS COMPANY)  
For Sec. 25-35.1 Conditional Approval for Shopping Center  
In Existing Industrial - 2 Area

Property Comprising About 25 Acres  
On Southerly Side of Tyvola Road 1200 Feet East of I-77 Interchange

Justification for Requested Zoning Change

1. The Petitioner: This Petition was, of course, filed in the names of the present property owners. However, the real party in interest is Arlen Shopping Centers Company -- the No. 1 shopping center owner and operator in the United States. Item 6 of this brochure outlines some interesting particulars about Arlen, which give requisite assurance that the proposed Shopping Center will be successfully accomplished by the preeminent concern in this field of commercial activity.

2. Location of Property: The property is comprised of about 25 acres on the southerly side of Tyvola Road 1200 feet east of the I-77 interchange. The property is bounded as follows:

- On the North (772.0 feet): By the southerly margin of Tyvola Road
- On the East (873.87 feet): By I-2 vacant land that lies between the subject property and the Southern Railroad
- On the South (1238.11 feet): By Ivey's Distribution Warehouse and tractor trailer parking lot, Rifle and Pistol Club, construction storage yard and other I-2 land.
- On the West (1033.98 feet): By I-2 vacant land that lies between the subject property and the I-77 Interchange.

The relationship of some of the above-mentioned facilities are identified on Item 2 (Zoning Map) of this brochure.

3. Present Zoning and Requested Shopping Center Approval. The property is now zoned Industrial - 2. Approval of the proposed Shopping Center is requested pursuant to the provisions of Sec. 23-35.1, in conformity with procedures explained in Paragraph 4 below. See Item 2 of this brochure (Zoning Map) for other existing zoning in the area.

4. Nature and Purpose of Sec. 23-35.1 Shopping Center Approval: Sec. 23-35.1 is a comparatively new addition to the Charlotte Zoning Ordinance

that was adopted by the City Council (upon recommendation of the Planning Commission) about 1 1/2 years ago. A companion proposal was also made to the County Commissioners, but they elected not to adopt it. Because the subject property is located within the City limits, this Petition is, of course, governed by the requirements of Sec. 23-35.1, which are similar to those of the familiar B-1SCD classification -- but are applicable only to shopping centers involving more than 10 acres or more than 100,000 square feet. Prior to Sec. 23-35.1 such shopping centers were allowed as a matter of right in various districts (B-1, B-2, B-3T, I-1, I-2 and I-3). By reason of the review and prior approval process prescribed by the new Section, the Planning Commission and the City Council are afforded an opportunity to appraise in advance shopping center proposals such as Arlen's to determine whether it is consistent with the overall objective of avoiding ill-placed and ill-conceived commercial strip developments with their customary eye-sore impact on surrounding areas and adverse influences on traffic and circulation patterns. By applying for approval under the new Sec. 23-35.1, Arlen has requested this review and has committed itself to develop in conformity with the plans approved as a part of this new process -- notwithstanding that the property in question is located in an area that is already zoned I-2.

5. Specifics Regarding Proposed Shopping Center: The proposed development will conform to the Site Plan and Rendering included in this brochure as Items 4 and 5. Arlen has made every effort to facilitate the review process by obtaining the advance in-put and helpful assistance of the Planning Staff in an effort to enhance the prospects of expeditious final approval. Special attention is directed to these features of the proposal:

- (a) Marketing Studies. To back-stand its own expertise, Arlen has had marketing, demographic and other studies made by the prestigious Hammer, Greene, Siler Associates, which document the existing and future need for the proposed facilities at this location. The results of these studies have been furnished to the Planning Staff.
- (b) Building Area. As shown on the Site Plan Legend (Item 4), the total building area will be 235,108 square feet, of which the following areas will be occupied by:
  - (1) Nationally prominent supermarket concern: 56,160 square feet.
  - (2) Richway Department Store: 89,770 square feet. The "building pad" for this area must be delivered on or before April 15, 1976, to accommodate Richway's scheduled store opening in October 1976 - which explains Arlen's need for maximum expedition of this proposal.

- (c) Architectural and Design Features. Special effort has been made to effect a pleasing low-profile clean-line design of the main buildings in a manner which will eliminate the clutter and confusion frequently associated with the store fronts in community shopping centers. This is accomplished in major extent (among other design features) by:
- (1) Unbroken wall of the exterior facade of the two anchor buildings (Richway and Supermarket).
  - (2) "Concealed" shop areas that are masked by enclosed heated and airconditioned sidewalk malls, which not only enhance appearance and separate these facilities from the parking areas, but facilitate comfortable and efficient pedestrian circulation.
  - (3) Controlled and restrained signage.
  - (4) Generous landscaping, which softens and humanizes the building exteriors.
- (d) Parking Areas. Ample parking for both customer and employees, with efficient interior circulation among planted areas designed to alleviate the typical "parking lot expanse."
- (e) Ingress and Egress. The locations of the two primary entrances and exits to and from the Shopping Center utilize the median openings that were installed when this portion of Tyvola Road was recently constructed. These entrances and exits (together with a subordinate one) have been planned with the help of the City Traffic Engineer in order to accomplish safe and convenient Shopping Center ingress and egress without impairing the free-flow of traffic along Tyvola Road.

6. Easy Accessibility of Proposed Shopping Center: The location of the subject property is well situated to utilize a variety of major roads and thoroughfares to get to and from the Shopping Center -- without causing traffic jams and congestion. There are a number of factors that contribute to this: The newly constructed Tyvola Road upon which the property fronts (with medians installed); the proximity of I-77 "full diamond" Interchange; accessibility to Nations Ford Road, Old Pineville Road and South Boulevard; Tyvola Road connection with Park Road area, etc.

7. Proposed Shopping Center a Welcome Alternative to South Boulevard Mess. As mentioned in Paragraph 4 above, one of the main purposes of this Sec. 23-35.1 review process is to avoid the chaos and unsightly mess that frequently occurs when I-2 property along main arteries becomes a horrendous dumping ground for business uses of all kinds -- with

their multitudinous curb cuts, inadequate parking, confusion, congestion, etc., etc. Nearby South Boulevard is a prime example of what can and has happened. It is, of course, too late to turn back the clock with reference to the development along South Boulevard. However, retail sales and services in a controlled, preplanned, interior oriented setting such as that of the proposed Shopping Center can accomplish at least two things: (a) offer to the public a welcome alternative which will not provide a cure for South Boulevard, but should help slow down its going from "bad to worse" and (b) provide pre-planned, convenient, needed retail facilities at a location which preempts a significant area of uncontrolled Industrial - 2 land, which itself could become what South Boulevard now is.