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Connecting Charlotte

Charlotte Department of Transportation Memorandum

Date: October 21, 2004

To: Keith MacVean
Planning Commission

From: 
Scott L. Putnam
Development Services Division

Subject: Rezoning Petition 04-123: Northeast intersection of Driwood Court and
Mallard Creek Road

We previously commented on this petition in our September 23, 2004, memorandum to you. This site could generate approximately 370 trips per day as currently zoned. With 2 banks, the possible trip generation for this site under the proposed zoning can be 3,000 trips per day. This will have a significant impact on the surrounding thoroughfare system.

We have the following specific comments that are critical to CDOT's support of the rezoning petition:

1. NS zoning requires construction of 8-foot planting strips and 6-foot sidewalks along all public street frontages. These sidewalks and planting strips must be constructed on Prosperity Church Road and Mallard Creek Road, not just Driwood Court as shown on the site plan. (*Second request*)
2. As shown on the site plan, the extension of Driwood Court does not meet minimum standards for commercial collector streets. Note 18 indicates that the developer commits to dedicating the right-of-way for the extension of Driwood Court in conformance with commercial collector public street standards. The extension of Driwood Court must also be designed and constructed in conformance with the commercial street standards. Meeting collector street standards will likely eliminate the three existing oak trees currently being shown to be saved in the northwest part of the site. CDOT can support using a portion of the commercial/collector street width as on-street parallel parking provided that adequate sight distance is maintained at each driveway.

We have the following specific comments that are important to CDOT's support of the rezoning petition. We would like the petitioner to give serious consideration to these comments/requests. These may require coordination with related CMPC issues.

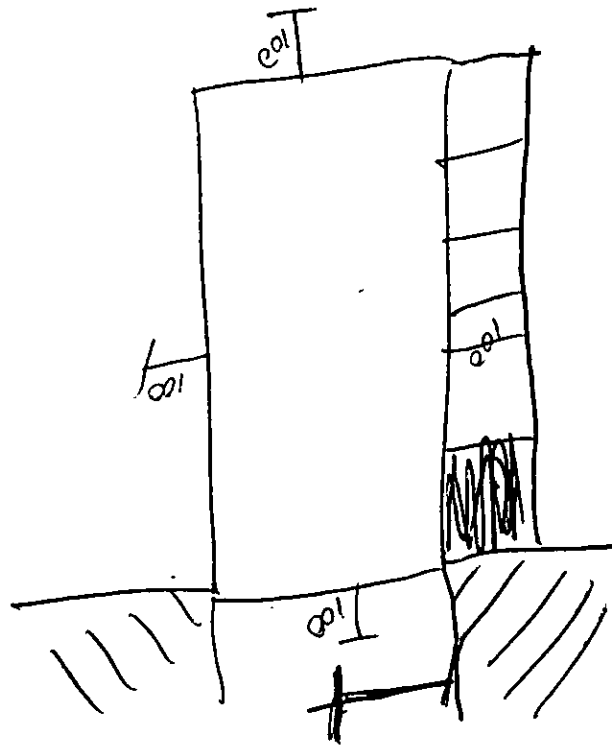
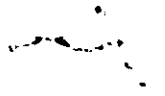
1. In order to encourage bicycle usage in the area, it is requested that the Applicant provide one inverted-U type bicycle rack, each of which will accommodate two bicycles, at each building. (*Second request*)

Keith MacVean
October 21, 2004
Page 2

If we can be of further assistance, please advise.

SLP

c: W.B. Finger
B.C. Fowler
M.M. Magnasco
H.M. Landers
A. Christenbury
E.D. McDonald
S & R Development Company, LLC
Robert G. Young
Rezoning File (2)



**ZONING COMMITTEE
RECOMMENDATION
November 22, 2004**

Rezoning Petition No. 2004 -123

Property Owner: Janice LaNell Stanley, Wendell and Joyce Alexander, Donald and Mary Baucom, Donald and Ruth Bonds

Petitioner: S & R Development Co., LLC

Location: Approximately 4 acres located on the northeast intersection of Driwood Court and Mallard Creek Road

Request: R-3, single family residential, up to three dwelling units per acre and R-12MF, multi-family residential, up to 12 dwelling units per acre to NS, neighborhood services

Action: The Zoning Committee unanimously recommended **APPROVAL** of this petition, with the following modification:

- The decisions on Petitions 2004-20 and 2004-123 will be conditioned upon each other such that if Petition 2004-20 is not approved, the current Northeast District Plan land use recommendation would apply to Petition 2004-123, rendering it inappropriate for non-residential development

Vote: Yeas: Broome, Chandler, Chiu, Farman, Johnson, Loflin, and Ratcliffe

Nays: None

Absent: None

Summary of Petition

The petition proposes to rezone approximately 4.74 acres to allow development of up to 36,800 square feet of office and other non-retail/commercial uses permitted in the Neighborhood Services District, including up to two financial institutions with drive-through windows.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the petition and noted that the proposed land use is not consistent with the multi-family residential land use recommendation set forth in the Northeast District Plan. He added that the proposed site abuts a pending rezoning to the east, Petition 2004-20, submitted by the same petitioner, that proposes to rezone 1.54 acres from R-12MF to B-1(CD) to allow a restaurant with drive-through service. Should the abutting petition be approved, the land use

recommendation in the adopted district plan for the area will be amended to reflect retail/commercial uses, which would lessen the likelihood of the subject property developing per the recommended multi-family residential land use and increase the potential for similar uses in one area. Although these are separate rezoning submittals, the two petitions effectively serve to rezone the entire triangular area bounded by Mallard Creek Road, Driwood Court and Prosperity Church Road as a unified development plan and interconnectivity is provided between the two sites. In addition, the proposed office development would provide a hierarchical land use transition and serve as a buffer between the proposed fast food restaurant to the east and the multi-family apartments currently under development to the west along Driwood Court.

Committee member Chiu pointed out the need to have the City Council's decisions on Petitions 2004-20 and 2004-123 conditioned upon each other such that if Petition 2004-20 is not approved, the current Northeast District Plan land use recommendation would apply to Petition 2004-123 rendering it inappropriate for non-residential development.

Upon a motion made by Broome and seconded by Johnson the Zoning Committee unanimously voted to recommend approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.

CITY OF CHARLOTTE
Engineering & Property Management
Real Estate Division
Memorandum

DATE: November 9, 2004

TO: Brenda Freeze, City Clerk

Lynne

FROM: Lynne Clem, Asset Management Assistant

RE: Protest Petition Filed Against Rezoning Petition No. 2004-123
For November 15, 2004 Hearing

At your request I have examined the Protest Petition filed by Roy M. Kinnamon.

The Protest Petition is not sufficient to invoke the ¾ rule found in North Carolina General Statutes 160A-385 and the Charlotte Zoning Ordinance 6.113 that requires that the Petition for Rezoning be approved by a three-fourths majority of Charlotte City Councilmembers eligible to vote.

Should you have any questions, please call me at 704-336-3608.

C: DeWitt F. McCarley, City Attorney (email)
Terrie Hagler-Gray, Assistant City Attorney (email)
Keith MacVean, Planning Department (email)
Tammie Keplinger, Planning Department (email)
Jeanne Treff, City Clerk's Office (email)



Connecting Charlotte

Charlotte Department of Transportation Memorandum

Date: September 23, 2004

To: Keith MacVean
Planning Commission

From: *Scott L. Putnam*
Scott L. Putnam
Development Services Division

Subject: Rezoning Petition 04-123: Northeast intersection of Driwood Court and
Mallard Creek Road

This site could generate approximately 370 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 1,800 trips per day. This will have a minor impact on the surrounding thoroughfare system.

We have the following specific comments that are critical to CDOT's support of the rezoning petition:

1. If this property is rezoned, there will no longer be any single-family residences on Driwood Court, which was severed from Prosperity Church Road because it would have provided a route for cut-through traffic. With the absence of single-family residences and the intensification of land use along it, Driwood Court needs to be reconnected to Prosperity Church Road and aligned opposite the full-movement Type III driveway to the Food Lion shopping center. This will provide for more efficient dispersion of the traffic generated by this site without significantly impacting the intersection of Prosperity Church Road, Mallard Creek Road, and Mallard Creek Church Road.
2. NS zoning requires construction of 8-foot planting strips and 6-foot sidewalks along all public street frontages.
3. The pedestrian interconnectivity needs to be completed and better defined. The bank is separated from the rest of the site, as are the three proposed office buildings that front on Prosperity Church Road. Sidewalks also need to connect from this site to the proposed Bojangle's.
4. The petitioner/developer must commit to constructing the vehicular connection to the Bojangle's.
5. Any site driveways must align with, or not conflict with/overlap, any driveways for the multifamily development currently under construction across Driwood Court.

We have the following specific comments that are important to CDOT's support of the rezoning petition. We would like the petitioner to give serious consideration to these comments/requests. These may require coordination with related CMPC issues.

1. In order to encourage bicycle usage in the area, it is requested that the Applicant provide one inverted-U type bicycle rack, each of which will accommodate two bicycles, at each building.

We have the following general comments that are provided to aid the petitioner in planning and subsequent permitting phases:

Mallard Creek Road and Prosperity Church Road are major thoroughfares requiring more than the minimum 100 feet of right of way because of their proximity to the signalized intersection. The developer/petitioner should convey right-of-way in fee simple title to meet this requirement, measuring 60 feet from the centerline of Mallard Creek Road and 70 feet from the centerline of Prosperity Church Road.

Adequate sight distance triangles must be reserved at the proposed entrances. Two 35' x 35' sight triangles are required for the entrances to meet sight distance requirements. All proposed trees, berms, walls, fences, and/or identification signs must not interfere with sight distance at the entrances. Such items should be identified on the site plan.

The exact driveway locations and types/widths of the driveways will be determined by CDOT during the driveway permit process. The locations of the driveways shown on the site plan are subject to change in order to align with driveways on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.

All proposed commercial driveway connections to a future public street will require a driveway permit to be submitted to CDOT for review and approval.

Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.

A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to the construction/installation of the non-standard item(s). Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.

To facilitate building permit/driveway permit review and approval, the site plan must be revised to include the following:

- Dimension width of the existing and proposed driveways. Minimum width for a two-way driveway is 26 feet and for a one-way driveway is 20 feet.
- New driveways must be drop curb ramp Type II-modified driveways (with radii, CMLDS #10.25-E).
- Indicate the locations and widths of all adjacent and opposing driveways.
- Indicate typical parking module dimensions.
- Include a parking summary with figures for the numbers of parking spaces required and provided.

If we can be of further assistance, please advise.

SLP

c: W.B. Finger
B.C. Fowler
M.M. Magnasco
H.M. Landers
A. Christenbury
E.D. McDonald
S & R Development Company, LLC
Robert G. Young
Rezoning File (2)



CHARLOTTE FIRE DEPARTMENT
700 North Tryon Street
Post Office Box 31097 Charlotte, N.C. 28231-1097

Plan Review Sheet

Petitioner: S&R Development CO., LLC
Petition Number: 2004-123
Fire Plans Examiner: R. Turner
Telephone: 704-336-3814

Review: 1
Date Received: 9-1-04
Date Reviewed: 9-21-04
Fax: 704-336-3839

E-Mail: turner@ci.charlotte.nc.us

Remarks :

None



ZONING/REZONING
LAND USE EVALUATION
URBAN PLANNING
CONSULTING SERVICES

ROBERT G. YOUNG, INC.

September 20, 2004

Dear Neighbor:

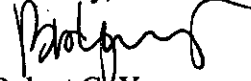
On behalf of Easlan Capital of Charlotte, Inc., I would cordially like to invite you to a community meeting to review rezoning Petition 2004-123. You were recently notified of this matter by the Charlotte-Mecklenburg Planning Commission and their map of the site is included here for your convenience. The community meeting is part of the City's rezoning process. Easlan Capital has filed the petition and the land involves a site approximately 120 acres in size located on Archdale Drive, which is the site of the former Celanese facility.

The community meeting will be held on Monday October 4, 2004 at the St. Andrews United Methodist Church located at 1900 Emerywood Drive. The meeting will begin promptly at 7:00 PM and will be held in The Commons Room. The purpose of the meeting is to review the rezoning request and answer any questions you may have prior to the scheduled public hearing on the case, which is set for November 15, 2004.

For your information, Easlan Capital seeks the approval of a zoning change from I-1 to MX-2 in order to develop the site for multi-family residential development, including condominiums and townhomes for sale.

We look forward to seeing you at the meeting. If you have any questions prior to the meeting, please feel free to contact me at 704 334-9157.

Sincerely,



Robert G. Young



PLAN REVIEW SHEET

Petitioner: S & R Development Co., LLC

Date: September 17, 2004

Petition Number: 2004-1234

Contact Person: David McDonald

Telephone: 704-336-6900

Fax: 704-432-1277

E-Mail: dmcDonald@ci.charlotte.nc.us

Remarks:

CATS has no comments on this petition.