

September 21, 2015

REQUEST

Current Zoning: BP(CD) (business park, conditional) and MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O SPA (mixed use development, optional, site plan amendment)

LOCATION

Approximately 15.16 acres located off West Arrowood Road at I-485, west of South Tryon Street.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow an eating/drinking/entertainment establishment (Type 1 and 2) with golf-related outdoor entertainment uses in the area shown as Tract A on the site plan.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Whitehall Corporate Center Development Limited Partnership
Whitehall Corporate Center Development Limited Partnership
John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3

STATEMENT OF
CONSISTENCY

This petition is found to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of uses, including office, retail and residential, for this and surrounding properties.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The proposal adds a unique golf-oriented entertainment use to the Charlotte market; and
- The large entertainment use will have a regional draw and is appropriate at an interstate interchange location, which will provide good vehicular access.

By a 7-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Nelson).

ZONING COMMITTEE
ACTION

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Provided a note under Architectural Standards specifying a maximum building height of 80 feet.
2. Added development notes (including typical cross sections) to address setbacks, planting strips, planting areas along Arrowood Road and the internal street, that state the following:
 - i. A 30-foot setback from the back of the existing curb will be established on that portion of the site abutting West Arrowood Road to be comprised of the existing 14-foot strip, the existing five-foot sidewalk, and an 11-foot landscaped area.
 - ii. An eight-foot planting strip and eight-foot sidewalk will be installed along the site's frontage on the internal public street. South of the building to be constructed on the site, a 10-foot landscaped area will be installed behind the eight-foot sidewalk.
 - iii. A 20-foot wide landscaped area along the site's frontage on the I-485 right-of-way (the ramp) will be provided.
 - iv. Provided typical cross sections depicting roadway and streetscape (including setbacks) for Arrowood Road and property lines abutting controlled access/right-of-way.

- Landscaping and sidewalk will not be provided along a portion of West Arrowood due to substantial grade/topographical changes and the presence of a guardrail in this area near the intersection of the I-485 interchange.
3. Provided standards for the landscaping to be provided behind the sidewalk along West Arrowood Road and the internal street indicating trees and shrubs along a portion of West Arrowood Road will be installed at a rate of five trees and 20 shrubs per 100 feet.
 4. Added a note stating that exterior lighting installed on the rezoning site, including the exterior lighting utilized to illuminate the outdoor field associated with the golfing activity or golfing game of skill that is a portion of the eating, drinking and entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment uses, will be designed and maintained to ensure that illumination from these exterior light fixtures shall not exceed 0.2 foot-candles when measured at the rezoning site's boundary lines.
 5. Proposed use was changed from "proposed commercial outdoor amusement" to "eating/ drinking/entertainment establishment (Type 1 and/or Type 2) with outdoor entertainment."
 6. Eliminated the notes on the rezoning site plan, which are related to Tract B as this area has been removed from the petition.
 7. Added a note to the "General Provisions" that if there is a conflict between the site plan and the ordinance, the more restrictive (subject to the optional revision) will apply.
 8. Removed Note B under "Optional Provisions" as the City cannot regulate the content of signs per the recent Supreme Court of the United States ruling.
 9. Eliminated the portion of "Optional Provisions" Note C, which indicates that way finding and directional signs will be in accordance with the ordinance.
 10. Deleted B.4 under "Permitted Uses/Development Limitations," which prohibits accessory drive-through windows, as they are not allowed unless requested through an optional provision.
 11. Deleted the definition of "Gross Floor Area" under "Permitted Uses/Development Limitations," as the ordinance standards will apply in calculation of square footage.
 12. Amended site plan to show all setbacks measured from the future back of curb except as otherwise noted.
 13. Amended site plan to identify the "front of the building," as related to the 1,000-square foot sign, on the site plan.
 14. Amended site plan to indicate from where the landscape area along the exit ramp and the interstation is being measured.
 15. Deleted notes B, C, and D under "Signs" as they are already listed in the optional request section notes.
 16. Removed the last sentence of Lighting Note E requesting additional height for the lighting and nets associated with the outdoor entertainment.
 17. Removed the street cross sections shown on RZ-3, as they are already included in the Land Development Standards Manual.
 18. Modified the site plan to shown and "open space" along the northern most point of the property adjoining West Arrowood Road.
 19. Provided a parking envelop and removed the proposed parking between the building and the internal street.
 20. Modified signage optional provisions to allow a sign installed on top of a canopy type structure (front elevation) located generally at the entrance into the building, to have a maximum sign face area of 110 square feet.
 21. Added a note that allow signs and/or logos on the building that are designed and constructed so that they are integrated into the building architecture (e.g. recessed or built into the building walls) (the "Integrated Signs").
 22. Modified signage optional provisions to allow total allowed

- maximum sign surface area of the Integrated Signs to be 1,270 square feet.
23. Added a note that allows sign surface area of the Integrated Signs to be allocated to one Integrated Sign or to more than one Integrated Sign and the Integrated Signs may be located on one or more building elevations.
 24. Added a maximum of 170 feet to the optional provision, which allows netting and support poles around perimeter of the outdoor field.
 25. Added an optional provision to allow a 20-foot setback from the I-485 right-of-way (ramp) that will be measured from the right-of-way line since there is no back of curb located along the I-485 right-of-way (ramp).
 26. Added an optional provision to allows setback along that portion of the site adjacent to the controlled access along West Arrowood Road to be the right-of-way line.
 27. Added an optional provision that allows installation of recessed, on street parking along the site's frontage on the internal public street in appropriate areas. The on-street parking will be recessed into portions of the planting strip and be in lieu of the relevant portions of the planting strip. The setback along the internal public street shall be measured from the back of curb of the travel lane, not the back of curb of the on-street recessed parking, as depicted on the Rezoning Plan. Site must meet the street tree requirements.
 28. Added an optional provision to allows the existing 14-foot planting strip and five-foot sidewalk along the portion of Arrowood Road that abuts the site and is east of the controlled access area for Arrowood Road to remain in place.
 29. Added an optional provision which indicates that the petitioner is not required to install a planting strip and a sidewalk along the portion of Arrowood Road that is located within the controlled access area and adjacent to the site or on that portion of the site that abuts such controlled access area.
 30. Added an optional provision that a planting strip and sidewalk is not required along the site's frontage on the I-485 right-of-way (ramp).
 31. Added an optional provision that parking areas located on those portions of the site that are adjacent to the controlled access area on West Arrowood Road are not required to meet screening requirements of the Ordinance due to the distance of the parking areas from Arrowood Road and the topography.
 32. Added an optional provision that the building to be constructed on the site is not required to comply with applicable provisions of Sections 9.8506(2) (a), 9.8506(2) (f) and 9.8506(2) (h) of the Ordinance so as to allow the construction of the building as generally depicted on the conceptual architectural elevations attached to the Rezoning Plan.
 33. Added Sheet RZ-4 that provides typical cross sections for portions of West Arrowood Road, new internal street, and I-485 off ramp as they relate to setback, landscape area, and streetscape commitments.
 34. Added Sheet RZ-5 that provides building elevations (front, left, rear), including exterior finishes. Elevations also incorporate lights and netting components for perspective.
 35. The petitioner agreed in writing to address the following issues as indicated:
 - a. There is a conflict between the proposed 20-foot setback labeled along a portion of West Arrowood Road shown on Sheet RZ-2 and the corresponding Typical Section A on Sheet RZ-4. The 20-foot setback on West Arrowood will be removed.
 - b. Architectural Standards Note B should reference Sheet RZ-5 where there is currently a blank space. This reference will be added.

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| c. The vicinity map does not match the new rezoning area and associated reduction in acreage. The petitioner will update the vicinity map. |
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VOTE

Motion/Second: Wiggins/Sullivan
 Yeas: Lathrop, Dodson, Eschert, Labovitz, Nelson, Sullivan, and Wiggins
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Zoning Committee, noting new optional provisions pertaining to streetscape, screening of parking areas, elevations, and signage. Staff noted the optional provisions pertaining to streetscape, landscaping, and screening of portions of the parking areas were due to the site's proximity to a major interchange, along with topographical constraints. Staff indicated that relief from requirements to building elevations/architectural treatments was being requested due to the nature of the proposed use. Staff noted that the petitioner made modifications to the optional provisions pertaining to signage by incorporating new terminology, "Integrated Signage." Staff also noted that the proposed signage being requested was still significantly larger than signage allowed for other commercial developments.

The Zoning Committee discussed the terminology "Integrated Signage," and indicated that they understood staff concerns for setting precedence. A Committee member asked how the signage would impact the resale of the building should the proposed use cease to exist. Another Committee member responded that marketability should not be an issue and that modifications would have to be made in order to allow another use. Committee members noted that the request made sense given the nature of the proposed use. There was no further discussion of the petition.

STAFF OPINION

Staff does not agree with the recommendation of the Zoning Committee. Although the petitioner has further defined the type of signs and reduced the size of the signs, it still exceeds what is allowed in the MUDD (mixed use development) district.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows an eating/drinking/entertainment establishment (Type 2) with an outdoor entertainment component to include a golfing activity where individuals hit golf balls from the building onto an outdoor field.
- Allows additional uses in conjunction with the eating/drinking/entertainment establishment, which could include additional recreational facilities, retail uses, lounges, meeting and banquet facilities, and covered bays for tee boxes.
- Restricts the maximum gross floor area of the building devoted to the eating/drinking/entertainment establishment to 75,000 square feet. The area of the outdoor field will not be considered and counted towards the maximum 75,000 square feet of gross floor area.
- General Commitments:
 - Depicts a future internal road to be designed as a local office/commercial wide street and provides access for the eating/drinking/entertainment establishment off the new local street.
 - Commits to the construction of a left-turn lane on westbound West Arrowood Road at the vehicular entrance into the site, with a minimum storage of 150 feet.

- Installs a 20-foot wide landscaped area along the site's frontage on Interstate 485.
 - Maximum height of any freestanding lighting fixture installed on the site, including its base, will be 25 feet.
 - Exterior lighting installed on the site, including the exterior lighting utilized to illuminate the outdoor field associated with the golfing activity or golfing game of skill that is a portion of the eating, drinking and entertainment (Type 1 and/or Type 2) with outdoor entertainment uses, shall be designed and maintained to ensure that illumination from these exterior light fixtures shall not exceed 0.2 foot-candles when measured at the Site's boundary lines.
 - The following optional provisions are being requested:
 - Allow parking and maneuvering between the building and structures and adjacent public and private streets.
 - On front elevation of the building, allow a sign installed on top of a canopy type structure located generally at the entrance into the building to have a maximum sign face area of 110 square feet.
 - All signs and/or logos that are designed and constructed so that they are integrated into the building architecture (e.g. recessed or built into the building walls) (the "Integrated Signs"). The total allowed maximum sign surface area of the Integrated Signs shall be 1,270 square feet. The allowed sign surface area of the Integrated Signs may be allocated to one Integrated Sign or to more than one Integrated Sign, and the Integrated Signs may be located on one or more building elevations.
 - Allow netting and support poles to be installed around the perimeter of the outdoor field. The maximum permitted height of the netting and support poles shall be 170 feet.
 - Allow the setbacks from the I-485 right of way (the ramp) to be 20 feet and measured from the right-of-way line since there is no back of curb along the I-485 right of way (the ramp).
 - Allow the setback along the portion of the site adjacent to the controlled access area for West Arrowood Road to be the right-of-way line.
 - Allow installation of recessed, on street parking along the Site's frontage on the internal public street in appropriate areas. The on-street parking will be recessed into portions of the planting strip and be in lieu of the relevant portions of the planting strip. The setback along the internal public street shall be measured from the back of curb of the travel lane, not the back of curb of the on-street recessed parking, as depicted on the Rezoning Plan. Site must meet the street tree requirements.
 - Allow the existing 14-foot planting strip and five-foot sidewalk located along that portion of West Arrowood Road that abuts the site and is east of the controlled access area for West Arrowood Road to remain in place.
 - Not require installation of a planting strip and a sidewalk along the portion of West Arrowood Road that is located within the controlled access area and adjacent to the site or on that portion of the site that abuts such controlled access area.
 - Not require a planting strip and a sidewalk along the site's frontage on I-485 right-of-way (the ramp).
 - Not require screening of parking areas located on portions of the site adjacent to the controlled access area on West Arrowood Road.
 - Allow building to be constructed as depicted on the conceptual architectural elevations attached to the rezoning plan.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2013) recognizes the approval of the 1994 rezoning for the 730-acre Whitehall mixed use development, and recommends a mix of uses, including office, retail and residential uses.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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OUTSTANDING ISSUESSite and Architectural Design

1. Reduce the square footage of the signs proposed by the optional request, as the signs are significantly larger than the signage allowed for other commercial developments.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: Claire Lyte-Graham (704) 336-3782