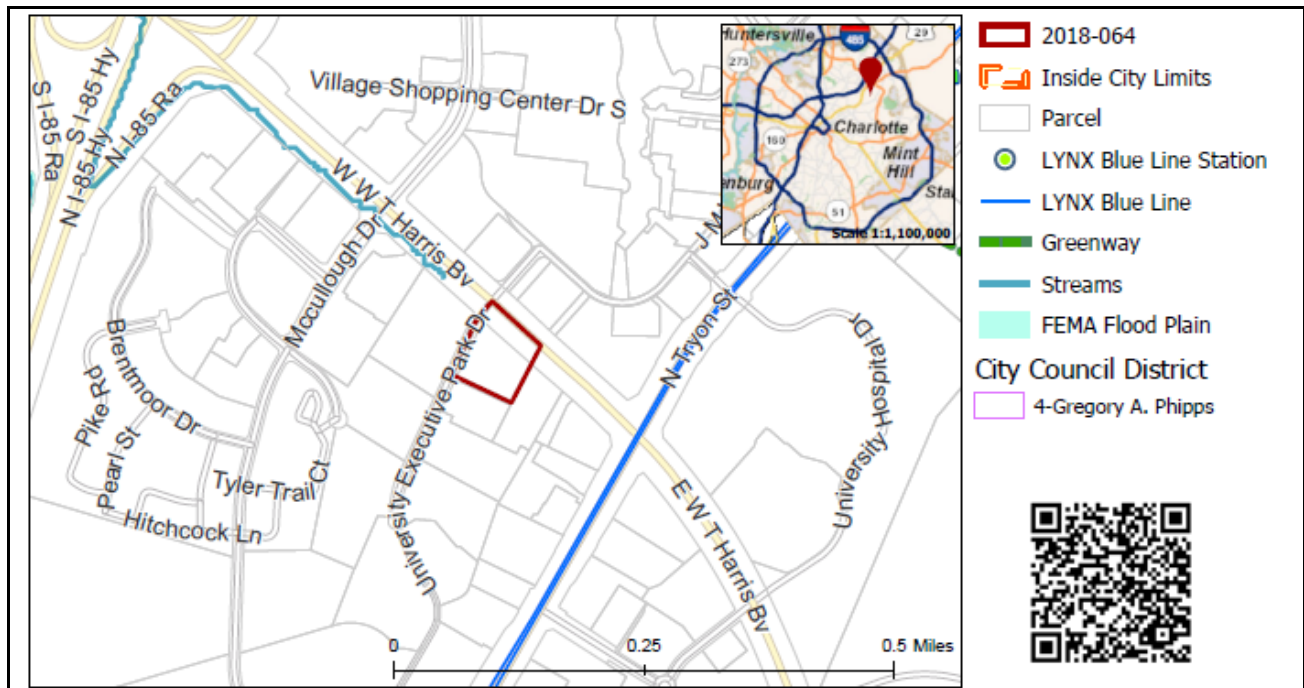


**REQUEST**

Current Zoning: O-15(CD) (office, conditional)  
Proposed Zoning: B-2(CD) (general business, conditional) with five-year vested rights

**LOCATION**

Approximately 2.033 acres located on the south side of West W.T. Harris Boulevard, west of N. Tryon Street.  
(Council District 4 - Phipps)



**SUMMARY OF PETITION**

The petition proposes to redevelop the site to allow a 5,500-square foot eating/drinking/entertainment establishment, with a drive through facility.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Pontus Vault Portfolio, LLC  
Chick-fil-A, Inc.  
Michael White, G. Robert George & Assoc., Inc.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 6

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *University City Area Plan*, which recommends office, civic/institutional, retail, and hotel uses, and is in general conformance with the Community Design principles in the plan.

Rationale for Recommendation

- This site is within the Corridor Services Area South, per area plan, and is considered appropriate for retail uses, including those with drive through facilities so long as they are designed to facilitate a comfortable pedestrian environment.
- Proposed building is oriented toward University Executive Park Drive, with a combination of windows and operable doors on

facades fronting streets in accordance with the plan recommendations.

- Drive through facilities are located and marked so as to provide minimal conflict with pedestrians.

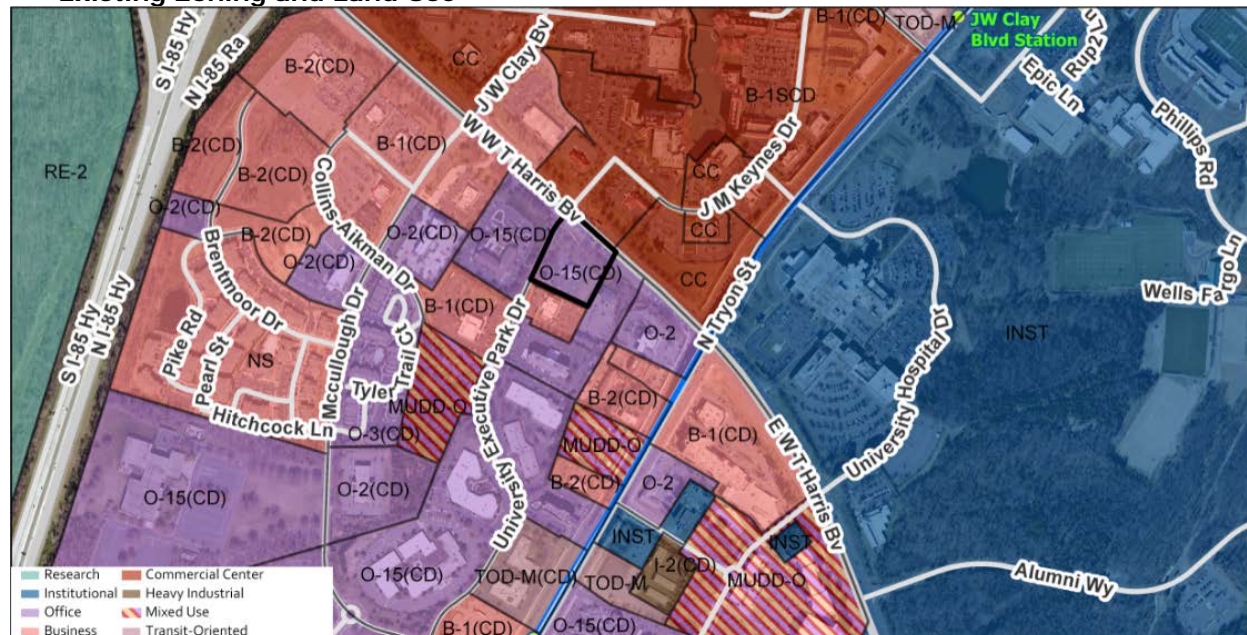
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum 5,500-square foot building for an eating/drinking/entertainment establishment, with an accessory drive through window.
- Site access via a driveway from University Executive Park Drive.
- Building height limited to 40 feet.
- Building materials consist of minimum 20% masonry materials.
- Provides a 75-foot setback and 100-foot landscape buffer along West W. T. Harris Boulevard.
- Constructs a new bus stop waiting pad with a connection to the existing sidewalk along West W.T. Harris Boulevard.
- A 12-foot wide multi-use path along the site's West W. T. Harris Boulevard frontage, with location to be determined.
- Petitioner to contribute \$20,000 of the requested \$55,200 to CDOT to provide pedestrian improvements at the intersection of West W.T. Harris Boulevard and University Executive Park Drive a maximum of \$60,000 for pedestrian crossing improvements planned by CDOT. The cost to design and build these improvements will be by others.
- All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.
- Provides a low wall to screen drive through stacking lanes along University Executive Park Drive.

### • Existing Zoning and Land Use



- Petition 1988-18C rezoned the subject property to O-15(CD) (office, conditional) to allow 60,000 square feet of office uses.
- The subject property is developed with an unused financial institution.
- Surrounding uses include a variety of office, retail, eating/drinking/entertainment uses, and hotels on either side of W. W.T. Harris Boulevard, in addition to University Hospital located at the northeast intersection of W.W. T. Harris Boulevard and N. Tryon Street.

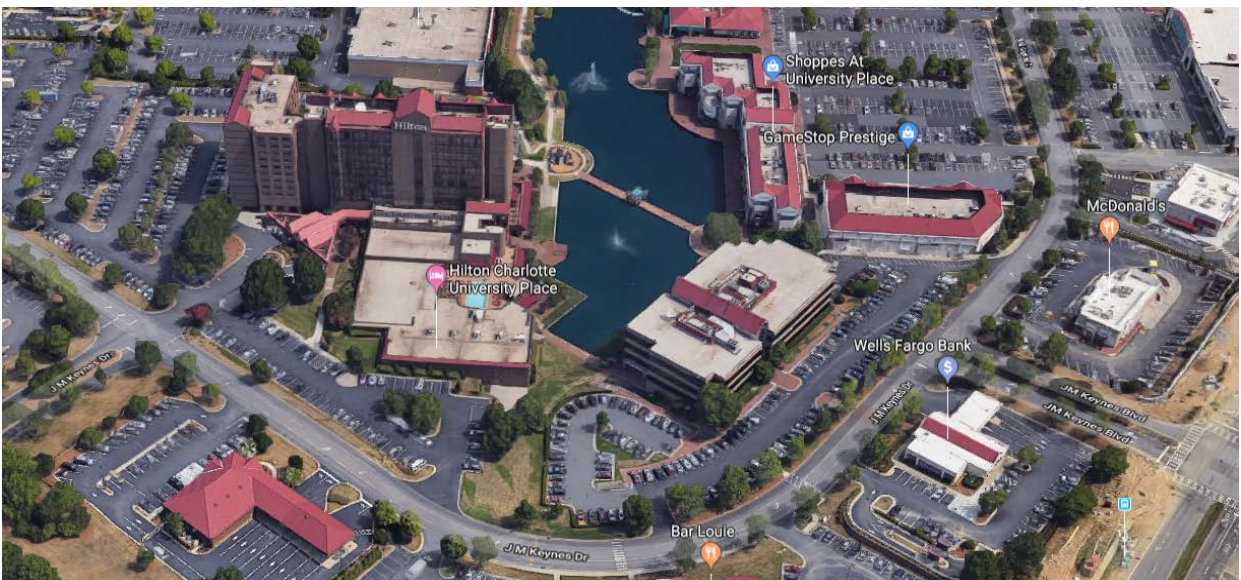




The subject property is developed with a financial institution.



Properties to the south include a mix of hotels, restaurants, office and retail uses.



Shoppes at University Place is located to the north.



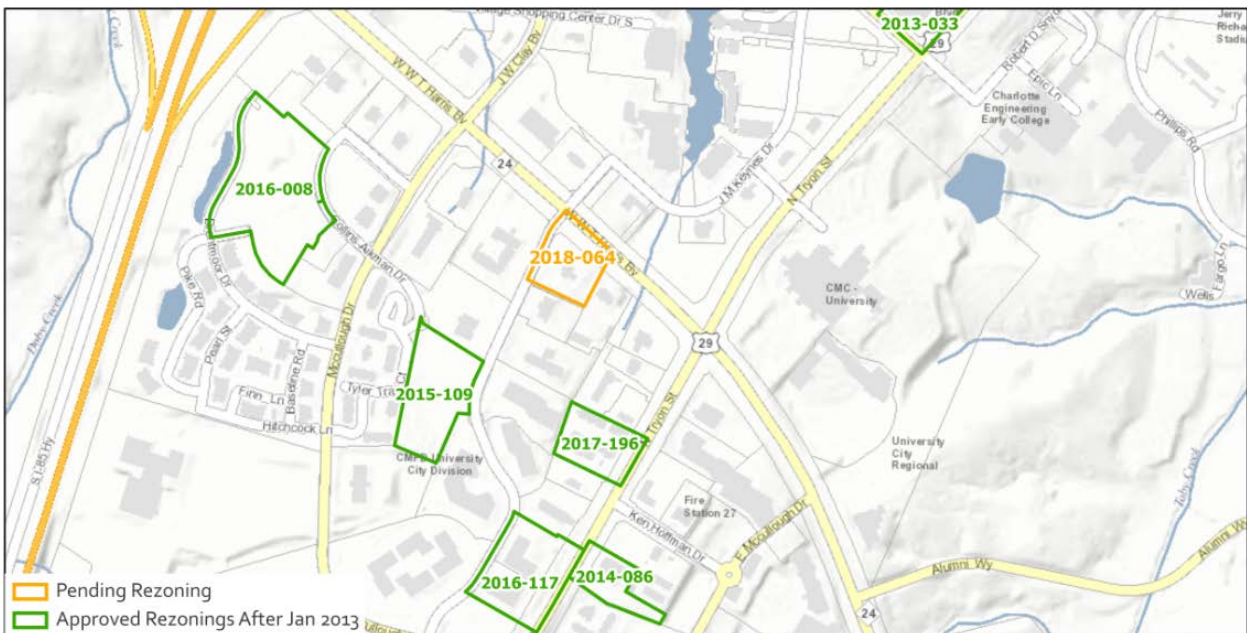


Properties to the west include hotels, restaurants, and retail uses.



Properties to the east include hotels, restaurants, office, and retail uses.

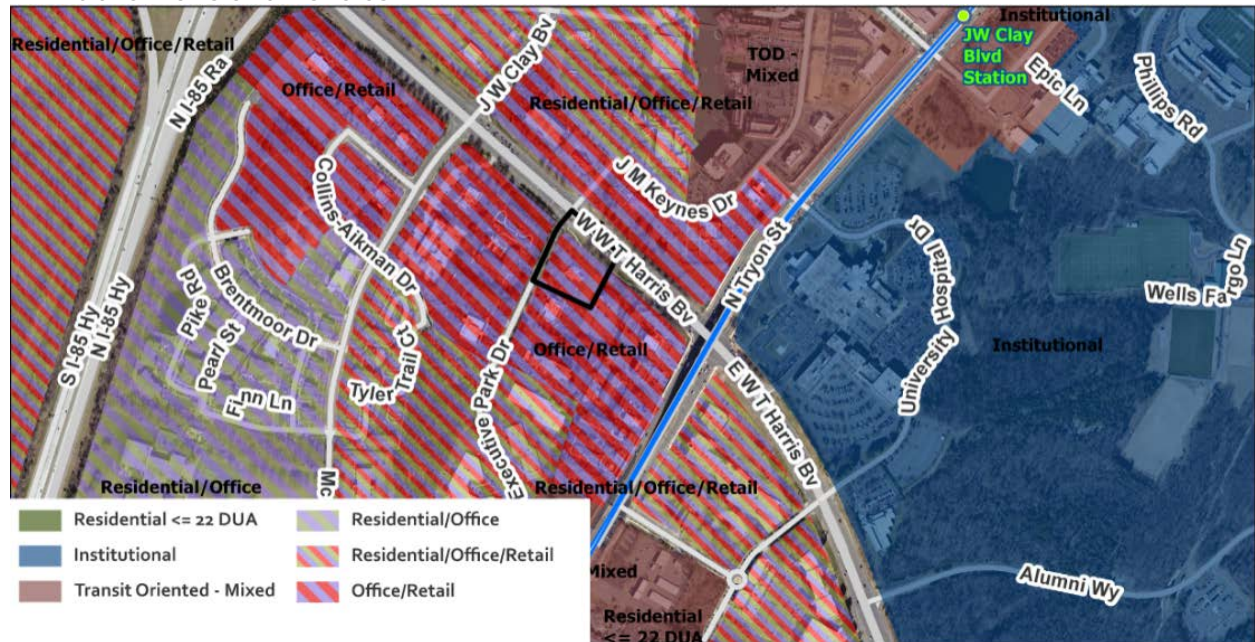
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-196	Rezoned 2.5 acres to MUDD-O (mixed used development, optional) to retain the existing 56,693-square foot hotel use, and eliminate nonconformities resulting from construction of the Blue Line extension.	Approved

2016-117	Rezoned 4.51 acres TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow 280 multi-family dwelling units and 5,000 square feet of ground floor area devoted to non-residential uses.	Approved
2016-008	Rezoned 8.64 acres to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional, site plan amendment) to increase the number of hotels allowed from two to three and allow residential dwellings.	Approved
2015-109	Rezoned 5.05 acres to MUDD-O (mixed use development, optional) to 150 hotel rooms and residential dwelling units in a single building.	Approved
2014-086	Rezoned 0.83 acres to TOD-M (transit oriented development - mixed-use) to allow all uses permitted in the district.	Approved

#### • Public Plans and Policies



- The *University City Area Plan* (2015) identifies the subject property location as within the Corridor Services Area South, to serve vehicular traffic along a major thoroughfare with the opportunity to improve safety and appearance through improved urban design. The plan recommends office, civic/institutional, retail and hotel uses. The plan also includes Community Design Policies to for building location at or near the sidewalk, landscaping, pedestrian connections, and drive-through siting.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the signalized intersection of W.T. Harris Boulevard and University Executive Park Drive. The developer is providing a 12-foot wide multi-use path along W.T. Harris Boulevard. CDOT continues to request for the developer to completely improve the pedestrian crossing at W.T. Harris Boulevard and University Executive Park Drive to improve pedestrian and bicycle connectivity.
  - See Outstanding Issues, Notes 4 and 5. Addressed.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 1,240 trips per day (based on 8,390-square foot drive-in bank).
      - Entitlement: 1,240 trips per day (based on 8,390-square foot drive-in bank).
    - Proposed Zoning: 2,730 trips per day (based on 5,500-squarefoot fast food with drive thru).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** No comments submitted.



- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along University Executive Park Drive and via an existing 16-inch water transmission main located along W.T. Harris Boulevard. Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The closest available sewer main is approximately 185 feet east of the rezoning boundary on W.T. Harris Boulevard.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee. No trees can be removed from or planted in the right-of-way of any State maintained street (W.T. Harris Blvd.) without permission of NC Department of Transportation and the City Arborist's office.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** Site will comply with the Tree Ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### OUTSTANDING ISSUES

##### Site and Building Design

1. ~~Amend Note 7B as follows: Providing a 22-foot setback on University Executive Park Drive.~~ Addressed
2. ~~Show and label a 100-foot wide buffer from the back of curb along West W. T. Harris Boulevard.~~ Addressed

##### Environment

3. ~~The petitioner shall submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way.~~ Addressed

##### Transportation

4. ~~Revise the site plan and conditional notes committing to enter into a Developer's Traffic Signal Modification Agreement at West W.T. Harris Boulevard and University Executive Park Drive. This agreement will specify traffic signal and intersection modifications, including accessible ramps on both sides of West W.T. Harris Boulevard, University Executive Park Drive, and a W.W.T. Harris Boulevard pedestrian refuge island, pedestrian count down signals on three corners of the subject intersection, and a two-phase pedestrian crossing to provide a safe pedestrian crossing of W.W.T. Harris Boulevard. Petitioner should be responsible for the design and implementation of all the intersection pedestrian geometric improvements as part of their site work, including a monetary contribution towards the pedestrian/left-turn signalization modifications.~~ Addressed
5. ~~The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ Addressed

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

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review