



STAFF REPORT

CASE NUMBER:	ZC12-10
EXISTING ZONING	I-G (CD)
REQUEST	REVISE EXISTING CONDITIONS
APPLICANT	ALBEMARLE ROAD ASSOCIATES, LLC
PROPERTY OWNER	ALBEMARLE ROAD ASSOCIATES, LLC
LOCATION	CLEAR CREEK COMMERCE DRIVE AND ALLEN STATION DRIVE
TAX MAP NUMBER	13715125, -27, 13715201, -10, -11, -12, -17, -18, -19, -20, -21, -39, -53, -54

BACKGROUND:

Approximately 330 acres at the intersections of Interstate 485, Blair Road and Albemarle Road have been rezoned over the past decade to comprise Clear Creek Business Park. Numerous rezonings, Conditional Use Permits and Special Use Permits have been granted as the park has developed and evolved. In the attachments, you will find a chart detailing all the conditions that are currently required as part of development throughout the Clear Creek Business Park.

The technique used to zone Clear Creek Business Park was the creation of a Conditional Use District, with the requirement that each development proposal within the Park receive a separate Conditional Use Permit (CUP). The zoning decision established the general perimeters or conditions of approval and the CUP was used to consider the specifics of the development (e.g. building locations, road layout etc.).

With the adoption of the Unified Development Ordinance (UDO) in 2011, we discontinued the former two step technique, moved to the one step Conditional Zoning and converted all properties, formerly identified as Conditional Use District (CUD), to Conditional District (CD). Section 3.6.2 (B) addresses this situation with the following: *For any property that had previously been zoned a Conditional Use District (CUD) at the time of adoption of this Ordinance, but for which a Conditional Use Permit (CUP) had not yet been approved or issued, the Applicant shall apply for a Conditional District Rezoning as set forth in Section 8.2.5 (instead of following the former CUP process).*

APPLICATION SUMMARY:

The applicant is requesting an amendment to the Clear Creek Business Park conditions. To help explain the division of conditions and development standards within Clear Creek, the applicant has divided the business park into Part A and B. This division is intended to clarify the application and is not intended to serve as a map amendment.

Parcels that are developed or have been approved for development (high school, medical building, assisted living and warehouse parcels) are exempt from this request.

Part A

The following list of conditions, most of which (#2-8) are carried over from past approvals, will apply to the area of Clear Creek identified as Part A. The applicant volunteered condition number 1 to ensure that the undeveloped portion of Part A will adhere to the previous standard that all development will subject to a Conditional Zoning approval.

**Clear Creek Business Park
General Industrial - Conditional District, I-G (CD)
ZC12-10**

**Development Conditions
Part A**

11.14.12

1. **Volunteered Condition relating to new CD for each remaining undeveloped Part A parcels.**
2. **All outdoor storage will be limited to the side or rear of the building and will be screened with a vegetative buffer, masonry walls or solid fences or chain linked fences (if chain link fences are installed, vegetation must also be provided and the fence shall be dark color to blend with the landscaping).**
3. **Street trees along Albemarle Road and Blair Road should be a minimum of 4' caliper and 20-25 feet in height at time of planting.**
4. **The front facades shall be constructed of masonry or brick material. In addition, all buildings visible from the street must also be masonry or brick on side and rear.**
5. **Access to all lots shall be from interior streets only.**
6. **Eating establishment, retail sales and services should be limited to accessory uses to the principle structure and not be primary uses in the park.**
7. **Bus stations, power generating or transmission facilities, radio, telephone masts, towers or similar structures, telephone repeater stations, blacksmiths, armories, bulk storage of flammable liquids and gases, and truck terminals shall be prohibited uses. Further, the board granted the waiver as requested by the applicant to allow the street trees to be planted 50' apart rather than 30' as required by the ordinance due to the fact that the applicant will be planting larger trees than required.**
8. **Street shall be 80% occupied before the final inch of asphalt is applied and before the town will accept streets for maintenance.**
9. **Installation of sidewalks within development shall be bonded to insure installation upon development/construction of site.**

Part B

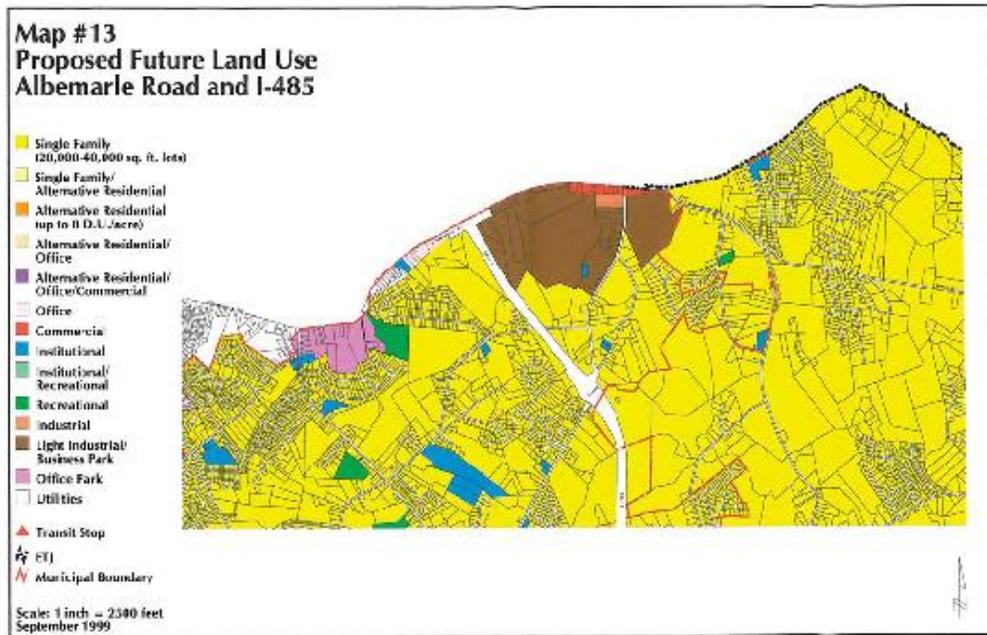
Part B is not subject to the conditions prescribed to Part A. The attached Development Conditions apply to the area identified as Part B.

(Due to its length, the proposed "Development Conditions-Part B" is included with the attachments at the conclusion of this document.)

PLAN CONSISTENCY:

Mint Hill Land Use Plan	To be determined (See Below)
Downtown Master Plan	N/A
Mint Hill Comprehensive Transportation Plan	Consistent
MUMPO Thoroughfare Plan	N/A

If this request is approved, Staff recommends amending the Land Use Plan as follows with changes shown in red:



Focus Area #3: Albemarle Road and I-485

The southern side of Albemarle Road is depicted on Map #13 as having significant non-residential development along its length, from Wilgrove-Mint Hill Road to Cabarrus Road. The Future Land Use Map depicts land appropriate for two significant size light-industrial/business parks in the southeast quadrant of the I-485 interchange, when public water and sewer is available to the area. The light industrial/business parks could extend from I-485 to Cabarrus Road. Due to its proximity to I-485, the Norfolk Southern Railway tracks, and being located along a major thoroughfare, this is a natural location for non-residential uses which will provide employment opportunities and expand the tax base of the Mint Hill study area. Challenges to development of this property include providing access to the property from Albemarle Road, since the Norfolk Southern Railroad tracks parallel Albemarle Road and present crossing permission issues and safety hazards. However, in the event crossing permission is not allowed, alternative access to these two parcels could be gained from Blair Road.

Generally, the type of development envisioned is a quality light industrial/business park in a campus-like setting, much like the Huntersville Business Park, located in Huntersville. Wide, tree-lined boulevards along major routes would be constructed, with walking trails, pedestrian amenities, street lighting and architecturally interesting buildings, primarily of brick. Landscaping and entrance signage would complete the unified development concept. No flat roof, metal frame construction, big-box type structures are envisioned in this area, nor any mini-warehouses, or storage facilities. Industrial uses would be light industrial uses or research and design oriented. Shopping centers and retail uses would not be included in these areas shown in dark brown on Map #13. A conditional site plan would be appropriate to ensure quality development.

The rail corridor parcels located between I-485 and Blair Road are particularly suited for the industrial development of rail-specific uses. Land uses that may locate along a rail corridor include railroad switching and terminal services, manufacturing, transportation, warehousing and wholesale trade. In order to insure compatibility with adjacent business park users to the south and commercial uses to the north, rail uses in this corridor should not be offensive and should not present risk of environmental danger to adjacent properties or the community. The use of heavily planted buffers, screening and berms should be a basic component of any development along the rail corridor.

The area immediately along Albemarle Road near the intersection of Blair Road is proposed for continued commercial uses and shown in red on Map #13. These are shallow parcels, located north of the Norfolk Southern Railroad tracks. Several additional parcels have been added to the commercially designated area along Albemarle to Cabarrus Road, however, these parcels may not be deep enough for actual use as individual properties, and may need assemblage for utilization.

In addition, a future light rail transit facility and stop is shown in the general vicinity of N.C. 51 (Blair Road) and Albemarle Road. It is possible that such a facility could connect Mint Hill eastward to Stanfield and beyond, and westward to Charlotte. A park and ride facility could be part of the project.

To the west of I-485, Map #13 shows a number of parcels along Albemarle Road, and north of the railroad tracks which are colored in light pink. These parcels would be appropriate for office type uses. Assemblage of these parcels may be necessary for any new development. In the interim, existing single-family homes are envisioned to house office uses.

The future Land Use Plan recommends an office park theme at the intersection of Albemarle Road and Wilgrove-Mint Hill Road, when public utilities are available to service the area. While several non-residential uses abound in this area (commercial, office, industrial, and a manufactured home park), it is believed that a unified office park development could be created in this area (particularly at the southeast quadrant). Developers should be encouraged to plan for a development that would incorporate a number of properties for a large impact, and to seek rezoning to a conditional use district O-A, which would exclude the multi-family component for this large area. A conditional site plan would be appropriate to ensure quality development.

The type of development envisioned is a quality office park in a campus-like setting, much like the office areas surrounding South Park in Charlotte. Such a development could include wide, tree-lined boulevards, walking trails, pedestrian amenities, street lighting and architecturally interesting buildings, primarily of brick. Entrance signage and landscaping would be designed to be complementary throughout the development. Flat roofs, metal frame construction, and big-box type structures are not envisioned.

Map #13 also depicts a number of institutional uses, shown in blue, which are for the most part, churches.

The existing demolition landfill on Albemarle Road is designated as a future recreational area. Other recreational developments shown on Map #13 include Hickory Grove's Recreational Complex, and the Wilgrove-Mint Hill Town Park (a portion of it is shown on the lower boundary).

PUBLIC NOTIFICATION:

Public Hearing Newspaper Advertisement #1	Sunday, November 4, 2012
Public Hearing Newspaper Advertisement #2	Sunday, November 11, 2012

MEETING DATES:

Public Hearing	Thursday, November 15, 2012
Planning Board	Monday, December 17, 2012
Board of Commissioners	Thursday, May 9, 2013

STAFF RECOMMENDATION:

Approval

STAFF CONTACT:

Planning Staff
704-545-9726

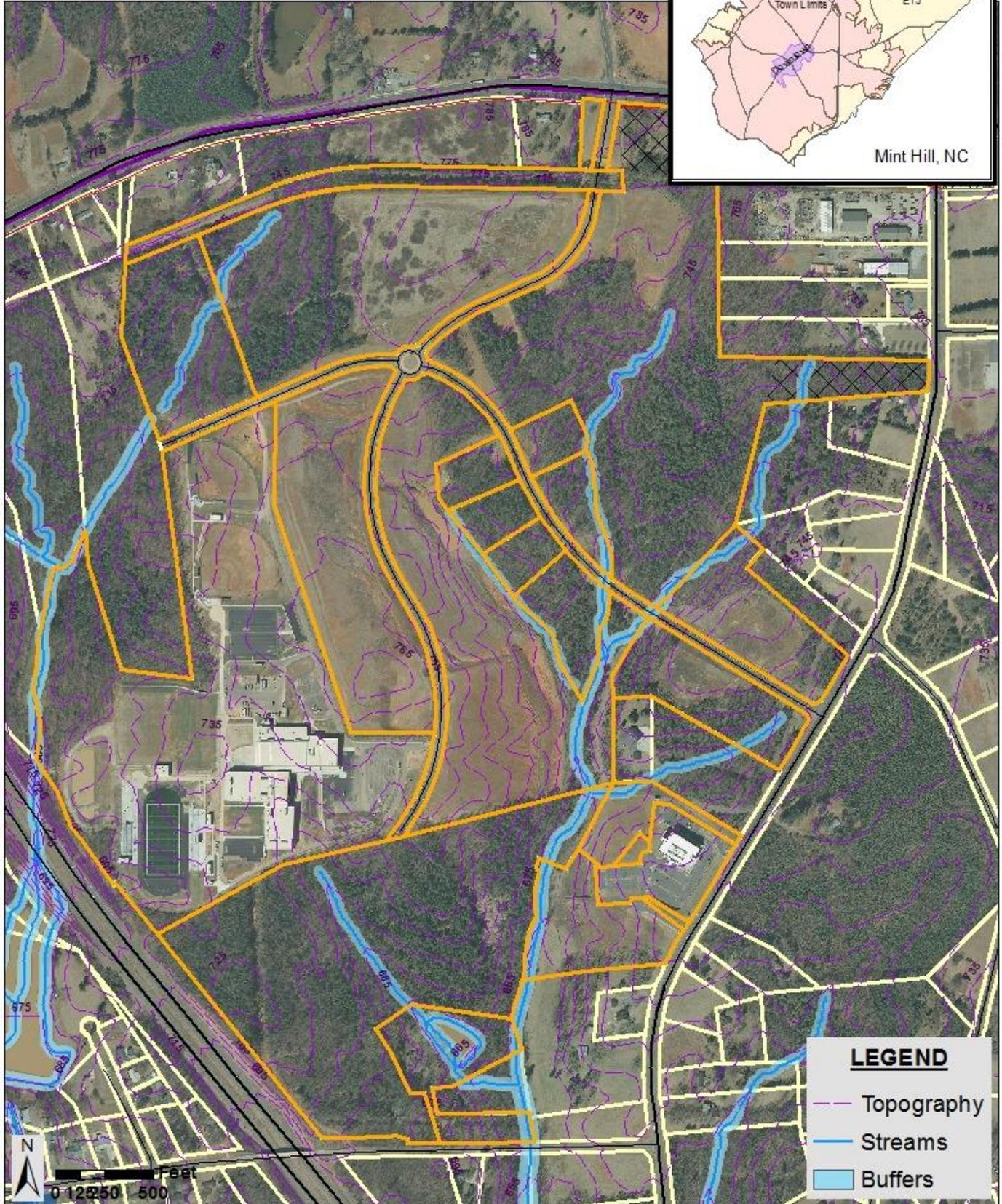
ATTACHMENTS:

- Aerial Map
- Existing Conditions of Clear Creek Business Park by Approval
- Development Conditions-Part B
- Application

ZC12-10 Clear Creek Business Park Revision

*2010 Aerial Provided by Mecklenburg County GIS

ENVIRONMENTAL REVIEW



Existing conditions of Clear Creek Business Park, case approving the conditions and tax parcel numbers:

	<u>ZC01-3</u>	<u>ZC01-7</u>	<u>ZC01-8</u>	<u>ZC01-10</u>	<u>ZC01-11</u>	<u>ZC02-1</u>	<u>ZC06-8</u>
	137-152-01, 137-151-02 pt	137-311-04 pt.	137-152-01, 137-151-02 pt	137-311-02	137-311-03	137-152-04 pt	137-311-04, 137-152-10, 137-152-01, 137-151-25, 137-151-02, 137-151-17, 137-311-08, 137-311-02, 137-311-55, 137-311-10, 137-311-56
1) 100 ft. buffer next to R districts	*	*	*	*	*	Not included	
2) Outdoor storage limited and screened	*	*	*	*	*	*	
3) Street trees along Hwy. 51	*	Not included	Not included	Not included	Not included	Not included	
4) Front facades-masonry or brick	*	*	*	*	*	*	
5) Access to all lots from interior only	*	*	*	*	*	*	
6) Eating, retail, services-limited	*	*	*	*	*	*	
7) Traffic Impact Study required	*	*	*	*	*	*	
8) Dedicate future ROW of Hwy. 51	*	Not included	Not included	Not included	Not included	Not included	
9) No clearing, grading or construction w/o CUP	*	*	*	*	*	*	
10) Prohibited and limited uses: bus stations, etc...	*	*	*	*	*	*	
11) Monument signage allowed							*

*****This list IS reflective of ZC05-18, in which certain conditions were removed, including:
 *Water and Sewer provided prior to construction
 *No commercial access from Truelight Church Rd**