

REQUEST	Current Zoning: CC, commercial center Proposed Zoning: MUDD-O, mixed use development district, optional and five year vested rights
LOCATION	Approximately 24 acres located on the southwest corner of the intersection of West Mallard Creek Church Road and North Tryon Street.
CENTER, CORRIDOR OR WEDGE	Corridor
SUMMARY OF PETITION	This petition proposes the development of a transit oriented, pedestrian friendly corporate office park with up to 1,000,000 square feet of office, professional business, and ancillary uses. The petition proposes several optional provisions and five year vesting.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the outstanding issues. This petition is consistent with the <i>Transit Station Area Principals</i> .
Property Owner	Bank of America
Petitioner	Lincoln Harris, LLC
Agent/Representative	Jeff Brown/Keith MacVean
Community Meeting	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- 1,000,000 square feet of general medical and office uses, professional business and ancillary retail, restaurants, childcare, indoor recreation and personal service uses.
- No more than 75,000 square feet to be developed with retail, restaurants, childcare personal services, and similar "non-office" uses.
- Six development "areas".
- Two parking structures with architectural styles, materials, and colors similar to the office buildings.
- Eight-foot sidewalks and planting strips along West Mallard Creek Church Road and North Tryon Street and both sides of "public street D".
- The construction of a path adjacent to the Mallard Creek Greenway.
- Transportation improvements including:
 - Two access points on West Mallard Creek Church Road, one full-movement and one right-in/right-out.
 - One access point onto North Tryon Street.
 - Proposed "public street D" aligned with existing Alexander Pointe Drive and a traffic signal installed when warranted.
 - Addition of a second northbound left-turn lane on North Tryon Street.
 - Extension of the eastbound right-turn lanes on West Mallard Creek Church Road.
 - Construction of a third southbound travel lane from the intersection of Mallard Creek Church Road and North Tryon Streets to the proposed driveway on North Tryon Street.
 - Pedestrian refuge islands and crosswalks at the intersection of Mallard Creek Church Road and North Tryon Street.
 - Construction of sidewalk along North Tryon Street so that no sidewalk gaps will exist between the southbound bridge and the intersection of North Tryon Street and West Mallard Creek Church Road.
 - Dedication and conveyance of 50 feet from the center line of North Tryon Street and West Mallard Creek Church Road where it does not currently exist.

The optional requests include:

- Building heights:
 - 200 feet in Development Area 1
 - 265 feet in Development Area 2
 - 160 feet in Development Areas 3 and 5
- Signage:
 - Wall signs to occupy up to ten percent of each building wall, up to a maximum of 200 square feet per wall.
 - Two detached ground mounted signs with up to 50 square feet in sign area and five feet in height.
- Surface Parking:
 - To be located to the side and rear of buildings constructed in one of the initial development areas and between existing or proposed public streets.
- Subdivision:
 - Portions of the site may be subdivided to create lots with no public street frontage, side and or rear yards as a part of a unified planned development.

Rezoning History of Subject Site

The subject property has been rezoned for commercial development multiple times since 1990. In 1992, a rezoning initiated by the Planning Commission from B-1SCD and B-2 to R-12 MF was denied.

The current site plan associated with the subject property was approved as petition 2004-074. It allows a multi-phased development with 200,000 square feet of office, 200,000 square feet of retail and one motel of up to 150 rooms or 45,000 square feet as a part of the 200,000 square feet of office development.

Existing Zoning and Land Use

The subject property is currently vacant. Adjacent properties on either side of North Tryon Street are zoned R-3, R-17MF, UR-C(CD), INST, O-1, B-1 and B-2. Existing uses include a drive-through restaurant, office, commercial, and multi-family residential.

Rezoning History in Area

Recent rezonings in the area include:

Petition 2008-87 rezoned 27 acres located north of the petitioned site to CC SPA and B-D(CD) to allow office and retail space and a self-storage facility.

Petition 2004-145 rezoned five acres from R-12MF(CD) to CC to allow office and retail uses.

Public Plans and Policies

The *Northeast District Plan* (1996), as amended by Petition 2004-074, recommends retail land uses in this location. However, because the parcel is within a ¼ mile of a proposed Blue Line Extension (BLE) at Mallard Creek Church Road, across from UNC-Charlotte the *Transit Station Area Principles* provide land use guidance.

Transit Station Area Principles (2001) recommend a minimum FAR of .75, yielding at least 65 employees per acre, for non-residential uses within a ¼ mile walk distance of a transit station. The proposed FAR is approximately .96 at build out and the petitioner anticipates approximately 150 employees per acre.

The proposed office use is consistent with the *Transit Station Area Principles*.

PUBLIC INFRASTRUCTURE (see full department reports online)

Vehicle Trip Generation:

Current Zoning: 12,900 trips per day.

Proposed Zoning: 9,000 trips per day.

CDOT: While the number of total daily trips would decline, both the morning and evening peaks would increase. An amended traffic impact study (TIS) is underway. NCDOT will also likely require a TIS. Additional storage is needed for the directional crossover from N. Tryon into the site. Private street "C" needs to be a public street or provide for continuous public access in order to build a street network in this vicinity. Several improvements for pedestrians are requested, including pedestrian refuge islands and enhanced sidewalks. The petitioner needs to be responsible for turn lane improvements and additional right-of-way needs to be dedicated and conveyed.

Charlotte Fire Department: No comments received.

CATS: Several commitments were made as part of the previous rezoning for this site and CATS wants those to be carried forward to this petition. A concrete waiting pad for a bus stop is requested, as well as reservation of 25 non-exclusive parking spaces.

Connectivity: Private street "C" needs to be made public or provide for continuous public access.

Schools: CMS does not comment on non-residential petitions.

Mecklenburg County Parks & Recreation: Dedication of the land within the FEMA floodplain fringe is being requested for greenway and an additional area is being requested for public access to the greenway.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Storm Water: No issues.

LUESA: No issues.

Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.

Facilitates the use of alternative modes of transportation by allowing for more intense, transit supportive uses within ¼ mile of a light rail station.

Facilitates the use of alternative modes of transportation by sidewalks and a greenway connection.

OUTSTANDING ISSUES

The petitioner should:

Provide a note indicating that the Planning Director will have review and approval of the "base of high rise" before the submittal of each building for MUDD review. This request is being made to ensure consistent building quality and pedestrian orientation for future phases of the project.

Label tree save areas.

Show post construction buffer locations.

Specify the F.A. R.

Include development proposed for Area 5 in Note (B)(3).

Include cross-section of setbacks with plantings along West Mallard Creek Church Rd and North Tryon Street.

Provide elevations for the initial building to be located at the corner of North Tryon Street and West Mallard Creek Church Road..

Label the centrally located open space.

Address CDOT, CATS, and Mecklenburg County Parks & Recreation comments.

Attachments Online at www.rezoning.org

Application

CATS Review

CDOT Review

Charlotte Fire Department Review

Community Meeting Report

LUESA Review

Mecklenburg County Parks & Recreation

Site Plan

Storm Water Review

Planner: Tammie Keplinger (704) 336-5967