

<b>REQUEST</b>	Current Zoning: RE-1 (research), RE-3(CD) (research, conditional), and R-3 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional) and R-12MF(CD) (multi-family residential, conditional), with five-year vested rights
<b>LOCATION</b>	Approximately 65.7 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 85. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 395 multi-family residential units and up to 160,000 square feet of uses as allowed in MUDD. The site is generally surrounded by a mix of single family residential neighborhoods, institutional, and retail uses and vacant land.
<b>PROPERTY OWNER PETITIONER</b>	Jill H. Garrison, et al Charter Properties, Inc. Browder Group Real Estate, LLC
<b>AGENT/REPRESENTATIVE</b>	John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 16

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and a technical issue.</p> <p><u>Plan Consistency</u> The portion of the site proposed for a mix of commercial uses is consistent with the <i>Northeast Area Plan</i> recommendation for office/research/retail uses. However, the portion of the site proposed for multi-family use is inconsistent with the <i>Northeast Area Plan</i> recommendation for office/research/retail uses for part of the area, and residential use up to four dwelling units per acre for the remainder of the area.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is located in an Interstate 85 interchange area which was identified in the <i>Northeast District Plan</i> (which preceded the <i>Northeast Area Plan</i>) for an expansion of research uses outside of the University Research Park.</li> <li>• The <i>Northeast Area Plan</i> updated that land use recommendation to include a range of commercial uses (office/research/retail), along with a recommendation for improved connectivity in the area and an integrated site plan.</li> <li>• The proposed development has been designed to provide the integrated and interconnected development recommended by the area plan. Commercial development is proposed for the part of the site closest to West Mallard Creek Church Road and Interstate 85.</li> <li>• While the proposed retail square footage exceeds the 100,000 maximum recommended by the adopted plan, the proposal still retains a range of uses as intended by the plan.</li> <li>• Multi-family development is requested for the remainder of the site, instead of the non-residential uses identified by the plan. The addition of multi-family results in a greater mix of uses, instead of more isolated commercial development.</li> <li>• The requested development has been designed to respond to the transportation context by placing the most auto-oriented uses which will require high levels of vehicular access, specifically the outparcels, closest to the interstate interchange.</li> </ul>
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- The site plan provides a transition from the auto-oriented area to a walkable commercial street which will connect to the multi-family development in the northern portion of the site.
- The area that the plan recommends for single family development is proposed to be used for a 75-foot buffer area abutting existing single family homes, and a segment of the public street which will connect Mallard Creek Church Road and Galloway Road.
- In addition to the new street connecting to Galloway Road, the proposed development will provide a number of transportation improvements. These include reservation of right-of-way for a future east-west crossing of I-85 at Galloway Road, and a new signalized intersection to create site access and set up for a potential new connection in the adjacent University Research Park.

## PLANNING STAFF REVIEW

### • Background

The original application for petition 2016-139 was filed on August 22, 2016, requesting up to 160,000 square feet of non-residential uses and 395 multi-family dwelling units. The petition was deferred from public hearing several times due to design and transportation issues.

A public hearing was held for rezoning petition 2016-139 at the May 15, 2017 City Council rezoning meeting. At that time the request was to allow up to 395 multi-family residential units, up to 45,000 square feet of uses as allowed in MUDD, and an eating/drinking/entertainment (Type 1 and/or Type 2) with golf-related outdoor entertainment uses. At the hearing, nearby residents and property owners opposed the petition and expressed concerns about the proposed uses and intensity, site design, infrastructure capacity, school overcrowding, increased traffic congestion, inconsistency with the adopted policy plan, and the actual boundaries of a cemetery abutting the parcel to the west. The University City Partners expressed support for the petition and how it would promote revitalization and growth in the Research Park as per the adopted policy plan, provide a good mix of uses, and provide significant transportation and connectivity improvements.

The petition moved forward to the May 30, 2017 Zoning Committee Work Session. At that meeting the Committee voted 7-0 to recommend approval of the request subject to the modifications.

The petitioner subsequently removed the eating/drinking/entertainment establishment with golf-related outdoor entertainment uses (Area B) from the rezoning request. The petitioner requested deferral of City Council's decision from July 17, 2017 to October 16, 2017, and a new public hearing before City Council on September 18, 2017.

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allow a mix of uses in four development areas (Areas A, B, C, and D).
- Area A consists of 33.35 acres located at the northern part of the site, and is proposed to be rezoned to R-12MF(CD) (multi-family residential, conditional).
- Areas B, C and D contain approximately 32.35 acres located in the southern portion of the site and are proposed to be rezoned to MUDD-O (mixed use development, optional).

#### Area A

- Up to 395 multi-family residential dwelling units along with accessory uses that may include a leasing and management office and amenities such as a fitness center, clubhouse, swimming pool, dog park, playground, pocket park and outdoor grilling and gathering areas.
- Establishes a minimum setback of 30 feet from future right-of-way line along Galloway Road.
- Establishes a "no build line" at the northeast corner of Development A to accommodate the extension of Galloway Road via a future bridge across Interstate 85.
- Commits to the following architectural standards:
  - Maximum building height of 48 feet or three stories.
  - Minimum 20% brick, natural stone (or synthetic equivalent), stucco or other material for any principal and accessory building abutting a network required public or private street.
  - Prohibits use of vinyl siding (except vinyl hand rails, windows, soffits, doors or door trim) and concrete masonry units not architecturally finished.
  - Places buildings to present a front or side façade to all network required streets.
  - Requires buildings to front a minimum of 50% of the total required street frontage.
  - Prohibits placement of parking lots between streets and buildings.

- Requires buildings exceeding 120 feet in length to include modulations of the building massing/façade plane (such as recesses, projections, and architectural details).

#### Areas B and C

- Proposes up to 160,000 square feet on Areas B, C, and D combined.
- Allows the following uses on Areas B and C:
  - Eating, drinking and entertainment establishments (Type 1), and eating, drinking and entertainment establishments (Type 2) subject to the applicable regulations of Section 12.546 of the Ordinance;
  - Breweries, subject to the regulations of Section 12.544 of the Ordinance;
  - Hotels;
  - Indoor recreation;
  - Pet services indoor;
  - Professional business and general offices such as banks, clinics, medical, dental and doctor's offices, veterinary clinics, government, post offices, optician's offices and similar uses;
  - Retail sales and shopping center;
  - Services, including, without limitation, beauty shops and barbershops, spas and fitness centers; and
  - Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- Uses located on Development Area B or Development Area C may not have drive-in and drive-through service lanes/windows as an accessory use.
- A convenience store with or without gasoline sales may not be located on Development Area B or Development Area C.
- An automotive service station may not be located on Development Area B or Development Area C.
- Allows a maximum of 110 hotel rooms to be developed on Development Area B and Development Area C combined.
- In the event that a hotel is located on Development Area B or Development Area C, a total maximum of 142,000 square feet of gross floor area devoted to the uses described above (excluding a hotel and its accessory uses) may be developed on Development Area B, Development Area C and Development Area D combined.
- Proposes a maximum building height of 80 feet in Area B and 60 feet in Area C.
- Proposes the following optional provisions for Area B:
  - Allow parking, vehicular circulation and vehicular maneuvering space to be located between the building and structures located on Development Area B and the required setbacks from the adjacent public and private streets.
- Proposes the following optional provisions for Area C:
  - Allow a minimum five-foot wide sidewalk located back of curb (without a planting strip) to be located along the western or northern edge of the Connector Road adjacent and in proximity to the cemetery as generally depicted on the Rezoning Plan to avoid any conflicts with the cemetery.
  - Allow installation of an eight-foot planting strip and a five-foot sidewalk along the western side of the Connector Road generally from the southern edge of the cemetery to West Mallard Creek Church Road as generally depicted on the Rezoning Plan.
- Commits to the following architectural standards for Area C:
  - Allows a maximum height of any building located on Development Area C to be 40 feet. Notwithstanding the foregoing, the maximum height of that building located on Development Area C that is designated as Building 1 on the Rezoning Plan shall be 60 feet.
  - Places buildings so as to present a front or side facade to all streets.
  - Facades fronting streets shall include a combination of windows and operable doors for a minimum of 60% of each frontage elevation with transparent glass between two feet and 10 feet on the first floor.
  - Incorporates a minimum of 30% masonry materials such as brick or stone on facades of the first/ground floor of the buildings along streets.
  - Provides a direct pedestrian connection between street facing doors and corner entrance features to sidewalks on adjacent streets.
  - Prohibits building elevations from having expanses of blank walls greater than 20 feet in all directions and architectural features.
  - Designs building elevations with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall offsets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades or other architectural elements.
  - Prohibits surface parking and vehicular maneuvering and circulation areas from being

located between the buildings located on Development Area C and the Connector Road.

#### Area D

- Allows a maximum building height of 40 feet on Area D.
- Consists of three outparcels with frontage along West Mallard Creek Church Road (Outparcels 1, 2, and 3). Outparcel 1 may be subdivided into two outparcels.
- Proposes the following uses as permitted in MUDD (mixed use development):
  - Eating/drinking/entertainment establishments (Types 1 and 2);
  - Breweries;
  - A convenience store with or without gasoline sales (maximum one);
  - An automotive service station (maximum one);
  - Professional business and general offices, such as banks, clinics, medical, dental and doctor's offices, veterinary clinics, government, post offices, optician's offices and similar uses;
  - Retail sales;
  - Services, including, without limitation, beauty shops and barbershops, spas and fitness centers;
  - Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry;
  - Drive-in and drive-through service lanes/windows as an accessory use.
  - In the event that a convenience store with or without gasoline sales is located on Development Area D, a maximum of 2 uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
  - In the event that a convenience store with or without gasoline sales is not located on Development Area D, a maximum of 3 uses located on Development Area D may have accessory drive-in and drive-through service lanes/windows.
  - Any drive-in and drive-through service lanes/windows located on Outparcel 2 shall be located on the facade of the building that faces Interstate 85.
  - A building edge proximity line is depicted on the northern portion of Outparcel 1. Neither a drive aisle nor vehicular parking shall be permitted between the building edge proximity line and the adjacent Connector Road (as defined below) and roundabout.
  - A building edge proximity line is depicted on the northern portion of Outparcel 2. A drive aisle and vehicular parking shall be permitted between the building edge proximity line and the roundabout.
- Proposes the following optional provisions for Development Area D:
  - Allow drive-in and drive-through service lanes/windows as an accessory use.
  - Allow vehicular parking, circulation and maneuvering area to be located between buildings and public and private streets.
  - Allow uses on Outparcel 1 to have a ground mounted monument sign with up to 60 square feet of sign area and up to six feet in height.
  - Allow uses on Outparcels 2 and 3 each to have a ground mounted monument sign with up to 36 square feet of sign area and up to five feet in height.
  - Allow wall signs on each building located on Development Area D to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less.
- Commits to the following transportation improvements:
  - Dedication and conveyance of 40 feet of right-of-way from existing centerline of Galloway Road, transitioning from 40 feet to 36 feet from existing centerline of Galloway Road as depicting on the rezoning plan.
  - Provision of a new public street with on-street parking within the site providing vehicular connection from West Mallard Creek Road to Galloway Road.
  - Reserves future right-of-way for a potential new public street to be constructed by others that may ultimately connect to Creekmere Lane.
  - At the intersection of West Mallard Creek Church Road and the I-85 Southbound Ramps:
    - A minimum 550 foot right-turn lane on the southbound Interstate 85 off-ramp; and
    - A minimum 500 foot receiving lane on the southbound Interstate 85 on-ramp.
  - Intersection of West Mallard Creek Church Road and Site Access #2:
    - A westbound 300-foot channelized right-turn lane on West Mallard Creek Church Road at its intersection with Site Access #2.
  - Intersection of West Mallard Creek Church Road and Site Access # 1/Legranger Road:
    - An eastbound right-turn lane on West Mallard Creek Church Road at its intersection with Legranger Road with 100 feet of storage.
    - Two eastbound left-turn lanes on West Mallard Creek Church Road at its intersection with Site Access #1, each with 150 feet of storage. The southernmost turn lane is an

- existing lane and it shall be re-stripped to provide the required storage.
- A westbound right-turn lane on West Mallard Creek Church Road at its intersection with Site Access #1 with 125 feet of storage.
  - Two westbound left-turn lanes on West Mallard Creek Church Road at its intersection with Legranger Road. The southernmost left-turn lane shall have a minimum of 200 feet of storage and the northernmost left-turn lane shall have a minimum of 600 feet of storage. The northernmost left-turn lane is an existing lane and this left-turn lane shall be re-stripped to provide the required 600 feet of storage.
  - Two channelized right-turn lanes on northbound Legranger Road at its intersection with West Mallard Creek Church Road each with 525 feet of storage.
  - A left-turn lane on northbound Legranger Road at its intersection with West Mallard Creek Church Road with 150 feet of storage.
  - A six-lane cross section on the southbound connector road at its intersection with West Mallard Creek Church Road (at Site Access #1) as follows and as depicted on the Rezoning Plan:
    - Two ingress lanes;
    - A right-turn lane with 350 feet of storage;
    - A single through lane; and
    - Dual left-turn lanes, each with 625 feet of storage.
  - Construction of the realignment of Legranger Road at the intersection of Legranger Road and West Mallard Creek Church Road as generally depicted on the Rezoning Plan.
  - Intersection of Mallard Creek Road and Galloway Drive:
    - On northbound Mallard Creek Road at its intersection with Galloway Drive, re-striping of the existing right-turn lane to a through-right turn lane.
    - Subject to the approval of NCDOT, CDOT, and any other governmental agencies and the availability of existing right-of-way to accommodate such improvement, construction of a drop-right turn lane with a width of 10 feet on northbound Mallard Creek Road from the intersection of Mallard Creek Road and Galloway Road to the intersection of Mallard Creek Road and Lexington Approach Drive.
    - The traffic signal shall be modified to provide a left-turn arrow (i.e., flashing yellow) for the southbound approach on Mallard Creek Road.
  - Intersection of Galloway Drive and Site Access #3:
    - A two lane cross section on the northbound connector road, with one ingress lane and one egress lane. The egress lane shall be a full movement lane.
    - A minimum 100-foot internal protected stem.
    - A westbound left-turn lane on Galloway Road at its intersection with Site Access #3 with 150 feet of storage when requested by CDOT.
  - Proposes a future vehicular connection to Mallard Creek Presbyterian Church parking lot.
  - Subject to approval of NCDOT, CDOT, and any other governmental agencies and the availability of existing right-of-way to accommodate such improvement, commits to constructing a waiting pad for a new bus stop on West Mallard Creek Church Road.
  - Installs a minimum eight-foot wide planting strip and a minimum six-foot wide sidewalk along the Site's frontage on Galloway Road.
  - Installs a six-foot sidewalk and eight-foot planting strip on the south side of Galloway Road to be extended to Garrison Road.
  - Installs an eight-foot wide planting strip and a 12-foot wide multi-use path along the Site's frontage on West Mallard Creek Church Road.
  - Installs a 10-foot multi-use path adjacent to the new public street extending from Galloway Road to West Mallard Creek Church Road.
  - Pedestrian connections between proposed residential development and non-residential uses.
  - Proposes a 75-foot wide "Class B" buffer (reduced to 56.25 feet with wood fence) along portion of west property line abutting parcel developed with a religious institution.
  - Proposes a 75-foot wide buffer along remaining portion of west property line abutting properties zoned R-3 (single family residential) and developed with single family homes.
  - Provides 35-foot evergreen and deciduous tree screening between proposed retail and multi-family uses.
  - Commits to the following with respect to the portion of an existing cemetery on the site:
    - Establishes the boundaries of the cemetery on the site and depicts on the site plan.
    - Preserves existing cemetery on the site.
    - Prior to the commencement of any construction activities on the Site, petitioner commits to installing a temporary construction barrier around those portions of the perimeter of the cemetery that are located on the Site to ensure that the construction activities do not encroach into the cemetery. The temporary construction barrier will remain in place until such time that the construction of the Connector Road and the vehicular connection from

- the Connector Road to the Mallard Creek Presbyterian Church parking lot are completed.
- Prior to the issuance of a certificate of occupancy for the first building to be constructed on the Site, petitioner commits to donating the sum of \$10,000 to either Mallard Creek Presbyterian Church or to a non-profit organization that is involved with the preservation of cemeteries. The \$10,000 payment may be used by the receiving entity to secure the cemetery, memorialize the cemetery through signage or other means, provide educational opportunities relating to the cemetery and/or other matters that will benefit the cemetery.
- Identifies 50-foot SWIM (Surface Water Improvement Management) buffer, and 50-foot and 100-foot undisturbed PCSO (Post Construction Stormwater Ordinance) buffers.
- Identifies jurisdictional wetlands on site.
- Proposes BMP (best management practices) areas and tree save areas.
- Limits maximum height of lighting on Area A to 21 feet.
- Limits maximum height of lighting on Area B, Area C, or Area D to 31 feet.
- **Existing Zoning and Land Use**
  - The site is predominantly undeveloped/vacant with a few residential homes along Galloway Road, bounded by Interstate 85 to the east, and surrounded by residential, institutional, retail, and vacant acreage.
  - The acreage zoned RE-1 and RE-3(CD) were rezoned from R-3 (single family residential) to RE-1 (research) and RE-3 (research) via petition 1995-046(c) (County jurisdiction).
  - The portion zoned RE-3(CD) (research, conditional) was rezoned via petition 2000-031, which established City of Charlotte zoning jurisdiction in the recently adopted City Extraterritorial Jurisdiction (ETJ) area utilizing the current RE-3 zoning classification under the County's jurisdiction and converting it to the City's RE-3 conditional district zoning classification.
  - The remainder of the acreage is zoned R-3 (single family residential).
  - North of the site are single family neighborhoods and vacant land zoned R-3 (single family residential).
  - To the east, across Interstate 85, are single family attached and detached homes, multi-family residential units, and undeveloped and vacant acreage zoned R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), R-12MF(CD) (multi-family residential, conditional), RE-3 (research), RE-3(CD) (research, conditional), O-1(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional).
  - South are vacant land, a City of Charlotte water tower, a Duke Energy substation, and apartments on properties zoned R-4 (single family residential), RE-3(O) (research, optional), and BD(CD) (distributive business, conditional).
  - West are single family homes, a religious facility, vacant land and retail uses zoned R-3 (single family residential), MX-1(Innov) (mixed use district, innovative), R-12MF(CD) (multi-family residential, conditional), and MUDD-O (mixed use development, optional).
  - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2016-115 was an RE-3(O) SPA (research, optional, site plan amendment) for approximately 37.54 acres located on the south side of West Mallard Creek Church Road between Senator Royall Drive and Claude Freeman Drive. The approval modified the development standards for a portion of an approved project, to allow up to 300 multi-family dwelling units; 75,000 square feet of retail, motion picture theater, and eating/drinking/entertainment establishments; and a 200-room hotel.
  - Petition 2016-010 rezoned approximately 4.3 acres located on the southeast corner at the intersection of West Mallard Creek Church Road and Legranger Road from R-4 (single family residential) to BD(CD) (distributive business, conditional) to allow the development of a climate controlled self-storage facility and accessory management office.
- **Public Plans and Policies**
  - The adopted future land use for the majority of the site is research/office/retail as per the *Northeast Area Plan* (adopted 2000). The plan recommends a mixture of uses with retail not to exceed 100,000 square feet and an integrated site plan that addresses connectivity issues.
  - The long parcel to the west adjacent to single family homes south of Galloway Road is recommended for residential use up to four dwelling units per acre, per the *Northeast Area Plan*.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located in the northwest quadrant of an interchange for I-85 and a major thoroughfare. The current site plan commits to several transportation improvements to provide site access as well as enhance the existing and future transportation system including, constructing a new street through the site that creates a new connection between a thoroughfare and a collector; realigning, widening, and signaling an existing intersection to create site access and set up for a potential new connection in the adjacent University Research

Park; offsite widening at the I-85 southbound on- and off-ramps and the Mallard Creek and Galloway intersection; reservation for a future east-west street connection; construction of the Galloway extension; site design to accommodate a future overcrossing of Galloway at I-85; and correcting an existing offsite condition with a minor intersection modification.

- Please note, NCDOT has indicated that the right in from West Mallard Creek Church Road (Access #2) needs to have one lane free flow into the site and not a left-turn ingress lane from the north-south continuous street so there's no confusion that the opposing left-turn lane can only turn left and cannot go straight.
- See Outstanding Issues, Notes 1 and 2.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 30 trips per day (based on three dwellings/vacant).
    - Entitlement: 7,170 trips per day (based on 107 single family dwellings, and 600,000 square feet office).
  - Proposed Zoning: 21,500 trips per day (130,000 square foot supermarket; 100-room hotel; 6,500 square feet of fast food drive-thru; 395 apartments; 2,000 square feet of coffee/donut drive-thru).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services :** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 53 student(s), while the development allowed under the proposed zoning will produce 53 student(s). Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero (0) student(s).
  - The proposed development is projected to impact the school utilization (without mobile classroom units) over existing conditions as follows:
    - Mallard Creek Elementary from 99% to 102%;
    - Ridge Road Middle to remain at 110%; and
    - Mallard Creek High from 127% to 128%.
- **Charlotte Water:** In relation to the parcels under review, Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Galloway Drive.

Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located on parcel 029-02-121 and an existing 12-inch gravity sewer main located on parcels 029-02-124 and 029-02-133.

After an analysis of the sanitary sewer associated with the proposed project through the Willingness to Service application process, it was determined that there was sufficient capacity to accommodate the proposed flow at the time of the application. Please note that the availability of flow is subject to change, and that the Willingness to Serve review was in no way guaranteeing capacity for this project. In order to ensure capacity, further review of this project is required through the Charlotte Water Capacity Assurance Program. Applications are required prior to acceptance of the proposed flows and connectivity to the sanitary sewer system. Please contact Charlotte Water New Services Group for official submittal guidelines to the Capacity Assurance Program.

- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from or planted in the right-of-way on I-85, I-85 exit ramp, or West Mallard Creek Church Road without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Lewis Hatfield (704-336-4265) at the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City.
  - **Erosion Control:** No issues.
  - **Land Development:** See Outstanding Issues, Note 3.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Park and Recreation Department:** No issues.

**OUTSTANDING ISSUES**Transportation

1. The petitioner should revise the site plan to maintain the multiuse path along the west side of the continuous north-south street. CDOT recognizes there will be a pinch point reduction near the future vehicular access to the adjacent church and will work with the petitioner during permitting to reduce the path width as needed. CDOT is not supportive of bringing the main path across two vehicle crossings (the north-south connector and the West Mallard Creek Church Road signalized intersection).
2. Replace Note-W under the Transportation heading with the following: "Right-of-way Availability. It is understood that some of the public roadway improvements referenced above in this Section 4 may not be possible without the acquisition of additional right-of-way. If after the exercise of diligent good faith efforts over a minimum of a 60-day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right-of-way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced above in this Section 4 are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements."

Land Use

3. Reduce the allowed retail square footage to be more in line with the limit recommended by the area plan.

**REQUESTED TECHNICAL REVISIONS**

4. Properly delineate limits of cemetery on Sheet RZ 1.0 as done on Sheet RZ 2.0.
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**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-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Park and Recreation Review
  - Transportation Review

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