

REQUEST	Current Zoning: RE-1 (research) Proposed Zoning: RE-3(O) (research, optional)
LOCATION	Approximately 11.1 acres located on the north side of West WT Harris Boulevard between Mallard Creek Road and Medical Plaza Drive. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow additional non-residential uses on a site currently developed with a 70,000-square foot office building located just outside the University Research Park.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	TKC CLIV LLC C/O The Keith Corp. The Keith Corporation Bridget Grant, Keith MacVean, and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>University Research Park Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The proposed office uses are consistent with the <i>University Research Park Area Plan</i> recommendation for office land uses. However, the retail and EDEE (eating/drinking/entertainment establishments) are inconsistent. • Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The subject property is located in the University Research Park area; and • While some of the uses are technically inconsistent with the adopted plan, the proposed development meets the overall intent for the area by: <ul style="list-style-type: none"> • Diversifying uses. The proposed range of uses will complement those that already exist in the University Research Park. Specifically, the potential retail and EDEE uses will provide goods and services for employees, residents, and visitors; and • Intensifying the site. The addition of new buildings will result in better utilization of a sparsely developed site; and • Adding pedestrian facilities. The installation of new sidewalk, a multi-use path, and streetscape will result in a more inviting pedestrian environment;

By a 6-0 vote of the Zoning Committee (motion by McClung seconded by Majeed).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has revised the site plan and conditional notes to add a 12-foot wide multi-use path (MUP) along the site's WT Harris Boulevard frontage and connect to existing/proposed sidewalks on Mallard Creek Road and Medical Plaza Drive. The site plan has been revised to depict the 12-foot MUP extending to the accessible ramps crossing Mallard Creek Road and Medical Plaza Drive. 2. The petitioner has revised the site plan and conditional notes to reflect construction of accessible curb ramps at all corners of the new intersection
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- created by the private street/JN Pease Place and Medical Plaza Drive.
3. The petitioner has revised the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way and/or Sidewalk Utility Easements to the City before the site's first building certificate of occupancy is issued, with right of way set at two feet behind back of sidewalk and multi-use path.
 4. The petitioner has revised Note 4.I.a to include that proposed "Private Street A" will have a public access easement (i.e. never gated).
 5. The petitioner has dedicated the portion of right-of-way along Medical Plaza Drive to eliminate the jog.
 6. The petitioner has revised 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 or phased per the site's development plan.
 7. The petitioner has added note committing to provision and construction of a new waiting pad for a new bus stop on Medical Plaza Drive, per standard detail (60.01B). A permanent easement will be provided where dimensions exceed existing or proposed right-of-way limits.
 8. The petitioner has added a note committing to submittal of a tree survey for all trees two inches or larger located in the rights-of-way, including all trees eight inches or larger in the setback.
 9. Petitioner has added a note committing to working with Urban Forestry and an independent arborist to evaluate the trees and potential development impacts. If proper protection for preservation cannot be provided an eight-foot planting strip with trees will be provided.
 10. Revised Note 8a under the Environmental Features heading to read as follows: "Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Stormwater Ordinance."
 11. Petitioner has removed phrase "without limitation" from language under Site Development Data. Petitioner has added more specific language pertaining to proposed uses (up to 142,000 square feet including existing office building) with conversion rights as follows:
 - Development Areas A and C: Office uses up to 49,100 square feet; EDEE uses not to exceed 6,000 square feet of which 2,000 square feet can be for Limited Service Restaurant Uses with a drive thru facility.
 - Development Area B: Office uses not to exceed 10,000 square feet.
 - Development Area D: Existing office building to remain or to be redeveloped for office uses but not to exceed 70,000 square feet.
 - Allows conversion of office uses into hotel rooms at the rate of 400 square feet of office to one hotel room, up to a maximum of 120 hotel rooms.
 - Allows converting EDEE uses into retail uses and personal service uses at the rate of one square foot of EDEE uses to two square feet of retail uses and/or personal services uses, up to a maximum of 12,000 square feet.
 - Allows additional EDEE uses to be developed on the site by converting the Limited Service Restaurant/EDEE use with a drive-through facility into EDEE uses without a drive-through facility at the rate of one square foot of floor area to two square feet of EDEE uses without a drive-through facility, up to a maximum of 8,000 square feet of EDEE uses without a drive-through facility.
 - Notes that additional conversion rights and modifications to the uses noted above are permitted up to the maximum level of 142,000 square feet upon CDOT staff review of a revised trip generation table to demonstrate appropriate transportation adequacy.
 12. Petitioner has removed sentence "All sides of the buildings to be constructed on the Site will be built using four-sided architecture."
 13. The petitioner has revised the site plan to accurately depict and dimension the proposed building setback lines.
 14. Petitioner has reduced proposed maximum square footage from 150,000 square feet to 142,000 square feet.
 15. A note has been added stating roadway improvements as referenced in Section 4.I will be completed in coordination with Development Area B.
 16. Petitioner has modified certain development notes to reference "Limited Service Restaurant".

17. Modified Note 6.e to state the twelve-foot multi-use path transitions to a six-foot sidewalk adjacent to the existing basin and will be provided along W.T. Harris Boulevard.
18. The petitioner added language specifying development area limitations, including proposed uses, square footages, and conversion rights.
19. A hotel is now listed as a possible use on the rezoning site.
20. Modified language to state that a twelve foot multi-use path that transitions to a ~~five~~ six foot sidewalk adjacent to the existing basin will be provided along W.T. Harris Boulevard.
21. Petitioner committed to adding the following note under Section 8 "Environmental Features" on sheet RZ-3: "If the petitioner utilizes the existing detention pond on site for storm water management requirements of the proposed development, the Petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the pond was properly designed and constructed to manage storm water runoff from all parcels served by the pond to meet the Post Construction Stormwater Ordinance requirements."
22. Petitioner will remove the Gross Floor Definition in Note 1.e. and address loading area and outdoor dining square footage clarification as an italicized item within the development levels in Section 3.b. of the Development Standards.

VOTE

Motion/Second: Sullivan / McMillan
 Yeas: Fryday, Majeed, McClung, McMillan, Spencer, and Sullivan
 Nays: None
 Absent: None
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that the proposed office uses are consistent with the *University Research Park Area Plan* recommendation for office land uses. However, the retail and EDEE (eating/drinking/entertainment establishments) are inconsistent.

Staff presented this item to the Committee, noting that the petitioner had more clearly defined permitted uses and square footages within the development areas. Staff also mentioned the petitioner's intent to utilize conversion rights to address possible hotel, personal services and retail uses. Staff mentioned an email distributed to the Committee from the petitioner agreeing to address the two listed outstanding issues. A Commissioner inquired if the Zoning Ordinance contained a definition for "limited service restaurant." Staff responded that it is defined on the site plan. There was no further discussion of this request.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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 up to 142,000 square feet of non-residential uses in Development Areas A, B, C, and D. Area D is developed with an existing 70,000-square foot office building.
- Allows retail, EDEE (eating/drinking/entertainment) uses, personal services, office, and medical uses.
- Allows financial institutions (e.g. banks) to have up to two drive-through lanes including a lane for a drive up automatic teller machine (ATM) if an ATM is provided.
- Limits building height to 50 feet.

- Limits number of principal buildings to be developed on site to five.

Development Areas

- Development Areas A and C: Allows office uses up to 49,100 square feet; EDEE uses not to exceed 6,000 square feet of which 2,000 square feet can be for Limited Service Restaurant Uses with a drive-through facility.
- Development Area B: Allows office uses not to exceed 10,000 square feet.
- Development Area D: Allows existing office building to remain or to be redeveloped with office uses not to exceed 70,000 square feet.

Conversion Rights

- Allows conversion of office uses into hotel rooms at the rate of 400 square feet of office to one hotel room, up to a maximum of 120 hotel rooms.
- Allows converting EDEE uses into retail uses and personal service uses at the rate of one square foot of EDEE uses to two square feet of retail uses and/or personal services uses, up to a maximum of 12,000 square feet.
- Allows additional EDEE uses to be developed on the site by converting the Limited Service Restaurant/EDEE use with a drive-through facility into EDEE uses without a drive-through facility at the rate of one square foot of floor area to two square feet of EDEE uses without a drive-through facility, up to a maximum of 8,000 square feet of EDEE uses without a drive-through facility.

Optional Provisions

- Proposes the following optional provisions:
 - Allow service lanes associated with a drive-through window to be located to the side of the building and to abut public or private streets.
 - Allow a 24-foot setback measured from the future back-of-curb along Mallard Creek Road, as generally depicted on the Rezoning Plan, in response to existing site conditions. Adopted plan recommends 100-foot setback as measured from back of curb.
 - Allow a 30-foot setback as measured from future back-of-curb along Medical Plaza Drive to preserve existing mature trees and due to site conditions. Adopted plan recommends 50-foot setback as measured from back of curb.
 - Allow a three-foot planting strip and five-foot sidewalk along Medical Plaza Drive as generally depicted on the Rezoning Plan to preserve existing mature trees and in response to site conditions. If the development on this parcel will have negative impact on the health of the existing trees and/or the existing trees cannot be protected, the Petitioner shall provide an 8-foot planting strip along Medical Plaza as noted in Section 8.c.
 - Allow a sixty-foot setback along WT Harris Boulevard as generally depicted on the Rezoning Plan to accommodate proposed building/parking envelope. Adopted plan recommends 100-foot setback as measured from back of curb.
 - Allow parking and maneuvering between the existing and proposed buildings and Mallard Creek Road, Medical Plaza Drive and WT Harris Boulevard, as generally depicted on the Rezoning Plan. These proposed parking and maneuvering areas for proposed buildings will be screened from the public streets at grade.
 - Allow existing parking to remain in the setback on Mallard Creek Road as generally depicted on the Rezoning Plan.
 - Allow opaque and spandrel glass, under limited conditions.

Transportation Commitments

- Proposes to construct Private Street A connection between Mallard Creek Road and Medical Plaza Drive.
- Notes that a sidewalk will be constructed by NCDOT along the Site's frontage on Mallard Creek Drive as part of the NCDOT project funded by NCDOT.
- Notes a twelve-foot multi-use path that transitions to a six-foot sidewalk adjacent to the existing basin will be provided along WT Harris Boulevard.
- Proposes a three-foot planting strip, as allowed by the optional provisions, and a six-foot sidewalk will be provided along Medical Plaza Drive to preserve existing large mature trees. Where there are no existing trees, an eight-foot planting strip and a six-foot sidewalk shall be provided.
- Conveys an easement to the City for sidewalk and utility improvements in connection with the installation of sidewalks along public streets. Petitioner will dedicate two feet beyond the proposed sidewalk(s) on Medical Plaza Drive and W. T. Harris Boulevard upon completion of construction.
- Constructs ADA accessible ramps at the intersection of existing and proposed sidewalks and private street.

Design Guidelines

- Commits to the following design guidelines:
 - Buildings fronting on Medical Plaza Drive and WT Harris Boulevard will be articulated such

that expanses of solid walls exceeding 20 linear feet will be avoided with either horizontal and vertical variations in wall planes, materials and/or building color.

- New buildings fronting on public streets shall include a minimum of 50% transparent glass between two feet and ten feet on the first floor in Development Areas A and C and a minimum of 40% transparent glass between two feet and ten in Development Area B. Shadow boxes, window graphics, and/or opaque spandrel glass may be utilized to screen bathrooms, back of house, or kitchens, but may not exceed more that 20% of the total required building transparency requirement.
- All new buildings must be sited maintaining pedestrian interconnectivity between buildings and through parking areas.
- All buildings located within the Site will be architecturally integrated to complement one another by using similar or compatible architectural styles, building materials, landscape elements, plants, and signage treatments to create a unified and cohesive development. In addition, buildings located on Parcels A and B must be designed using a similar: (i) architectural style, (ii) building materials, (iii) colors and (iv) signage so that development on these Parcels creates a cohesive whole and not a series of buildings with unrelated and wholly dissimilar architectural styles, building materials, colors and signage.
- The buildings constructed on the Site will use a variety of building materials. The building materials used on the will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementations siding (such as hardi-plank), stucco, EFIS, or wood. At least 40% of each building façade exclusive of windows, doors, and roofs will be constructed of brick, stone, synthetic stone, or precast stone. Vinyl as a building material may only be used on windows and soffits.
- The scale and massing of buildings longer than 150 feet along a street shall be minimized by utilizing a combination of the following options:
 - 1) varied roof lines through the use of slopes, modulated buildings heights, gables, dormers or innovative architectural solutions;
 - 2) building corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
 - 3) horizontal and vertical variations in wall planes; and/or
 - 4) architectural protrusions.
- Building elevations shall be designed 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.
- Buildings for principal uses in Development Areas A and C shall have a minimum height of twenty-two feet including the parapet.
- If an accessory drive-through facility is developed in Development Area C it shall only be provided as an accessory use to a financial institution, pharmacy or Limited Service Restaurant/EDEE subject to the following standards:
 - Service lanes and/or maneuvering may not be located between the building and Medical Plaza Drive and/or WT Harris.
 - The drivethrough window may be located on the north or west façade of the building such that the service lanes may abut Medical Plaza Drive and/or WT Harris. The drive-through window shall not directly orient to WT Harris Boulevard or Medical Plaza Drive.
 - Service lanes that abut public streets shall be screened with a low masonry wall with materials complimentary to the principal structure and landscaping.
 - A drive-through window facility associated with a Limited Service Restaurant/EDEE use shall only be permitted provided it is part of a multi-tenant building and the EDEE use shall not exceed 2,000 square feet. The second tenant shall occupy double the length of primary street frontage as the use associated with the drive-through window facility.
- **Public Plans and Policies**
 - The *University Research Park Area Plan* (2010) recommends office uses for this site and the surrounding area.
- **TRANSPORTATION CONSIDERATIONS**

The site is bounded by the signalized intersection of two major thoroughfares and a local street. Improvements to the signalized intersection will be constructed by NCDOT project U-2507A. The site plan commits to construction of a new street connection between Mallard Creek Road and JN Pease Place through the site and a multi-use path along the site's W.T. Harris Boulevard frontage.

 - **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,030 trips per day (based upon 72,330 square feet of office).
Entitlement: 2,640 trips per day (based upon 250,000 square feet of office).
Proposed Zoning: 3,870 trips per day (based upon 82,000 square feet of office, 120-room hotel, 2,000-square foot fast food restaurant with drive through window, 6,000-square foot sit-down restaurant).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability existing 12-inch water distribution mains along Mallard Creek Road and West WT Harris Boulevard. There is also water availability via an existing eight-inch water distribution main located along Medical Plaza Drive. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along West WT Harris Boulevard and Mallard Creek Road.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - 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

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