

<b>REQUEST</b>	Current Zoning: RE-1 (research) Proposed Zoning: RE-3(O) (research, optional)
<b>LOCATION</b>	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)
<b>SUMMARY OF PETITION</b>	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.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	TKC CLIV LLC C/O The Klein Corp The Keith Corporation Bridget Grant, Keith MacVean, & Jeff Brown, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and infrastructure.</p> <p><u>Plan Consistency</u> 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.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject property is located in the University Research Park area.</li> <li>• 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"> <li>• 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.</li> <li>• Intensifying the site. The addition of new buildings will result in better utilization of a sparsely developed site.</li> <li>• Adding pedestrian facilities. The installation of new sidewalk, a multi-use path, and streetscape will result in a more inviting pedestrian environment.</li> </ul> </li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:  
General
  - Allows up to 150,000 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.
  - Restricts site to one use with accessory drive-through window facilities, to be located within Development Area C.
  - Allows financial institutions (e.g. banks) to have up to four 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.

### 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 twenty-four-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.
  - 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 five-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 five-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.

### 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.
  - All sides of the buildings to be constructed on the Site will be built using four-sided architecture.
  - 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 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 drive through 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 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 an 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.
  - **Existing Zoning and Land Use**
    - The site is currently developed with a three-story, 70,605 square foot office building with associated parking constructed in 1997.
    - The site is surrounded by a mix of residential, office, institutional, and retail uses.
    - North and west are office buildings and condominiums, apartments, and vacant land zoned R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), R-17MF(CD) (multi-family residential, conditional), MX-2 (mixed use district), RE-1 (research), and O-1(CD) (office, conditional).
    - East are office and retail uses, and vacant land zoned RE-1 (research), RE-2 (research), and MUDD-O (mixed use development, optional).
    - South are single family homes, apartments, institutional, office, and retail uses, and vacant land zoned R-3 (single family residential), R-15MF(CD) (multi-family residential, conditional), R-17MF(CD) (multi-family residential, conditional), RE-2 (research), RE-3 (research), O-1(CD) (office, conditional), O-15(CD) (office, conditional), and B-1(CD) (neighborhood business, conditional).
    - See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Rezoning petition 2012-082 was a site plan amendment for approximately 1.20 acres located on the east side of Baucom Road between Mallard Creek Road and Brathay Court to reuse an existing 2,800 square foot single family residential structure for civic, social service and fraternal facilities, general office, and medical, dental and optical clinics.
  - **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 WT Harris frontage. CDOT requests the petitioner commit to a wider multi-use path width behind the WT Harris guardrail (a five-foot width cannot adequately accommodate bikes and pedestrians) and provide a public access easement along Private Street A.
    - The number of proposed trips triggers the threshold for an NCDOT traffic study requirement. The petitioner should contact Wendy Taylor (980-523-0000) to verify.
    - See Outstanding Issues, Notes 1 through 4, and Requested Technical Revisions, Note 14.

- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 1,030 trips per day (based on 72,330 square feet of office uses).
    - Entitlement: 2,640 trips per day (based on 250,000 square feet of office uses).
  - Proposed Zoning: 4,000 trips per day (based on 72,330 square feet office; 120-room hotel; 6,000 square feet EDEE with drive thru; and 7,250 square feet retail uses).

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 6.
- **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 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:**
  - **Arborist:** No trees can be removed from or planted in the right of way of all State maintained streets (WT Harris, Mallard Creek, and Medical Plaza Drive) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact Laurie Reid (704-336-5753) 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.
    - See Outstanding Issues, Notes 7 and 8.
  - **Erosion Control:** No issues.
  - **Land Development:** See Outstanding Issues, Note 9.
  - **Storm Water Services:** See Outstanding Issues, Note 10.
  - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** The proposed development is likely to require the use of heavy-duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available. Using the cleanest equipment available will minimize air pollution thereby minimizing health impacts to surrounding communities.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**OUTSTANDING ISSUES**

Transportation

1. The petitioner should revise 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 and Medical Plaza Drive Reducing the 12-foot MUP to a five-foot sidewalk is not acceptable unless it is proven to be unfeasible to construct. The site plan needs to be revised to depict the 12-foot MUP extending to the accessible ramps crossing Mallard Creek Road and Medical Plaza Drive
2. The petitioner should revise the site plan and conditional notes to construct accessible curb ramps at all corners of the new intersection created by the private street/JN Pease and Medical Plaza Drive.
3. The petitioner should revise 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. CDOT requests right of way set at 2 feet behind back of sidewalk and multiuse path.
  - a. The petitioner should revise note 4.1.a. to include that proposed "Private Street A" will have a public access easement (i.e. never gated).
  - b. CDOT requests the petitioner dedicate the portion of right-of-way along Medical Plaza Drive to eliminate the jog, if possible.
4. 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 or phased per the site's development plan. Italicized note at the end of section 6 is not adequate and should be replaced.

5. CATS notes that this site is located on a future bus route that is planned to start service next year, following the opening of the LYNX Blue Line Extension. The Petitioner is requested to provide and construct a new waiting pad for a new bus stop on Medical Plaza Drive, per standard detail (60.01B) for the requested bus stop pad. Permanent easement is requested, where dimensions exceed existing or proposed right-of-way limits.

#### Environment

6. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way. In addition, the survey shall include all trees eight inches or larger in the setback.
7. If the existing trees proposed to be preserved will serve to satisfy tree planting requirements per the Tree Ordinance, Urban Forestry, and an independent Arborist, contracted by the petitioner, shall evaluate the trees to determine if proposed development will have an impact on tree health. If the existing trees proposed for preservation are located in close proximity to the development of the building and/or parking such that proper protection cannot be provided to protect the trees, an eight-foot planting strip shall be required along Medical Plaza Drive. Revise 2. C. to include "If development of parcel will have negative impact on the health of existing trees and/or the existing trees cannot be protected, the petitioner shall provide an eight-foot planting strip along Medical Plaza Drive." Planting strips for commercial development shall be a minimum of eight feet wide.

#### Infrastructure

8. Revise 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.
9. Add 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."

#### Design and Land Use

10. Under Site Development Data and maximum amount of development, clarify what is meant by "without limitation."
11. Clarify whether or not existing office building is to remain.
12. Petitioner should delete the definition of Gross Floor Area (GFA) and use the ordinance definition for "floor area."
13. Define "four sided architecture."

### **REQUESTED TECHNICAL REVISIONS**

#### Transportation

14. The petitioner should revise the site plan to accurately depict and dimension the proposed building setback lines; it appears some setback lines are not drawn to scale.

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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 Neighborhood & Business Services Review
  - Charlotte Fire Department 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

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