

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, RM 280
July 13, 2009
2:15 P.M.

<p>Tammie Keplinger</p>	<p>01. Petition No. 2009-042 by Lincoln Harris, LLC for a change in zoning of approximately 24.0 acres located at the intersection of North Tryon Street and West Mallard Creek Church Road from CC to MUDD-O with 5 Year Vested Rights.</p> <p>Staff recommends approval of this petition. This petition is consistent with <i>Transit Station Area Principles</i> and reasonable and in the public interest.</p> <p>Attachment 19</p> <p>The Zoning Committee voted unanimously to recommend DEFERRAL of this petition until a special meeting on July 13, 2009 at 2:15 pm. The following modifications have been made to the petition:</p> <p>Update: The following outstanding issues have been addressed as noted:</p> <ol style="list-style-type: none"> 1. A note has been added to the conditional plan indicating that prior to the commencement of the MUDD review process for each of the proposed office buildings, the Petitioner will submit to the Planning Director the proposed building elevation to assure compliance with the attached building elevations and the conditional notes regarding architectural treatment of the base of the proposed building. 2. During the building permit and MUDD review process the Petitioner will work to identify tree save areas. One possible tree save area is the area of the site to be dedicated to Mecklenburg County Parks and Recreation for incorporation into the Mallard Creek Greenway. In such an event, this area was used to calculate any required tree save or natural area requirements for the site. 3. It appears from a review of Polaris that a small portion of the site is affected by portions of a Post Construction Controls Buffer. This information has been added to the Site Plan. 4. Staff has removed the request for the petitioner to show the maximum FAR on the site plan. 5. Staff has removed the request for the petition to include the development proposed for Area 5 in Note (B)(3) as this note identifies areas that could be used for the initial phase of development or could be used for surface parking for the initial phase of development. Area 5 does not meet either of these criteria. 6. A cross-section of setbacks with plantings along West Mallard Creek Church Road and North Tryon Street has been provided. 7. The petitioner has submitted elevations for the initial building to be located at the corner of North Tryon Street and West Mallard Creek Church Road. 8. The centrally located open space has been labeled. 9. A concrete waiting pad for a bus stop is being provided. However, due to the need for secured parking the reservation of 25 non-exclusive parking spaces will not be included. 10. The Petitioner shifted the location of the proposed driveway on North Tryon Street to provide the required storage for the directions cross-over. 11. Private Streets C and A have been labeled as Private Streets open to the public for ingress and egress. 12. The Petitioner will provide two pedestrian refuge islands and associated pedestrian countdown signals at the intersection of N. Tryon Street and Mallard Creek Church Road. The refuge islands will be provided on North Tryon Street on the northern approach and on East Mallard Creek Church Road on the westbound approach to the intersection. The pedestrian refuge islands will be a minimum of six (6) feet wide. 13. All the internal private streets will have at a minimum eight (8) foot planting strips and six (6) foot sidewalks with the exception of Private Street C which will only have a sidewalk on one side. All other internal private streets will have sidewalks on both sides of the streets. 14. The Petitioner will amend Section F Streetscapes Note 1 to indicate that the
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	<p>sidewalks and planting strips along North Tryon Street and West Mallard Creek Church Road will be installed with the first phase of development.</p> <ol style="list-style-type: none"> 15. The Petitioner reworded Note 3 of Section entitled Transportation Improvements to read that the developer is responsible for the paving associated with the installation of required turn lanes. 16. The Petitioner has agreed to extend and construct an eight foot sidewalk along North Tryon Street from the Site's southern boundary to tie into the sidewalk that will be constructed by others as part of the reconstruction of the southbound bridge on S. Tryon Street. The petitioner will not commit to connect a sidewalk to tax parcel 04719110 since that would require the sidewalk to extend over Mallard Creek. 17. Parks and Recreation asked the petitioner to dedicate the land within the FEMA floodplain fringe for greenway and an additional area for public access to the greenway. The petitioner will dedicate a minimum of 90 feet of property between the southern property line and Private Street A. This area will be dedicated after all site utilities and associated grading has been completed. An access way to the Greenway will also be provided. 18. The petitioner reworded the last sentence of (F) (7) to indicate that "this area may be used to meet the required tree save or natural areas for this site." <p>The following notes have been added or modified:</p> <ol style="list-style-type: none"> 1. The Petitioner reserves the right to cross, with overhead walkways or bridges, the internal Private Streets so that the buildings constructed on the Development Areas may be connected to one another. 2. The height in Development Area 1 has been increased from 200 feet to 220 feet. 3. The height in Development Area 2 has been reduced from 265 feet to 240 feet. 4. The height in Development Areas 3 and 5 is limited to 160 feet. 5. The petitioner has agreed to allow the adjoining property (tax parcel 04744101) to access Private Street C. The access to Private Street C must be located between the intersection of Private Street E with Private Street C and the point along Private Street C indicated on the rezoning plan, provided that Private Street C remains a private street, and changes to its alignment or configuration do not reduce the buildable area on Development Areas 2, 4 and 6 and such access is approved by applicable City departments. The construction and the cost associated with the connection from the adjoining parcel to Private Street C shall be the responsibility of the abutting property owner. <p>The following issues have been addressed since the June 25, 2009 Zoning Committee meeting:</p> <ol style="list-style-type: none"> 1. The plans have been revised to eliminate the pedestrian bridge connection between Development Areas 3 and 5. 2. Commitments have been made concerning the design of the pedestrian bridge connections that may be made between Development Area 2 and 4 and the connection between Development Areas 4 and 6. 3. Language clarifying the ability of the Petitioner to connect buildings constructed on Development Areas 1, 2 and 3 with an extended base has been added. 4. The notes also include the changes requested by CDOT and Mecklenburg County Parks and Recreation as well as wording regarding an easement that would be granted to the adjoining property owner to allow the widening of a portion of Public Street D.
	<p>02. 2009 Holiday schedule</p>