

October 28, 2015

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| REQUEST | Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment) |
| LOCATION | Approximately 2.85 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Berkeley Place Drive. (Council District 4 - Phipps) |
| SUMMARY OF PETITION | <p>The petition proposes a site plan amendment to vacant property that is part of the Pinnacle Point development. Specifically, the amendment proposes to:</p> <ul style="list-style-type: none">• allow an additional 31,000 square feet of retail square footage on the subject property,• eliminate the limitation that no single retail use can exceed 25,000 square feet, and• eliminate the requirement for buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor. |
| PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE | Meck-Pinnacle, LLC David Powlen David Powlen |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online Number of people attending the Community Meeting: 5 |
| STATEMENT OF CONSISTENCY | <p>This petition is found to be consistent with the <i>Northeast District Plan</i> based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none">• The plan recommends a mix of office and retail uses for the site. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none">• When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station proposed as part of the <i>2025 Integrated Transit/Land Use Plan</i>; and• The LYNX Blue Line Extension is now designed to terminate at UNC Charlotte's main campus and will not extend to Mallard Creek Church Road; and• Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate; and• The proposed building is located to allow pedestrian access from surrounding buildings in Pinnacle Point and other nearby developments, and pedestrian connectivity within the development will be improved by the extension of the sidewalk along Pinnacle Drive and provision of a connection from Mallard Creek Church Road and Berkeley Place Drive; and• The additional retail proposed for the site will provide neighborhood goods and services to nearby residents and employees, as there are several multi-family developments and businesses within a half mile that are accessible to this site; <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Majeed).</p> |

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Specified the service area screen wall will not exceed 12 feet in height from the street it fronts and the materials will blend in with

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| | the building. |
| 2. | <i>Staff has rescinded the following request as it has been addressed in Note C under Part VI:</i> Include language to ensure that the clerestory windows are on the Mallard Creek side to provide for appropriate street activation, and reflect additional landscaping along the streets fronting the development. |
| 3. | Amended Note C under Part VI as follows: "Buildings shall be designed so that the street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 20% of the length of the street frontage (applicable to Mallard Creek Church Road). When this approach is not feasible (on Berkeley Place and Pinnacle Drive), a combination of design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, landscaping and garden areas, and display areas." |
| 4. | Added Note D under Part VI that design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap. |
| 5. | Added a note committing to provide a bench pad built to CATS standard detail 60.02A for a proposed new bus stop along Mallard Creek Church Road before the right-turn lane. |
| 6. | Showed and labeled six-foot sidewalk and eight-foot planting strip along all public streets. |
| 7. | Improved internal accessibility by adding an internal sidewalk from the parking area to the main building entrance. |
| 8. | Amended Note A under Part VII to specify that a five-foot sidewalk with five-foot planting strip will be provided along Pinnacle Drive. |
| 9. | Provided turn radius for delivery trucks entering the loading area from Pinnacle Drive. |
| 10. | Amended Part IV to reflect retail/grocery and office uses permitted under the ordinance in a CC zoning district. |
| 11. | Relocated the third paragraph under Part II and placed under Part VI. |

VOTE

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| Motion/Second: | Wiggins/Sullivan |
| Yeas: | Dodson, Lathrop, Majeed, McClung, Sullivan and Wiggins |
| Nays: | None |
| Absent: | Eschert, Labovitz and Nelson |
| Recused: | None |

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and noted that there are no outstanding issues. There was no additional discussion.

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

- Background**

- Petition 2008-087 rezoned 27.2 acres, including the subject property, from CC (commercial center) to B-D(CD) (business distributive, conditional) and CC SPA (commercial center, site plan amendment) to allow for 58,000 square feet of retail, 200,000 square feet of office and a 130,000-square foot climate controlled self-storage facility. The petition limited the size of a single retail use in a building to 25,000 square feet and required buildings with a retail component to be a minimum of two stories, with retail uses limited to the ground floor.

- The subject property was approved for the development of a two-story office/retail building and a commercial building with an accessory drive-through window but remains vacant.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Adds 31,000 square feet of retail use on this site while retaining the current retail development rights for the larger development which includes this site, resulting in a total 89,000 square feet of retail square footage allowed for the larger development.
 - Increases maximum retail tenant size from 25,000 square feet to 31,000 square feet.
 - Eliminates requirement for buildings that include a retail component to be a minimum of two stories with retail limited to the ground floor, but requires a minimum building height of 22 feet for this site.
 - Provides one building with a main building entry along Mallard Creek Church Road. Approved site plan for Petition 2008-87 reflected two buildings on the site.
 - Specifies that the proposed building will allow a retail use/grocery store and office uses permitted under the ordinance in a CC zoning district whereas one building on the approved site plan for Petition 2008-87 was labeled as a retail/office building.
 - Eliminates the accessory drive-through lane reflected for one building on the previously approved petition 2008-87.
 - Provides building transparency and articulation on Berkeley Place Drive street frontage and articulation along Mallard Creek Church Road to avoid blank walls. Design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.
 - Service areas will be screened from public right-of-way and adjacent properties with a screen wall that will not exceed 12 feet in height from the street it fronts, and built with materials that will blend in with the building.
 - A five-foot sidewalk with a five-foot planting strip will be provided along Pinnacle Drive other than where the existing retaining wall will not allow.
 - Provides a driveway to access the site from Pinnacle Drive.
 - Notes that stairs may be required for the direct sidewalk connection to Mallard Creek Church Road.
 - Reflects location of a proposed CATS bus stop.
- **Public Plans and Policies**
 - The *Northeast District Plan* (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.

Transportation Considerations: No issues.

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:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments:
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: Sonja Strayhorn Sanders (704) 336-8327