

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	The petition proposes a site plan amendment to vacant property that is part of the Pinnacle Point development. Specifically, the amendment proposes to: <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

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to the design features of the proposed building, screening of the loading area, and construction of transportation facilities including sidewalks, and requested technical revisions.

Plan Consistency

The proposed use is consistent with the *Northeast District Plan*, as amended by rezoning petition 2008-87, which recommends mixed office and retail uses for this and surrounding properties in the Pinnacle Point development.

The form of development is inconsistent with the plan which limited the maximum tenant size to 25,000 square feet and required two-story buildings. The *Northeast District Plan* and the subsequent rezoning anticipated this site to be within approximately ½ mile of a future transit station.

Rationale for Recommendation

However, staff supports this petition because:

- When the site and surrounding properties were rezoned in 2008, the site was within a half mile of a transit station (to be located at the intersection of North Tryon Street and Mallard Creek Church Road) proposed as part of the *2025 Integrated Transit/Land Use Plan*.
- 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.
- Absent a transit station, the importance of denser two-story buildings is decreased, and well-designed retail uses are appropriate.
- 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.
- 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.

PLANNING STAFF REVIEW

• 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.
- Increase 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 be a retail use/grocery store 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 Street frontage and articulation along Mallard Creek Church Road to avoid blank walls.
- Service areas will be screened from public right-of-way and adjacent properties with a screen wall.
- A six-foot sidewalk with a six-foot planting strip will be provided along commercial collector.
- 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.

• Existing Zoning and Land Use

- 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.
- Surrounding properties located west of Mallard Creek Church Road are zoned R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional), R-43MF (multi-family residential), and CC (commercial center) and are developed with a few single family detached units, multi-family units, office, retail, eating/drinking/and entertainment establishments, and institutional uses. Properties east of Mallard Creek Church Road are zoned R-12MF(CD), R-17MF(CD) and O-1(CD) and contain multi-family dwelling units and a veterinary clinic.
- See "Rezoning Map" for existing zoning in the area.

• Rezoning History in Area

- Recent rezonings approved in the area include:
 - Petition 2015-15 located on the north side of Berkeley Place Drive internal to the larger site of which this petition is a part rezoned 18.03 acres to CC (commercial center) and B-D(CD) (distributive business, conditional) to exchange existing development rights and zoning for a 130,000-square foot self-storage facility with the development rights and zoning for a 258,000-square foot retail/office component, both of which were included in rezoning Petition 2008-087.
 - Petition 2014-065, north of the site, rezoned property located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment) to allow a banquet hall facility and existing communications tower.

• 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

- The network of streets used for internal circulation is already built. Since the increase in trips is modest and the major transportation infrastructure is in place, CDOT has no concerns with this petition.
- **Vehicle Trip Generation:**
Current Zoning: 2,760 trips per day.
Proposed Zoning: 3,290 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See outstanding issues, note 5.
- **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:** 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

Site and Building Design

1. Specify the height of and building materials of the service area screen wall.
2. 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. Amend 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 25% 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. Add a note that design and architecture will match the character and materials of the existing buildings, with a clear base, middle and cap.

Transportation

5. Add a note committing to provide and construct 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. Show and label six-foot sidewalk and eight-foot planting strip along all public streets and amend note accordingly.
7. Extend proposed sidewalk along the entire site frontage on Pinnacle Drive.

REQUESTED TECHNICAL REVISIONS

1. Specify the width of the planting strip shown along Pinnacle Drive. Staff recommends back of curb sidewalk, landscaping, and screen wall.
 2. Provide turn radius for delivery trucks entering the loading area from Pinnacle Drive.
 3. Amend Part IV to reflect retail/grocery and office uses permitted under the ordinance in a CC zoning district.
 4. Relocate the third paragraph under Part II and place under Part VI.
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Attachments Online at 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
 - 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

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