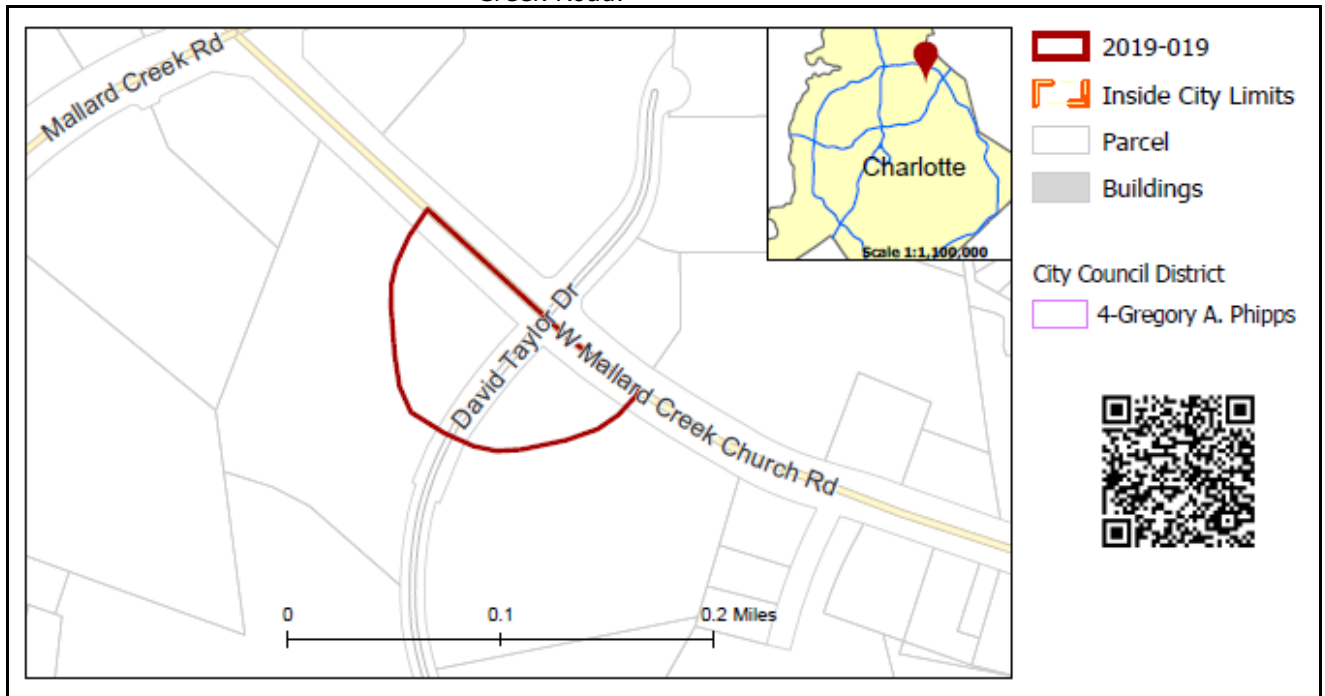


REQUEST

Current Zoning: RE-2 (research)
Proposed Zoning: RE-3 (O) (research, optional)

LOCATION

Approximately 4.64 acres located at the southwest corner of West Mallard Creek Church Road and David Taylor Road, east of Mallard Creek Road.



SUMMARY OF PETITION

The petition proposes to allow up to 17,000 square feet of retail, EDEE Type I and Type II, personal service uses, financial institutions (with and accessory ATM), and other non-residential uses as allowed in the RE-3 zoning district.

PROPERTY OWNER

TDCA Resource Square, LLC C/O The Dilweg Companies, LLC

PETITIONER

Stanchion Asset Partners

AGENT/REPRESENTATIVE

Keith MacVean, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

While the petition maintains office uses as a permitted use, the inclusion of retail use is **inconsistent** with the *University Research Park Area Plan* (2010) recommendation for office uses.

Rationale for Recommendation

- The petition retains existing office uses and complements existing office uses with infill office/retail development.
- The petition meets the demands of various users.
- The petition includes strong internal pedestrian connections between existing and proposed development.

- The petition includes privately owned public space with amenities such as seating, landscaping, and public art.
- The petition's orientation towards West Mallard Creek Church Road and commitment to a 12-foot multi-use path increases the walkability of the area.

The approval of this petition will revise the adopted future land use as specified by the *University Research Park Area Plan* (2010), from Office to Office/Retail for the site.

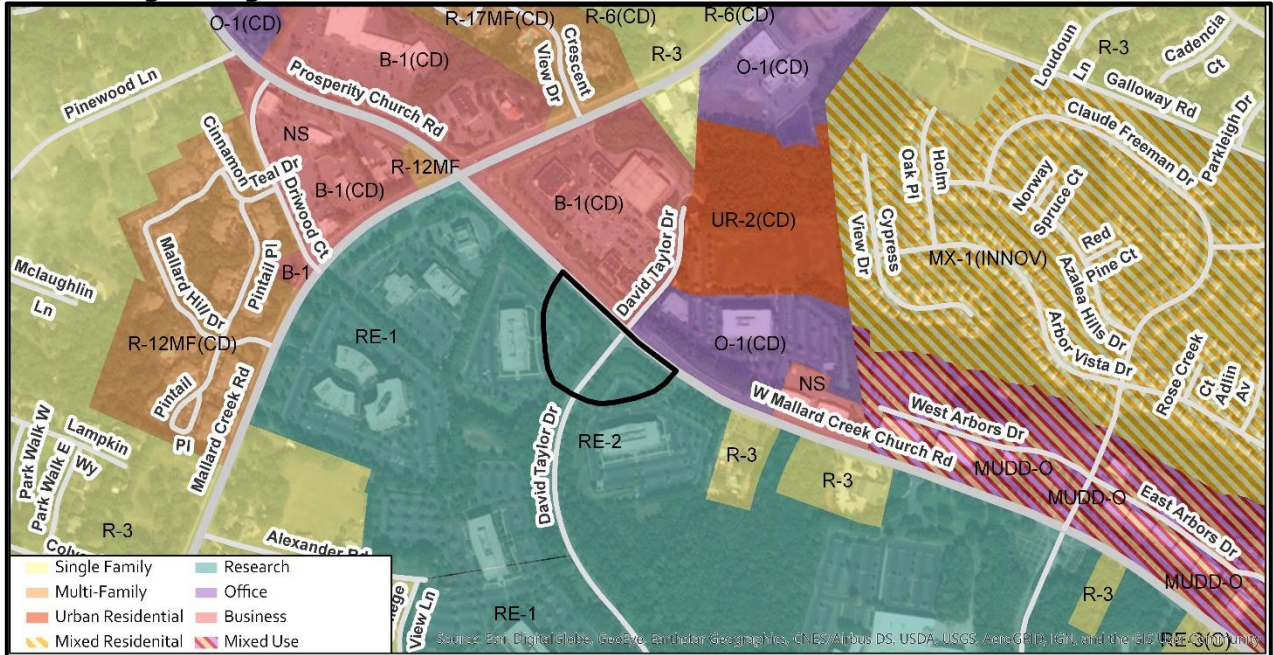
PLANNING STAFF REVIEW

• **Proposed Request Details**

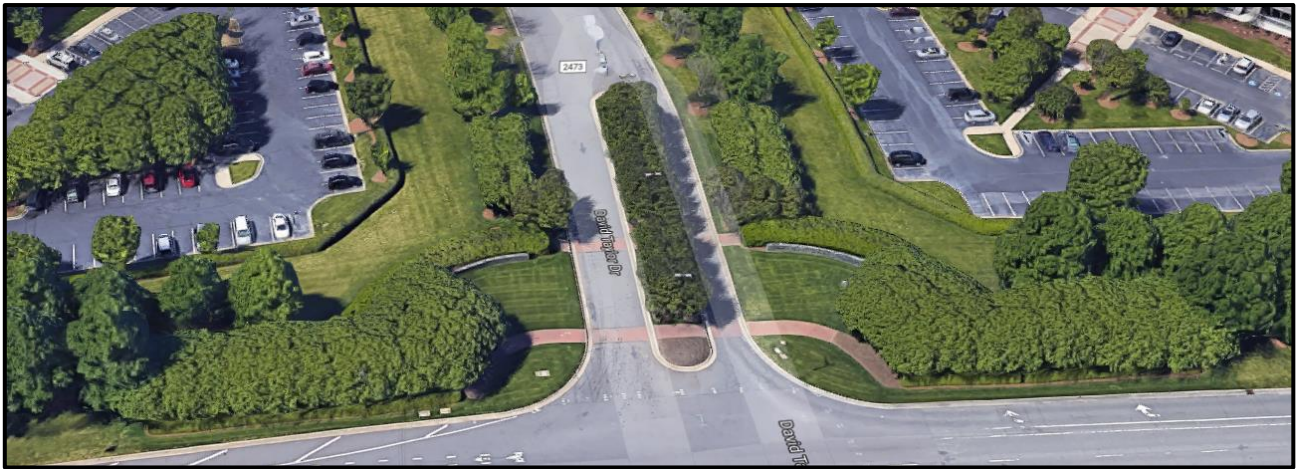
The site plan accompanying this petition contains the following provisions:

- The site may be developed with up to 17,000 square feet of gross floor area including retail, EDEE Type I and Type II, personal services uses, office uses, financial institution (with an accessory ATM) and other non-residential uses along with accessory uses as allowed in the RE-3 zoning district.
 - The following uses will not be allowed: manufacture of electronic, computing and communications equipment and related devices, automobile service stations with or without a convenience store, EDEE's with a drive-through window, and vehicle leasing offices.
 - The total number of principal buildings is limited to two.
 - An 8-foot planting strip and a 6-foot sidewalk will be provided on both sides of David Taylor Drive.
 - 10 feet of additional right-of-way will be reserved along the east side of David Taylor Drive to allow for the future construction of a northbound turn lane with 100-feet of storage and a 50-foot bay taper.
 - The existing right-turn lane located on West Mallard Creek Church Road will be improved to create a 100-feet of storage.
 - Each of the proposed buildings will be connected to the sidewalk and multi-use path.
 - A sidewalk easement will be provided for any portions of the proposed sidewalk that falls outside of the existing right-of-way.
 - Will work with University Center Partners to modify, change, and enhance the existing landscaping, hardscape and walls at the intersection of W. Mallard Creek Church road and David Taylor Drive.
 - A total of four public plaza areas will be provided with enhanced hardscape materials, supplemental plantings, seating, and public art.
 - Architectural details and design controls include: The building façades fronting on W. Mallard Creek Church Road and David Taylor Drive 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. The building facades fronting on W. Mallard Creek Church Road, David Taylor Drive, and the interior parking area will be designed to have a store front appearance.
 - The buildings constructed on the Site will use a variety of building materials. The building materials used on the Site 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.
- Optional Provisions:
- Provide a 50-foot building setback as measured from the existing/future back of curb along the Site's frontage along W. Mallard Creek Church Road.
 - Allow retail sales establishments with over 10,000 square feet

• **Existing Zoning and Land Use**



The current site has been created out of two existing parcels in an office park. The newly created site is vacant except for parking areas. The surrounding land uses include office and retail uses.



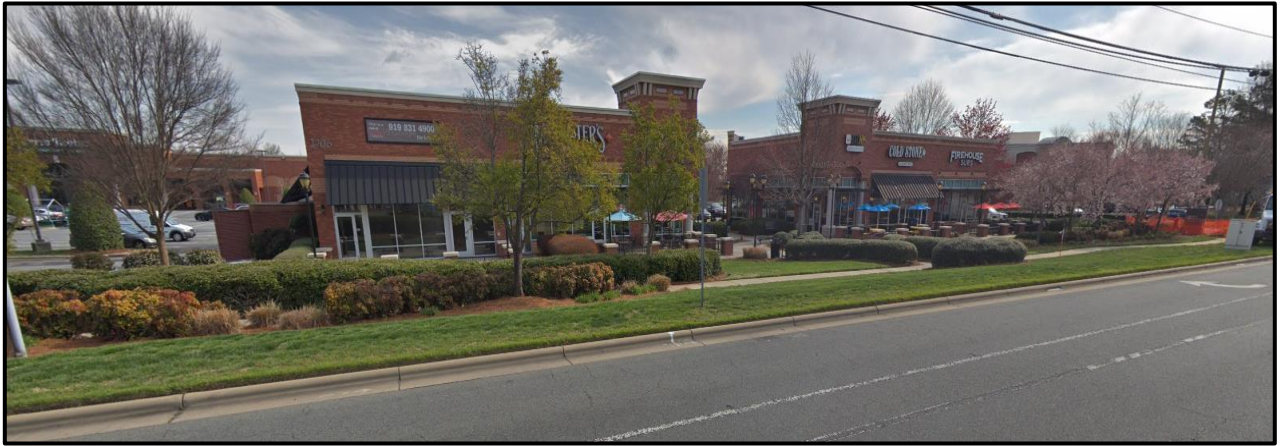
The subject property is vacant but includes the parking areas.



The property to the south and east along David Taylor drive is developed with office uses.

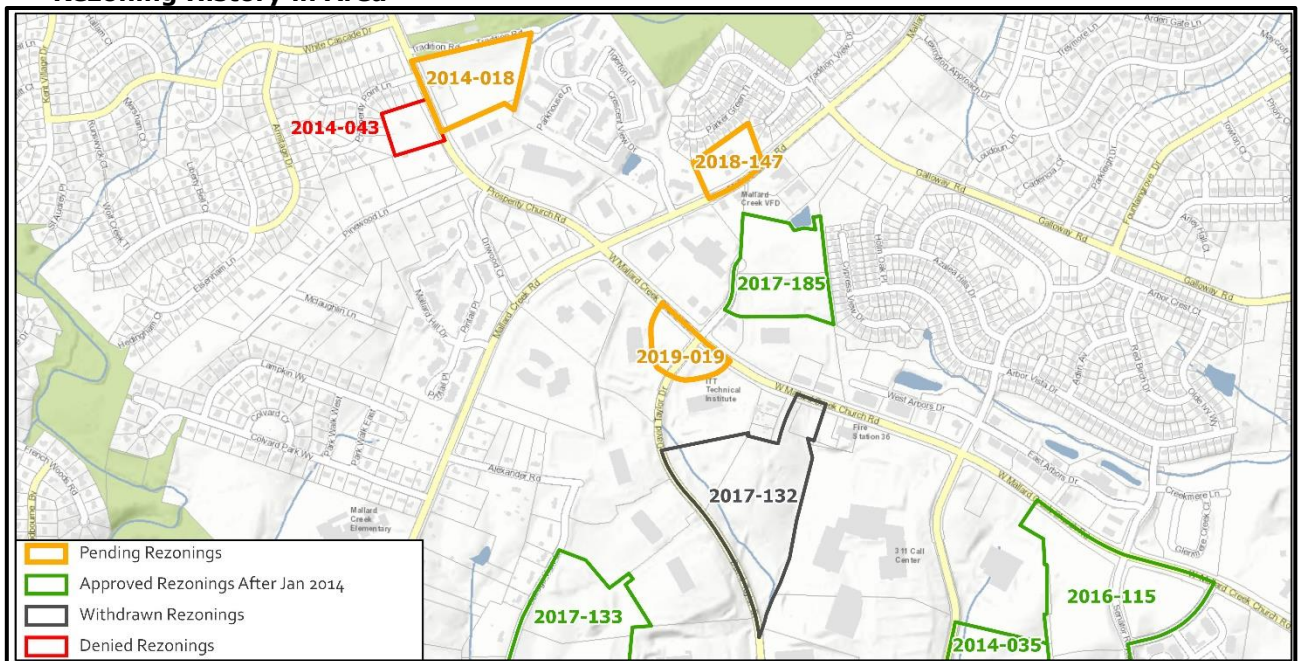


The property to the west along David Taylor Drive is developed with office uses.



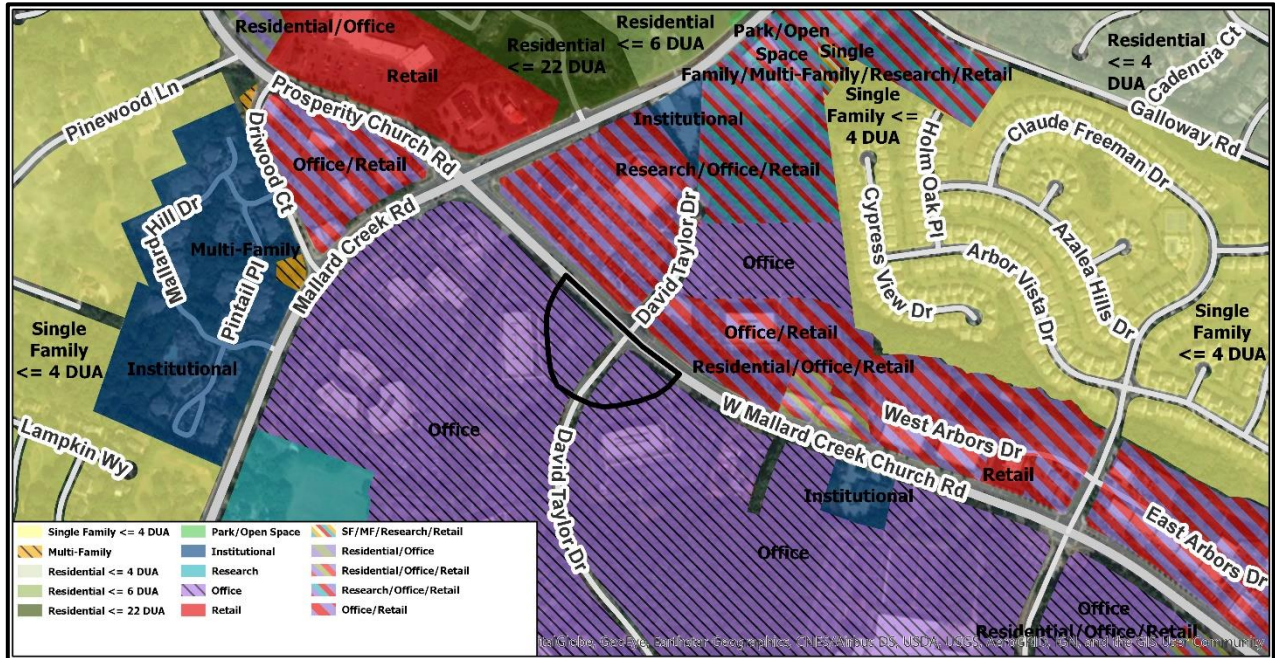
The properties to the north east along West Mallard Creek Church Road are developed with a mix of retail and office uses.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-018	Proposes to rezone 8.81 acres to allow all uses in the R-4 zoning district.	Pending
2014-035	Rezoned 90 acres to allow the expansion of office, research, and laboratory facilities for an existing business in the University Research Park.	Approved
2014-043	Proposed to rezone 2.71 acres to reuse an existing single-family home to establish a child care home for up to 60 children.	Denied
2016-115	Rezoned 37.54 acres to modify the development standards for a portion of an approved project, to allow up to 300 multi-family dwelling units; 75,000 square feet of retail, EDEE; and a 200-room hotel.	Approved
2017-132	Proposed to rezone 21.0 acres to allow 97 townhomes.	Withdrawn
2017-133	Rezoned 38.0 acres to allow 167 townhomes.	Approved
2017-185	Rezoned 11.75 acres to allow 260 multi-family residential units.	Approved
2018-147	Proposes to rezone 3.31 acres to allow 90 age restricted multi-family residential units.	Pending

• Public Plans and Policies



- The adopted policies for this site are in the University Research Park Area Plan (2010).
- The plan recommends office development on the site.
- The plan notes that infill opportunities should conform to the minimum 100-foot setback of preserved area along David Taylor Drive and W Mallard Creek Church Road.
- The plan encourages retaining office use. New development should complement existing office uses with infill office development.
- Additional buildings up to 5 stories in height in combination with existing office building space should meet the demands of various users.

• TRANSPORTATION CONSIDERATIONS

- CDOT recently implemented a traffic signal at the intersection of Mallard Creek Church Road and David Taylor Drive. This new traffic signal will include pedestrian signalization and crossings, improving pedestrian safety crossing Mallard Creek Church Road. The City is also in design to construct a 12-foot multi-use path on the south side of Mallard Creek Church Road between Mallard Creek Road and Senator Royall Drive. The site is served by existing CATS bus routes, including a bus stop.
- See Outstanding Issues, Notes 2 and 4

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on parking lot use).

Entitlement: 1,060 trips per day (based on 100,000 square feet of office use).

Proposed Zoning: 1,660 trips per day (based on 15,000 square feet of retail use).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** No outstanding issues.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

- ~~1. Revise the site plan and conditional note(s) to provide an "exclusive" eastbound Mallard Creek Church Road 100-foot right turn storage lane with a 50-foot bay taper at the site's western most driveway. The petitioner also needs to add gore pavement markings east of this site driveway to inform eastbound thru motorists in the "outside lane" to turn right at the western most site driveway and NOT continue east to David Taylor Drives' right turn lane. Note: This transportation requirement is from NCDOT.~~ **Addressed**
- ~~2. Revise the site plan and conditional note(s) to provide for the design and implementation of an 8-foot planting strip and 12-foot wide concrete multi-use path (MUP) along the site's Mallard Creek Church Road frontage, including any necessary sidewalk utility easements (SUEs) outside the existing public right of way. The petitioner needs to also provide all the required 12-foot wide accessible ramps associated with the proposed MUP (i.e.: both sides of David Taylor Road and both sides of the two (2) site driveways, including a 12-foot wide pedestrian cut through path in the existing David Taylor Drive center median.~~ **Addressed**
- ~~3. Revise the site plan and conditional "Access" Note 4.b. to state: the proposed 8-foot planting strip and 6-foot sidewalks and all associated accessible ramps should be implemented on "both sides" of David Taylor Drive" before the first building CO is issued. Both sides of David Taylor Drive's streetscape improvements need to be completed to interface with the City's planned traffic signal installation at Mallard Creek Church Road/David Taylor Drive.~~ **Addressed**
- ~~4. Revise the site plan and conditional note(s) to preserve 13 feet of additional right of way beyond the proposed 6-foot sidewalk on the east side of David Taylor Drive to allow space for a future northbound David Taylor Drive 100-foot right turn storage lane and 50-foot bay taper to be implemented by others.~~ **Addressed**
- ~~5. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of way and 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 where feasible.~~ **Addressed**
- ~~6. 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. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ **Addressed**

REQUESTED TECHNICAL REVISIONS

Site and Building Design

- ~~7. Label and describe the concrete pad area on the east side of David Taylor Drive between the street and parking area.~~ **Addressed**

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225