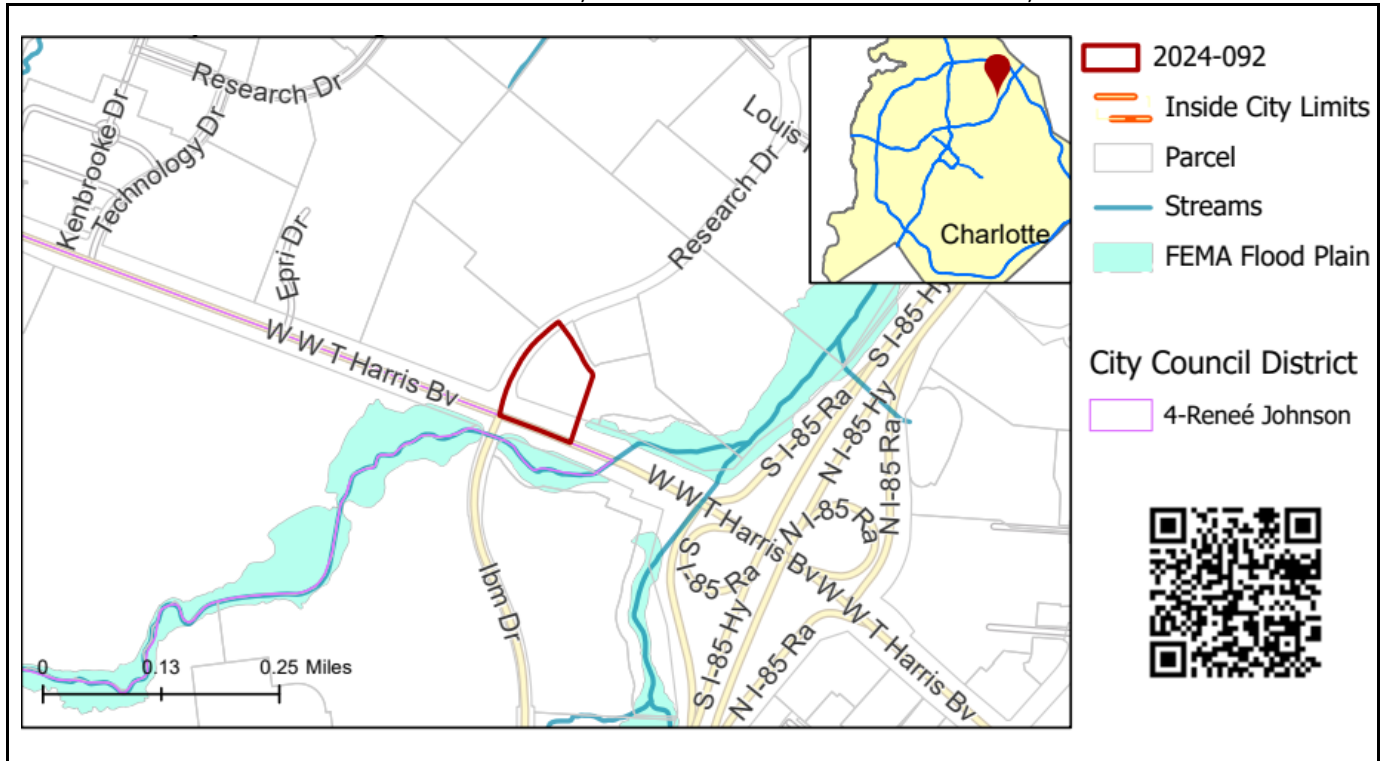


REQUEST

Current Zoning: RE-3(CD) (research, conditional)
 Proposed Zoning: CAC-1(EX) (community activity center-1, exception)

LOCATION

Approximately 3.07 acres located along the north side of West W.T. Harris Boulevard, and the east side of Research Drive, west of I-85.



SUMMARY OF PETITION

The petition proposes to develop a childcare center with up to 10,000 square-foot and up to 8,000 square-foot of commercial uses permitted by right and under prescribed conditions in the CAC-1 zoning district with an exception provision.

PROPERTY OWNER

Research Park LCP, LLC

PETITIONER

Lucern Capital Partners

AGENT/REPRESENTATIVE

Bridget Grant, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
 Number of people attending the Community Meeting: 0

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related transportation, environment, and land use.

Plan Consistency

The petition is **consistent** with the 2040 Policy Map recommendation for Community Activity Center.

Rationale for Recommendation

- EX petitions are a type of conditional rezoning that allow for flexibility in quantitative zoning and streetscape standards in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions

should be reserved for situations where extenuating circumstances make meeting ordinance standards an undue burden.

- Proposed public benefits proposed in support of the requested EX provisions must exceed minimum requirements.
- The site has unique circumstances which include increased setbacks and established mature tree canopy along the sites frontages that significantly reduce visibility of the buildings from the public right-of-way.
- The public benefits proposed in support of this EX petition include provision of rooftop solar panels as well as publicly accessible landscape areas along the site's frontages.
- The proposed rooftop solar panels represent an appropriate sustainability measure in support of the requested EX provisions. However, the proposed public amenity in the form of preserving the existing landscape areas along the site's frontage and allowing them to be publicly accessible does not adequately meet the intent of the code. The existing landscape areas along the site's frontages represent a historical development pattern in this area and are required to be maintained. Additional public amenity options should be explored.
- The *2040 Policy Map (2022)* recommends the Community Activity Center Place Type for this site. Typical uses in this Place Type include a mix of retail, personal services, multi-family, and office. The proposed day care center is a permitted use in the CAC-1 zoning district and could serve to support the existing and future mix of residential and office campus uses in the area.
- This petition proposes retail uses that offer potential employment opportunities.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods

PLANNING STAFF REVIEW

• Proposed Request Details

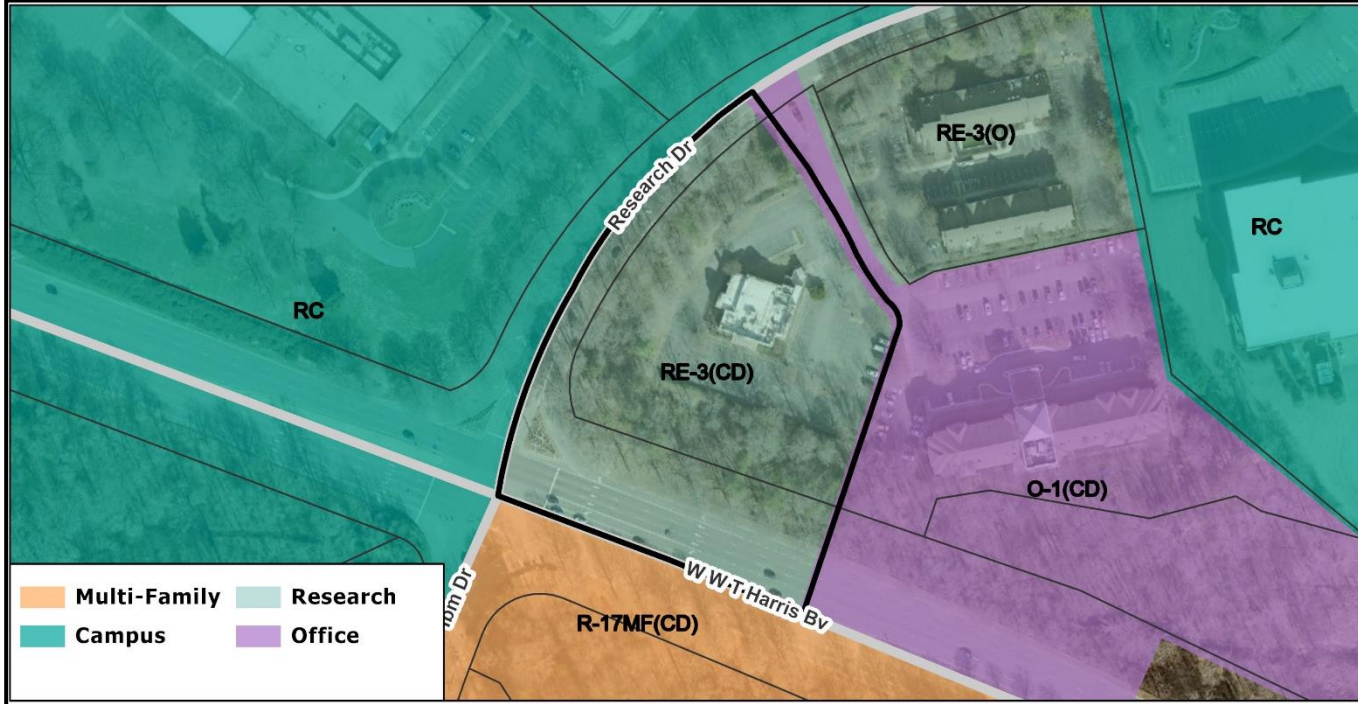
The site plan accompanying this petition contains the following provisions:

- Allows a childcare center up to 10,000 square-feet and allows up to 8,000 square-feet of commercial/retail uses.
- Limits the site to two principal buildings.
- In the event childcare facilities are not developed proposes to develop 10,000 square feet of commercial uses. Additionally certain uses shall be prohibiting within the project to include: adult electronic gaming, adult use, car wash, restaurant with a drive-through, self-storage facility, tobacco and or vape sales, vehicle dealership, vehicle rental.
- Provides an 8-foot-wide planting strip and 12-foot-wide shared use path along Research Drive and WT Harris Boulevard.
- Dedicates 100-foot of right-of-way from the centerline of WT Harris Boulevard.
- Requests the following EX deviations from UDO standards:
- Frontage Setback Line
 - Required: A 20-foot setback from future back of curb is required along Research Drive and a 20-foot setback from right-of-way is required along W. W.T. Harris Boulevard.
 - Modified Standard: A 75-foot building and parking setback shall be provided from the closest point of the existing back of curb along Research Drive as generally depicted on the rezoning plan. A 75-foot building and parking setback shall be provided from the existing right-of-way along W. W.T. Harris Boulevard. A 50-foot landscape yard shall be provided along Research Drive and W. W.T. Harris Boulevard as generally depicted on the rezoning plan.
- Ground Floor Transparency
 - Required: 50% ground floor transparency along Research Drive and 30% along W. W.T. Harris Boulevard, measured between 3-foot and 10-foot from grade.
 - Modified Standard: The increased setbacks and 50-foot landscape yards along the Site's frontages will significantly reduce visibility of the buildings from the public right-of-way. As such, the buildings will be designed to meet the CAC-1 architectural requirements for 50% ground floor transparency along the longer internal facades and 30% along the shorter internal facade abutting the parking area.
- Prominent Entrances
 - Required: Frontages shall have a minimum of one prominent entrance.
 - Modified Standard: The increased setbacks and 50-foot landscape yards along the Site's frontages will significantly reduce visibility of the buildings from the public right-of-way. As

such, the buildings will be designed to meet the CAC-1 architectural requirements for prominent entrances along the internal facades abutting the parking area.

- Proposes the following EX benefits:
 - The public benefits requirement is proposed to be met by the following two actions: on-site renewable energy generation through the inclusion of rooftop solar panels; and providing a 50-foot non-ordinance required publicly accessible landscape area along the Site's frontages.

• **Existing Zoning**



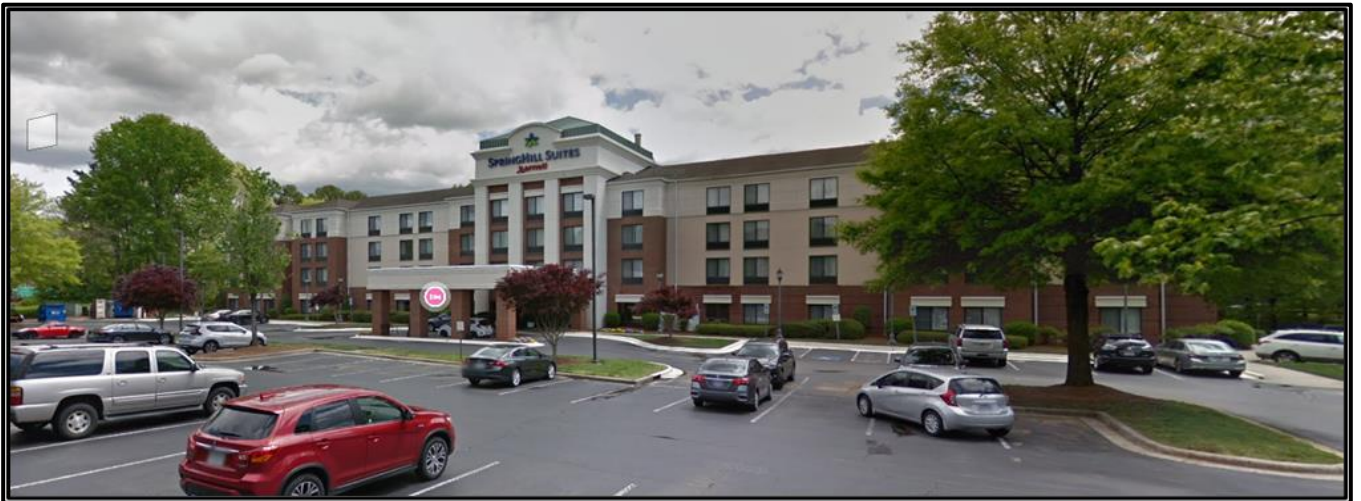
- The current zoning is RE-3(CD). The surrounding zoning districts include O-1(CD), R-17MF(CD), RC, and RE-3(O). The surrounding land uses include multi-family, a hotel, and office campuses.



The subject property is denoted by the red star.



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

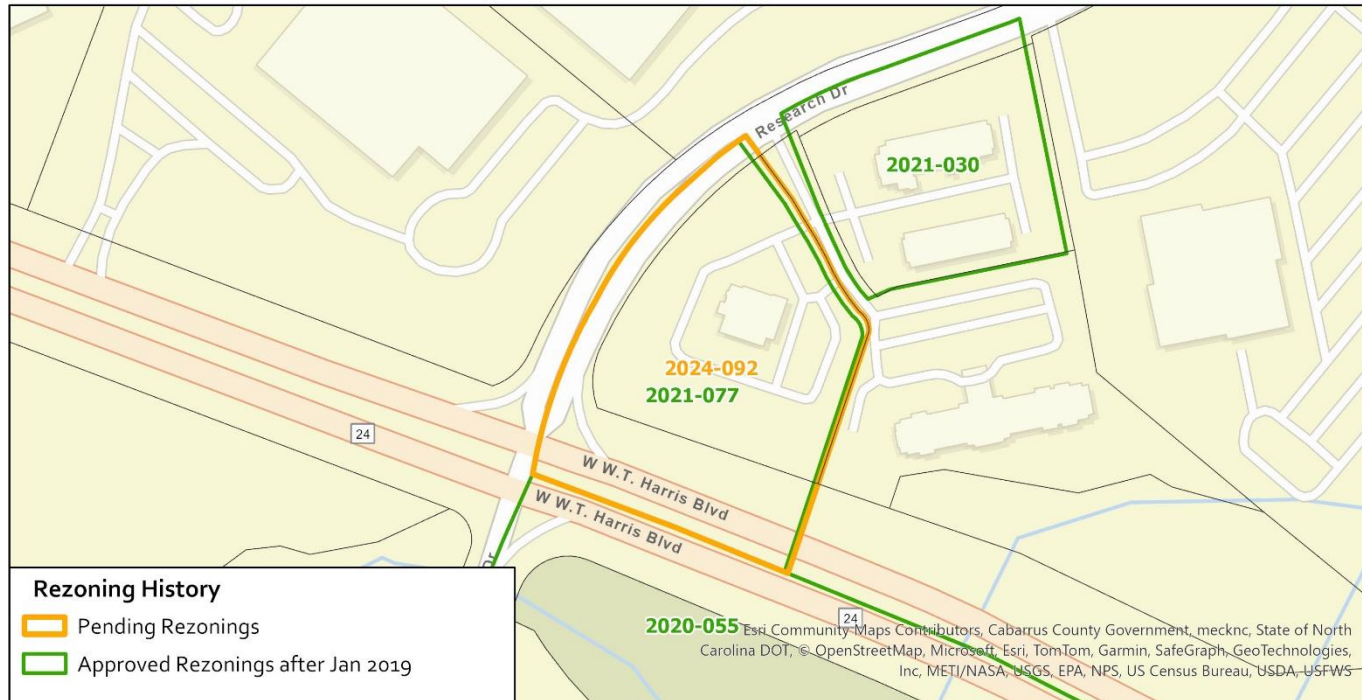


The property to the east along Research Drive is developed with a hotel.



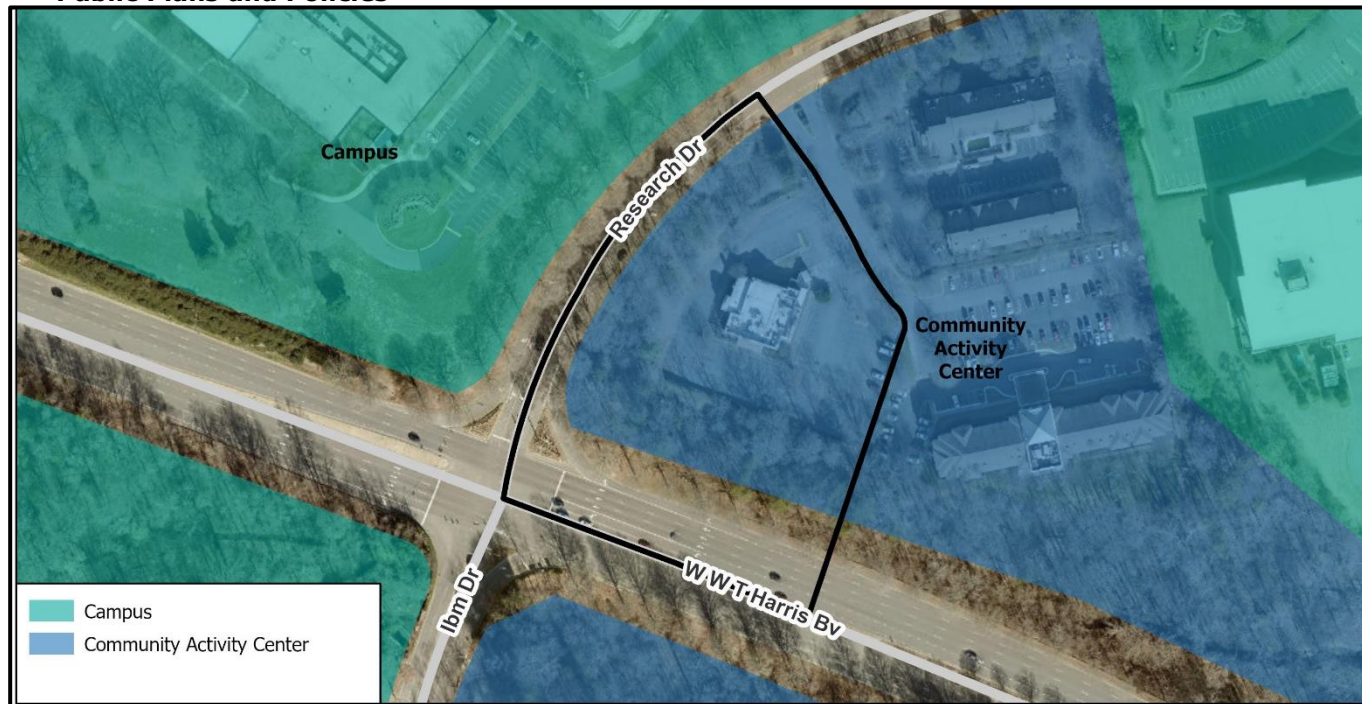
The property to the south along IBM Drive is developed with apartments.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-055	Rezoned 27.9 acres from RE-2 to R-17MF(CD) to allow up to 300 multi-family dwelling units.	Approved
2021-030	Rezoned 2.5 acres from O-1(CD) to RE-3(O) to allow up to 96 multi-family dwelling units OR 96 hotel rooms in an existing extended stay hotel.	Approved
2021-077	Rezoned 3.07 acres from B-1(CD) to RE-3(CD) to allow up to 152 multi-family residential units.	Approved

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Community Activity Center Place Type.

- **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Research Drive, a City-maintained arterial road and WT Harris Boulevard a State-maintained arterial road. Based on the 1,043 daily trips, this will trigger a Tier 1 multimodal assessment and Tier 1 transportation demand management (TDM). Site plan and/or conditional note revisions are needed to commit to revising conditional notes, labeling of curb line, and dedication of right-of-way and placement of streetscape. Further details are listed below.
- **Active Projects:**
 - N/A
- **Transportation Considerations**
 - See Outstanding Issues, Notes 1-5
- **Vehicle Trip Generation:**

Current Zoning:

 - Existing Use: 576 trips per day (based on 6,865 square feet restaurant).
 - Entitlement: 679 trips per day (based on 152 multi-family dwelling units).

Proposed Zoning: 1,043 trips per day (based on 10,000 square-foot day care center, 8,000 square-foot of retail uses).

Proposed Zoning: 989 trips per day (based on 18,000 square-foot of retail uses).

DEPARTMENT COMMENTS

- **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:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Research Drive. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Long Range Planning:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Note 6

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Transportation

1. Label future curb and gutter location on site plan.
2. Planting strip and shared use path along Research Drive and along radius of Research Drive and WT Harris Boulevard intersection should be fully contained within the right-of-way. 8-foot planting strip and 12-foot shared use path along Research Drive should be set from the existing back of curb line.
3. Remove the third sentence in conditional note 5.a.ii as the 12-foot width of the shared use path must be maintained throughout.
4. Revise conditional note 4d to: "All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued."
5. Show setback along shared private drive.

Environment

6. Provide a tree survey.

Land Use

7. In lieu of retaining the existing areas along the site's frontages as publicly accessible landscaped areas, provide an alternative public amenity and/or explore an alternative way to provide a public benefit that complies with UDO requirements.
8. Remove the note 2.b "The Petitioner reserves the right to substitute these actions during the land development permitting process to other public benefits actions allowed within Article 37.2.C.3.d."
9. Add vehicle fueling stations to the list of prohibitive uses and update the prohibited use list to remove those that are not permitted uses in the CAC-1 zoning district.
10. Clarify that the proposed solar panels apply to both buildings.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Michael Russell (704) 353-0225