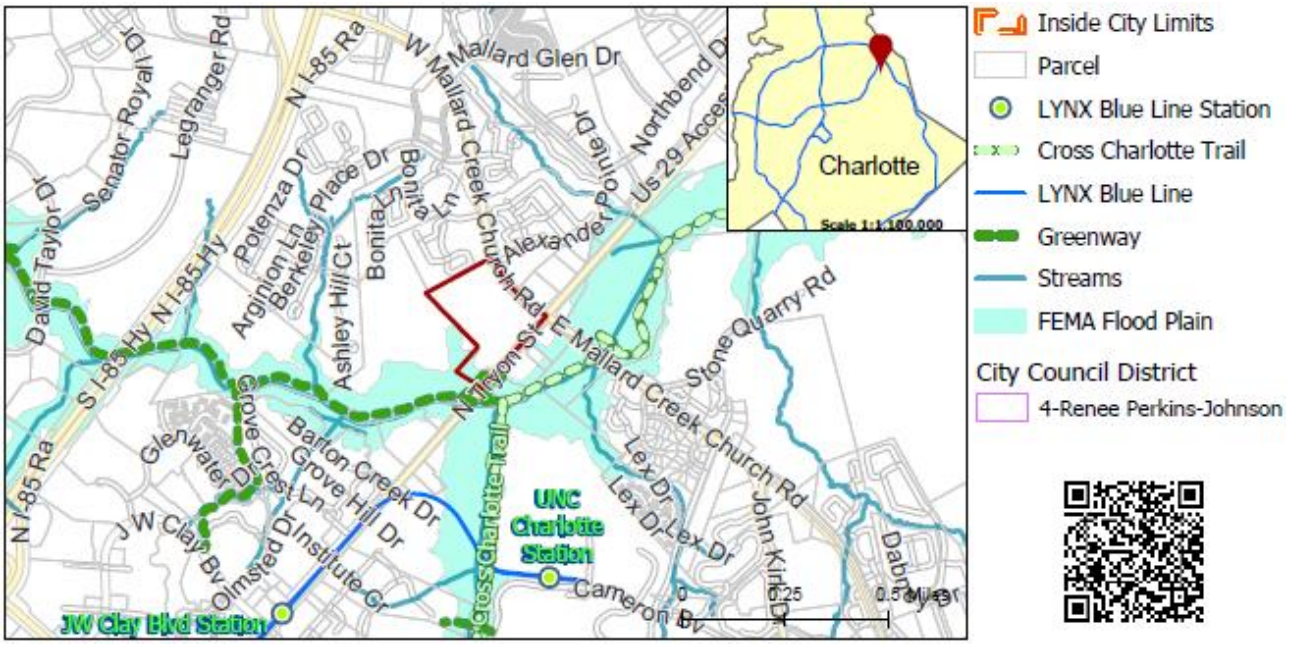
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2019-163
Final Staff Analysis
October 19, 2020

REQUEST	Current Zoning: MUDD-O (mixed use development, optional) Proposed Zoning: MUDD-O SPA (mixed used development, optional, site plan amendment)
LOCATION	Approximately 23.75 acres located at the west corner intersection of North Tryon Street and West Mallard Creek Church Road.



SUMMARY OF PETITION	The petition is a site plan amendment with a new development concept and plan. It proposes up to 144,000 gross square feet of medical and general office uses with optional provisions on vacant land.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	University Investors, LLC Novant Health 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: 3

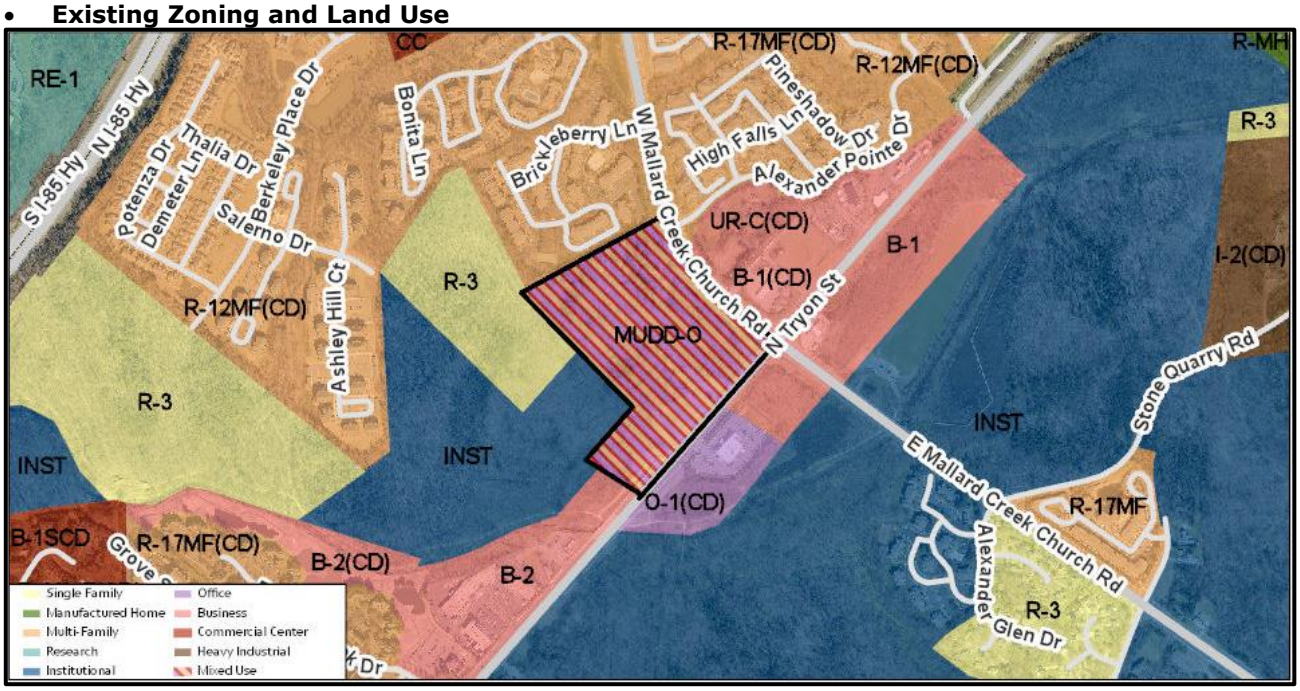
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *Northeast Area Plan* (2000) recommendation of office/retail uses. Rationale for Recommendation • The *Northeast District Plan (2000)* calls for a variety of job types in the district in order to retain a strong employment base. This petition proposes general and medical office uses, health institutions, emergency rooms, surgery centers, and clinic on this

	site, providing medical jobs as well as medical services in this area of Charlotte. • This petition commits to maintaining connectivity on the existing and proposed public network by providing a direct pedestrian connection between the proposed buildings and N. Tryon Street, the proposed public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street. • The petition commits to providing urban open space, a minimum eight (8) foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on N. Tryon Street and W. Mallard Creek Church Road.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Allows up to 144,000 gross square-feet of medical and general office uses, clinics, health institutions, surgery centers, and emergency rooms.
  - Optional provisions:
    - Within development areas A and B to allow parking and maneuvering area to be located between the building and the road.
    - To not require doorways to be recessed into the face of the building.
  - Access to the site will be from West Mallard Creek Church Road and North Tryon Street.
  - Commits to a southbound right turn lane with 275-feet of storage on I-85 Southbound off-ramp.
  - Commits to a westbound right turn lane with 50-feet of storage on Berkley Place Drive.
  - Construct an additional westbound left turn lane with 325-feet of storage on Mallard Creek Church Road.
  - Extend the existing westbound left turn lane to 325-feet storage on Mallard Creek Church Road.
  - Construct an additional southbound right turn lane with 375-feet of storage on North Tryon Street.
  - Extend the existing southbound right turn lane to 375-feet storage on North Tryon Street.
  - Commits to providing urban open space, a minimum eight-foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on North Tryon Street and West Mallard Creek Church Road.
  - Architectural Guidelines include:
    - The Facades fronting on N. Tryon Street and public street B shall include windows for a minimum of 60% of the N. Tryon Street and public street B elevation, transparent glass between 2-feet feet and 10-feet on the first floor. Up to 20% of this requirement may be comprised of display windows.
    - Building elevations shall not have expanses of blank walls greater than 20-feet in all directions and architectural features such as but not limited to banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
    - Building elevations shall be designed with vertical bays or articulated architectural features which shall include a combination of at least three of the following: a combination of exterior wall off-sets (projections and recesses), columns, pilasters, change in materials or colors, awnings, arcades, or other architectural elements.
  - Commits to direct pedestrian connections between the buildings and N. Tryon Street, public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street.

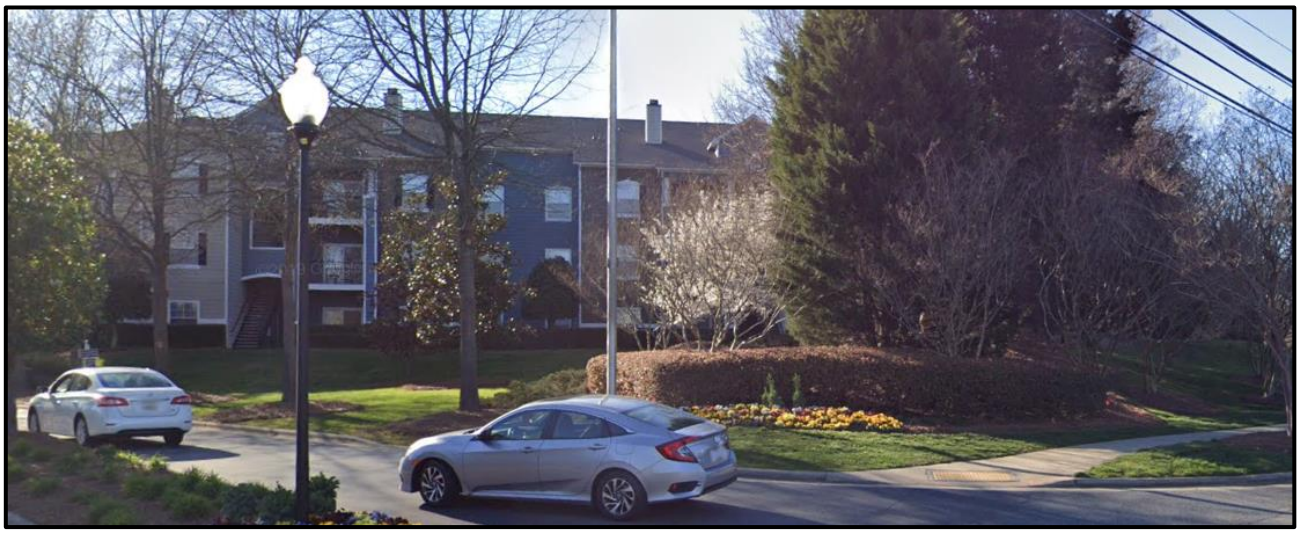
- **Existing Zoning and Land Use**



The subject property has been rezoned for commercial development multiple times since 1990. In 1992, a rezoning initiated by the Planning Commission from B-1SCD and B-2 to R-12 MF was denied. Rezoning 2004-074 allowed a multi-phased development with 200,000 square feet of office, 200,000 square feet of retail and one motel of up to 150 rooms or 45,000 square feet as a part of the 200,000 square feet of office development. Rezoning 2009-042 allowed a million square feet of general medical and office uses, professional business and ancillary retail, restaurants, childcare, indoor recreation and personal service uses. The surrounding land uses include multifamily, retail, and medical offices.



The subject property is zoned MUDD-O (denoted by red star) and is vacant.



The property to the north along West Mallard Creek Church Road is developed with apartments.



The property along north Tryon Street is developed with a medical office.

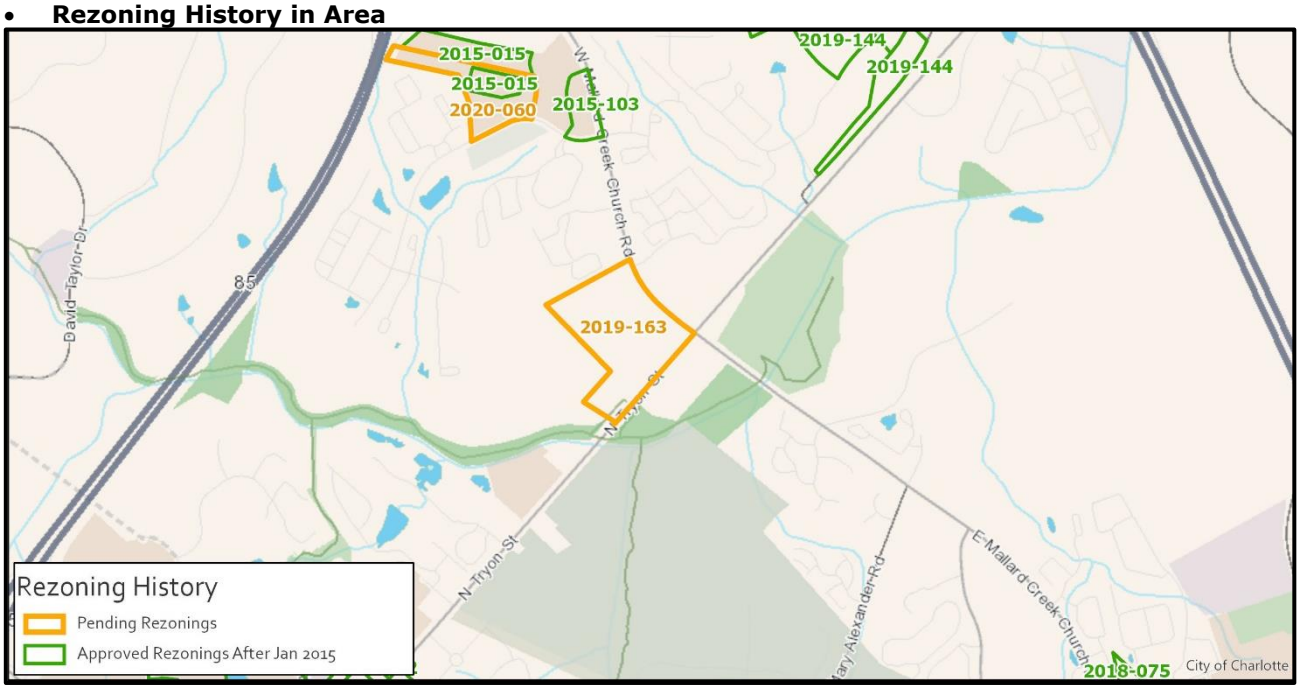


The property to the east along West Mallard Creek Church Road is developed with a convenience store.



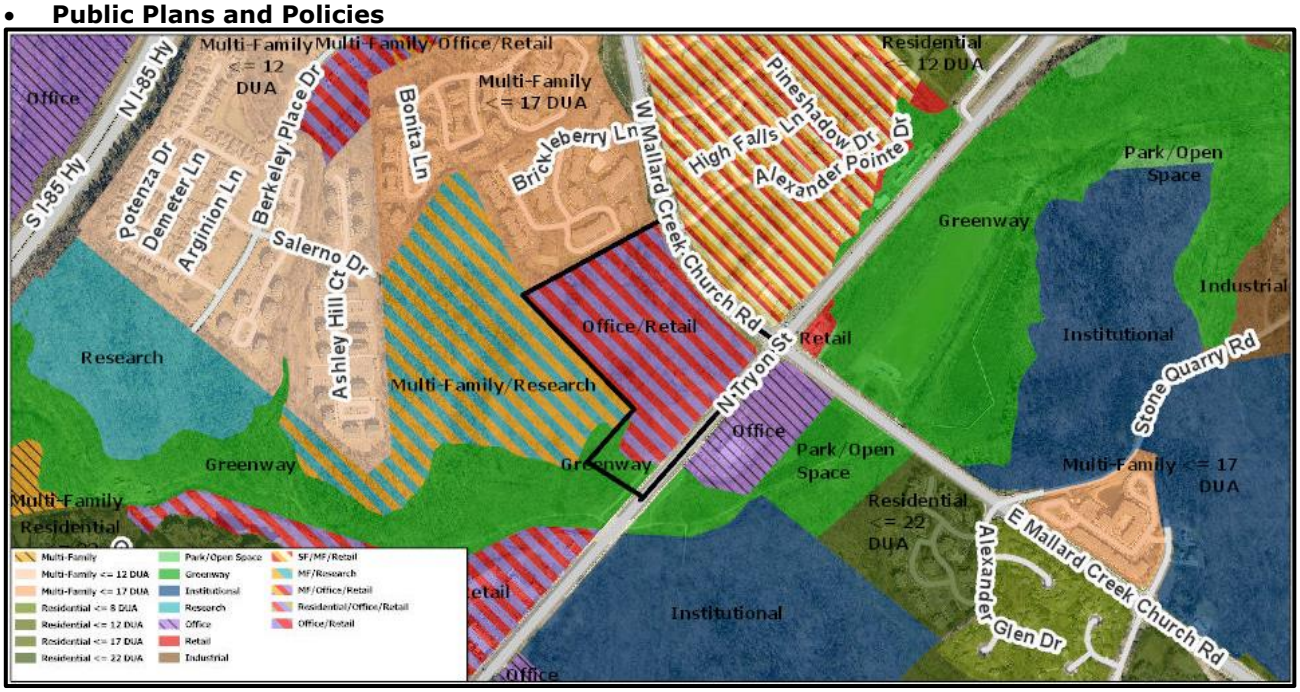
The property to the west along North Tryon Street is developed with retail uses.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-144	Rezoned 23.57 acres to R-12MF(CD) to allow 194 multi-family dwelling units.	Approved
2018-075	Rezoned 10.77 acres to allow 568 multi-family dwelling units.	Approved
2016-115	RE-3(O) site plan amendment modifying 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, eating/drinking/ entertainment establishments; and a 200-room hotel, on approximately 37 acres of vacant located in the University Research Park.	Approved
2015-103	CC site plan amendment to vacant property that is part of the Pinnacle Point development to 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.	Approved
2015-015	Rezoned 18.03 acres to CC and BD(CD) to exchange 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.	Approved

- **Public Plans and Policies**



  - The *Northeast District Plan (2000)* calls for office/retail uses for this site.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on major thoroughfares. A traffic impact study was required for the review of the site because it will generate more than 2500 vehicle trips per day. The latest roadway improvements are included within the rezoning petition's conditional notes, as graphically shown within Figure 11 on rezoning sheet R-102. CDOT and NCDOT approved the TIS 7/9/2020, agreeing to the TIS recommendations for Scenario 2 within the study. The petitioner has also committed to a 12' multi-use path along West Mallard Creek Church Road and North Tryon Street, in accordance with Charlotte BIKES.
  - Active Projects Near the Site:
    - There are no active transportation improvements in the vicinity of this rezoning.
  - No Outstanding Issues
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 0 trips per day (based on vacant land).
    Entitlement: 9,000 trips per day (based on 1,000,000 square feet of office, medical office, restaurant, and retail uses per petition 2009-042).
    Proposed Zoning: 6,460 trips per day (based on 44,000 square feet hospital and 100,000 square feet medical office; TIS Scope 11/25/2019).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **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 North Tryon Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along N Tryon Street. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.

- **Land Development:** ~~See Outstanding Issues, Note 2.~~ ADDRESSED
- **Storm Water Services:** See advisory comments at www.rezoning.org
- **Urban Forestry:** No comments submitted.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Clarify optional provision notes 2.a. and b. with the percentage of surface parking and maneuvering to be located between the buildings and streets in each development area~~. ADDRESSED
2. ~~Clarify optional provision note 2c. Only allow doorways to not be recessed when the door is 4 or more feet behind the sidewalk along the street~~. ADDRESSED

Environment

3. ~~Please revise stream buffer labels to include "Undisturbed" specification (i.e. "50-ft Undisturbed PCSO Buffer" and "100-ft Undisturbed PCSO Buffer). Petitioner is advised the stream buffer widths are measured from top of bank on each side of the stream. (Approximate location of stream buffers is adequate for rezoning purposes. No revisions to rezoning plan for stream buffer boundaries is requested.)~~ ADDRESSED

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

Planner: Michael Russell (704) 353-0225