

<b>REQUEST</b>	Current Zoning: RE-1, research Proposed Zoning: RE-3-O, research district-optional, with five year vested rights
<b>LOCATION</b>	Approximately 62.7 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road.
<b>SUMMARY OF PETITION</b>	The petition proposes a mixed use development consisting of retail, restaurant, hotel, office and multi-family residential uses.
<b>PROPERTY OWNER</b>	Crescent Resources, LLC
<b>PETITIONER</b>	Elizabeth McMillan, Crescent Resources
<b>AGENT/REPRESENTATIVE</b>	Rhett Crocker, Land Design and Keith MacVean, King & Spalding, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be consistent with the <i>University Research Park Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Fallon seconded by Commissioner Griffith).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. All notes have been placed on Sheet RZ-3.</li> <li>2. Amended the third paragraph under "General Provisions" (formerly Note 2 on Sheet RZ-2) to state that all changes to the Schematic Plan will be reviewed and approved as allowed by Section 6.207).</li> <li>3. Amend Note 5(c) under "Access and Transportation Design" (formerly Note 3 on Sheet RZ-)1 to state "The number and locations of driveways connecting to the interior public streets is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the Land Development process."</li> <li>4. Amended Note 8(c)(ii, iii iv, and v) under "Architecture and Design Controls" (formerly Note 6(c)(ii),(iii), (iv)) to specify how interconnectivity will be provided between buildings and through parking areas; explain that architectural compatibility will be achieved by using similar or compatible architectural styles, building materials, landscape elements, plants, and signage treatments; and specify the variety of building materials to be used and provide a minimum percentage of brick, stone, synthetic stone, precast stone or precast concrete for each building façade on Parcels A, B, C, and D.</li> <li>5. Amended Note 8(c)(vii) under "Architectural and Design Controls", (formerly Note 6(c)(vii)), to state that final building elevations will be reviewed and approved by the Planning Department to assure that the proposed buildings are consistent with the specified design.</li> <li>6. Amended Note 9(b) under "Connectivity" (formerly Note 7b) to explain that a network of streets and pedestrian walkways or paths will be provided as depicted on the Technical Data Sheet.</li> </ol>
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7. Amended Note 4(b)(i) under "Permitted Uses" to state that retail and restaurant uses must be integrated into buildings that contain at least 25,000 square feet of gross floor area other than retail and restaurant uses. Retail and restaurant uses will be limited to the ground floor of buildings and to no more than 10,000 gross square feet per building. In the aggregate, no more than 25,000 square feet of gross floor area of retail and restaurant uses may be developed on Parcel C. The square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C.
8. Amended Note 8(c)(viii) under "Architectural and Design Controls", (formerly Note (c)(viii)), to specify that if breezeways are included in the proposed multi-family buildings the breezeways shall be framed with architectural elements such as columns and brick quoining, creating a dominant central element of the architectural façade. Other proposed architectural elements include entry portals with an engaged classical portico integrated with modified window screens above to combine into one refined, cohesive architectural feature to provide the appearance of an enclosed breezeway.
9. Amended Note 14 under "Phasing" to specify that a building permit for 25,000 square feet of gross floor area of office uses must be issued on Parcel C.
10. Placed Notes 13 and 14 in numerical order.
11. Added tax parcel 04742106 under the Site Data Table on Sheet RZ-1.
12. Corrected the subject tax parcels listed under Development Data Table on Sheet RZ-3.
13. Amended Note 8(a)(i) under "Architectural Standards", (formerly Note 6(a)(i)), to reflect a 35-foot side or rear yard requirement.
14. Deleted Note 9 under "Streetscape and Landscaping", (formerly Note 7(a)).
15. Multi-use path/trail shown and labeled.
16. Amended Note 4(a)(iv) to indicate that the only restaurants providing the following types of food and beverage: ice cream, yogurt, coffee, juices, bagels, muffins, pastries and similar items are permitted a drive-through service window.
17. Amended Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use.
18. Amended Note 13 under "Lighting", (formerly Note 12(a)), to clarify that all lighting fixtures will be full cut-off, with the exception of lighting that is not visible from residentially zoned or used property.
19. Amended Note 11(c) under "Parks, Greenways and Open Space", (formerly Note 9c), to state that links from adjoining properties to the six-foot wide multi-use path/trail will be allowed to provide for an eventual connection to the Greenway located within the University Research Park as shown on the Schematic Plan, Sheet RZ-2.
20. Added Note 11(b) under "Signage" to state that a sign identifying the University Research Park may be placed on the Site as recommended by the adopted University Research Park Area Plan.
21. Amended Sheet RZ-2 to provide a label for urban open space and open space, as defined in the Zoning Ordinance.
22. Amended Note 4(b)(i) to clarify that the square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C. Amended Development Data Table on Sheet RZ-3 to refer to conversion rights specified permitted for Parcels A and B.

- 23. Deleted the following notes:
  - a. Notes 1, 2 and 3 from Sheet RZ-1.
  - b. Notes 1, 2 and 3 from Sheet RZ-2.
  - c. The fifth paragraph under Note 2 on Sheet RZ-3.
  - d. Note 4(c)(ii).
  - e. Note 5(f).
  - f. Notes 6(a)(iv) and (v).
  - g. Note 6(b)(i) and (ii).
  - h. Note 10 Note 12b as it does not meet ordinance standards.
- 24. Addressed CDOT comments as follows:
  - a. Amended Note 5(e) to state that the petitioner will construct a public street that will connect Legranger Road through Parcel D to Senator Royall Drive.
  - b. Amended Note 5(a) to state that a five-foot bike lane, curb and gutter, and eight-foot planting strip and six-foot sidewalk will be provided along the site's W. Mallard Creek Church Road frontage.
  - c. Amended Note 5(a) to remove the provision for bike lanes in either direction on Senator Royall Drive.
  - d. Added Note 5(g) to state that three raised pedestrian refuge islands within the two-way left turn land on Senator Royall Drive will be provided.
  - e. Added Note 6(d) to reflect continuance of the existing southbound outside travel lane from Mallard Creek Church Road to the second access point on Senator Royall Drive.
- 25. Added Notes 6 and 7 to address the timing and completion of road improvements and right-of-way.
- 26. Added Note 4(c) to state that no more than 24 three bedroom units will be developed on Parcel D, added to address concerns expressed to the petitioner.
- 27. Added Note 4(c) regarding gross floor area.

**VOTE**

Motion/Second: Griffith/Phipps  
 Yeas: Allen, Fallon, Griffith, Johnson, and Phipps  
 Nays: None  
 Absent: None  
 Recused: Zoutewelle

**ZONING COMMITTEE DISCUSSION**

Zoutewelle was recused due to a conflict of interest. Staff reviewed the petition and noted there were no outstanding issues. The committee suspended the rules to ask the petitioner's agent about the request for provisions of roundabouts along Senator Royall Drive made at the public hearing. The petitioner's agent explained that traffic engineers have reviewed the impact of the installation of roundabouts at the first and second full movement intersections along Senator Royall Drive and it was determined that a roundabout at either intersection would not be a good solution.

CDOT staff noted that the City does not agree with potential queue lengths for the second full movement intersection due to differences in the software use to evaluate the operation of roundabouts. CDOT staff added that the City is not requiring a roundabout but can support a roundabout located at the second full movement intersection as being an acceptable device to control and calm traffic n Senator Royall Drive.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
  - General
    - Uses
      - Maximum 350,000 square feet of nonresidential uses.
      - Maximum 200 room hotel.
      - Up to 330 multi-family residential dwelling units at a density of 18 dwelling units per acre.
      - Up to two accessory drive-through service windows
    - Architectural Detail
      - Building heights not to exceed 90 feet or eight stories.
      - All buildings will be architecturally integrated to complement one another by use of similar or compatible architectural style and materials.
      - Buildings along Senator Royall Drive will be articulated to avoid expanses of solid walls exceeding 20 linear feet.
      - Building materials consisting of brick, stone, precast concrete, cementations siding, stucco, EFIS, wood.
      - Minimum 30 percent of each building façade, exclusive of windows, doors and roofs will be constructed of brick, stone, simulated stone, or pre-cast stone.
      - Vinyl may not be used as an exterior building material and may only be used on windows and/or soffits.
      - All sides of buildings will be constructed using four-sided architecture.
      - Any breezeways provided with multi-family residential units will be framed with architectural elements to provide the appearance of an enclosed breezeway.
      - Detached lighting limited to 35 feet in height.
    - Transportation and Circulation
      - Access points on Mallard Creek Church Road at Senator Royall Drive, with internal connections to Legranger Road and abutting parcels.
      - Raised, painted cross-walks throughout the site.
      - Pedestrian and vehicular connections along all internal streets.
      - A multi-use trail at least six feet wide will be developed throughout the site that links each Parcel.
    - Other
      - Five-year vested rights.
      - A sign identifying the University Research Park may be placed on the Site as recommended by the adopted University Research Park Area Plan.
  - Optional Provisions include:
    - Allow retail sales uses over 10,000 square feet on Parcel A and Parcel B.
    - Allow parking and maneuvering to be located between the proposed buildings and W. Mallard Creek Church Road, which must be located behind the 100-foot setback and will be screened from W. Mallard Creek Church Road by a vegetation equal to a Class B buffer.

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- Parcel A and Parcel B
    - Retail, restaurant, and other uses permitted in the RE-3 district up to 75,000 square feet.
    - A hotel containing up to 200 rooms.
    - Allowance for an additional 250 square feet of floor area for each hotel room that is not constructed, up to a maximum of 25,000 square feet, if a hotel is not developed or a hotel with fewer than 200 rooms is developed.
    - Maximum size of any retail tenant not to exceed 27,000 square feet.
    - No more than two accessory drive-through service windows permitted within the site, limited to one per parcel.
    - Accessory drive-through service windows limited to the following uses: financial institutions, pharmacies, dry cleaners, uses that serve ice cream, yogurt, coffee, juices and similar items along with items such as bagels, muffins and pastries. Such uses may have no on-premise cooking of food and will be limited to 2,500 square feet.
    - Prohibited uses include: residential units; convenience stores; motion picture theaters; manufacture of electronic, computing and communications equipment and related devices; stadiums and arenas; vehicle leasing offices; restaurants with accessory drive-through windows.
    - No more than 55,000 square feet of retail or restaurant space may be built until either 100 of the proposed multi-family dwelling units have been built and issued a certificate of occupancy or 25,000 square feet of office has been built and issued a certificate of occupancy.
    - Total number of buildings not to exceed six in Parcel A and eight in Parcel B.
  - Parcel C
    - Maximum 250,000 square feet of office uses. Retail and restaurant uses may not be free-standing but must be integrated into buildings that contain uses other than retail and restaurant uses.
    - Prohibited uses include: residential units; hotel rooms; convenience stores; motion picture theaters; manufacture of electronic, computing and communication equipment and related devices; stadiums and arenas; and vehicle leasing offices.
    - Total number of buildings not to exceed 12.
  - Parcel D
    - Maximum of 330 multi-family dwelling units and associated accessory uses.
    - No more than 24 three bedroom units will be developed on Parcel D
    - Non-residential uses not permitted.
    - Total number of buildings not to exceed 29.
  - **Public Plans and Policies**
    - The *University Research Park Area Plan* (2010) recommends a mixture of office, retail and residential uses for the subject property. Building height should not exceed eight stories with a density of up to 22 dwelling units per acre for residential land uses.
    - The proposed mixed use development is consistent with the *University Research Park Area Plan*.
  - **Staff Recommendation (Updated)**
    - Staff agrees with the recommendation of the Zoning Committee.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond those required.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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