
REQUEST	Current Zoning: RE-1, research Proposed Zoning: RE-3-O, research district-optional, with five year vested rights
LOCATION	Approximately 62.7 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road.
SUMMARY OF PETITION	The petition proposes a mixed use development consisting of retail, restaurant, hotel, office and multi-family residential uses.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the numerous outstanding site plan issues. The petition is consistent with the University Research Park Area Plan.
PROPERTY OWNER	Crescent Resources, LLC
PETITIONER	Elizabeth McMillan, Crescent Resources
AGENT/REPRESENTATIVE	Rhett Crocker, Land Design and Keith MacVean, King & Spalding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

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.
- 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.
- 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.
 - Non-residential uses not permitted.
 - Total number of buildings not to exceed 29.
 - Building elevations.
- **Existing Zoning and Land Use**
 - The subject properties are vacant. Properties on the south side of W. Mallard Creek Church Road are primarily zoned RE-1 and RE-2, with the exception of R-4 zoning along Legranger Road. Land uses include warehouse, business/office uses associated with the research park, and vacant lots. Single family residences exist along both sides of Legranger Road and a cemetery is located at the intersection of Legranger and Mallard Creek Church Road. Properties on the north side of West Mallard Creek Church Road are zoned R-3, R-12MF(CD), MX-1 Innovative, MUDD-O, RE-1 and RE-3(CD) and developed with a religious institution, commercial uses, single family residences, and vacant lots.
- **Rezoning History in Area**
 - Recent rezonings approved in the area include:
 - Rezoning Petition 2002-137 rezoned 11 acres of the subject property from R-4 to RE-1.
 - Petition 2005-084 approved a MUDD-O site plan amendment for 24 acres located north of West Mallard Creek Church Road on either side of Claude Freeman Drive to increase the number of buildings allowed from 15 to 21.
 - Rezoning petition 2007-032 rezoned 8.8 acres located on the northeast corner of West Mallard Creek Church Road and Senator Royall Drive from MUDD-O to R-12MF(CD) to allow up to 70 townhome dwelling units.

- **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.
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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:**
 - The required connection to the west that connects to Legranger Road must be a public street built to public street standards in accordance with the City's Subdivision Ordinance. This public street alignment needs to be as direct as possible between Senator Royall Drive and Legranger Road. Either parallel or angled on-street parking will be allowed along both sides of this proposed street.
 - Transportation improvements along the site's Mallard Creek Church Road frontage will require the addition of a five-foot bike lane, curb and gutter, and an 8-foot planting strip and 6-foot sidewalk.
 - Provide three raised pedestrian refuge islands within the two-way left turn lane on Senator Royall Drive.
 - Continue the existing southbound outside travel lane from Mallard Creek Church Road to the second access point on Senator Royall Drive.
 - Phase 2 of developer transportation improvements need to include the design and implementation of channelized dual right turn lanes with protected signal phasing at the following locations to enhance pedestrian walking across the dual right turn vehicular movement:
 - Northbound Senator Royall Drive at Mallard Creek Church Road; and
 - Southbound I-85 exit ramp at Mallard Creek Church Road.
 - During Phase 2 of developer transportation improvements widen the Northbound Senator Royall Drive at Mallard Creek Church Road approach to accommodate five travel lanes. The current raised median in Senator Royall Drive needs to be a minimum width of eight feet to accommodate a safe pedestrian refuge area between the north and southbound lanes.
 - Work with CDOT prior to the September 28, 2011 Zoning Committee meeting to document the proposed development phasing for transportation improvements and identify possible mitigation improvements at the following intersections:
 - David Taylor and Senator Royall Drive; and
 - David Taylor and Research Drive
 - **Vehicle Trip Generation:**
Current Zoning: 11,000 trips per day.
Proposed Zoning: 12,870 trips per day.
 - **Connectivity:** See comments above.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The proposed development would generate 109 students. The net change in number of students generated from existing zoning to the proposed zoning is 109.
 - **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.

OUTSTANDING ISSUES

- The petitioner should:
 1. Place all notes solely on Sheet RZ-3.
 2. Amend the third paragraph under Note 2 on Sheet RZ-3 as it renders the Schematic Site Plan on Sheet RZ-2 useless.
 3. Amend 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." Move revised Note to Sheet RZ-3.
 4. Provide specifics for the following: Note 6(c)(ii),(iii), (iv).
 5. Specify how compatibility in aesthetics and design is achieved in Note 6(c)(vii).
 6. Provide explanation for Note 7(b).
 7. Amend Note 4(b)(i) to state that retail and restaurant uses are permitted provided that the principal use of the lot is for a use permitted in the RE-3 district, other than a retail or restaurant use , and retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and will be located on the ground floor.
 8. Provide specifics on the architectural elements referenced in Note 6(c)(viii).
 9. Amend Note 14 to specify on which parcel(s) the 25,000 square feet of office must be built.
 10. Notes 13 and 14 are listed out of order.
 11. Add tax parcel 04742106 under Site Data on Sheet RZ-1.
 12. Correct subject tax parcels listed under Development Data Table on Sheet RZ-3.
 13. Amend Note 6(a)(i) to reflect a 35-foot setback or yard requirement.
 14. Define what is meant by "overall quality of tree save" as noted in Note 7(a).
 15. Show and label multi-use path/trail referenced in Note 8(c).
 16. Reword Note 4(a)(iv) to indicate that the only restaurants permitted to have an accessory drive-through are those that serve: ice cream, yogurt, coffee, juices, and similar items along with items such as bagels, muffins and pastries.
 17. Amend Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use. Note conflicts with Note 4(a)(iv) as currently written.
 18. Delete Note 12(a) as it does not meet ordinance standards.
 19. Show how the pedestrian trails will connect to the adjacent properties.
 20. Provisions should be made for the future place making signs called for in the *URP Plan* and located at the intersection of Senator Royal and Mallard Creek Church Road.
 21. Provide a note describing the open space provisions.
 22. Clarify if the total non-residential square footage includes the ground floor retail/restaurant on parcel C and the possible conversion of hotel rooms to retail. Also, clarify in site data table.
 23. Delete 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. Notes 10 and 11
 - i. Note 12b as it does not meet ordinance standards.
 24. Address CDOT comments.

Attachments Online at www.rezoning.org

- Application
- 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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