

REQUEST	Current Zoning: NS, neighborhood services Proposed Zoning: MUDD(CD), mixed use development district, conditional
LOCATION	Approximately 6.07 acres located on the northwest corner of University City Boulevard and East Mallard Creek Church Road.
SUMMARY OF PETITION	The petition proposes to allow the development of 250 multi-family dwelling units.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous Owners University Investments Group, LLC Matt Gower, DAS Architecture
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>University City Area Plan</i> but to be reasonable and in the public interest, by a 5 to 1 vote of the Zoning Committee (motion by Commissioner Dodson seconded by Commissioner Allen).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5 to 1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The building has been modified to show breaks with various architectural materials and open space. 2. The height has been identified as having a maximum of five stories and a total of 90 feet. 3. The overall height is now specified on the site plan. 4. The site plan has been revised to show building elevations with the residential units now wrapping around the structured parking deck. 5. The Elevations as now labeled. 6. The storm water note has been addressed. 7. The areas of possible storm water detention and the note relating to storm water have been removed from the site plan as this is a minimum ordinance requirement. 8. The 55-foot building setback is now labeled on the site plan. A note that building setback may be reduced upon written agreement of MUMPO, NCDOT and CDOT has been added to the site plan. 9. The petitioner has agreed to the dedication and reservation of right-of-way along University City Boulevard and East Mallard Creek Church Road.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Zoutewelle/Allen</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Firestone, Rosenburgh, and Zoutewelle</td> </tr> <tr> <td>Nays:</td> <td>Phipps</td> </tr> <tr> <td>Absent:</td> <td>Griffith</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Zoutewelle/Allen	Yeas:	Allen, Dodson, Firestone, Rosenburgh, and Zoutewelle	Nays:	Phipps	Absent:	Griffith	Recused:	None
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Yeas:	Allen, Dodson, Firestone, Rosenburgh, and Zoutewelle										
Nays:	Phipps										
Absent:	Griffith										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Committee and indicated that all the outstanding issues had been addressed. A Commissioner noted a concern that petition was inconsistent with the adopted plan but consistent with the design guidelines that had not been adopted by Council. Staff responded that the petition was inconsistent with the adopted plan but the design guidelines did allow for an increase in density. The petition was meeting all the guidelines and staff felt they could support the proposal.
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Several Commissioners asked about the possible traffic impacts this development might have on the existing road network. Staff explained that the traffic generation numbers are generally based on the number of units proposed. Staff is looking into some studies done around the country that may provide numbers for each bedroom proposed in a student housing development. Staff noted that students often will walk to campus and not drive during peak hour trips.

There was no further discussion of the petition.

MINORITY OPINION

The Commissioner felt the development was too tall, intense, and too dense for this location and the development was inconsistent with the City Council adopted portion of the *University City Area Plan*.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- The subject parcels were a part of a larger 7.64 acre rezoning from INST to NS (petition 2002-146), which was approved to allow the following development rights:
 - 34,000 square feet of retail.
 - 65,000 square feet for residential uses or up to 90 residential units.
 - Four new buildings and one existing building.
 - Elevations of proposed new development.
 - Internal sidewalk and vehicular connections to adjacent property.

• Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
 - Up to 250 dwelling units for a density of 41.66 units per acre in one building.
 - Eight-foot planting strip and six-foot sidewalk along East Mallard Creek Road.
 - A 10-foot shared use path provided along NC Highway 49.
 - One building on top of structured parking.
 - Proposed building height of 90 feet and five stories.
 - Setback along Mallard Creek Road of 24 feet and 32 feet along NC Highway 49.
 - Elevations included for the new buildings committing to exterior building materials consisting of brick, precast concrete, and/or stone, EIFS, stucco, hardi and metal panel or cementitious panel, and/or other hard surfaced materials excluding windows, doors, soffits, gables, roof and architectural detail or trim.
 - Decorative fence (details shown on site plan) along property edges.
 - CATS waiting pad and shelter along East Mallard Creek Road.
 - Structured parking wrapped by residential units.
 - A minimum building setback of 55, but a note has been added that states the building may move closer if NCDOT, CDOT, and MUMPO agree.
 - A note has been added that additional 50 additional parking spaces may be allowed if the developer provides a parking study to CDOT and CDOT approves it.
 - The building has been modified to show breaks with various architectural materials and open space.

• Public Plans and Policies

- The *University City Area Plan* (2007) recommends multi-family up to 17 dwellings units per acre on the subject parcels.
- The petition is inconsistent with the *University City Area Plan*.
- The petition is generally consistent with the staff developed *University City Boulevard Design Guidelines* for urban form and development along University City Boulevard.

- **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the majority of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** 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*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- 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

Planner: Solomon Fortune (704) 336-8326