

REQUEST	Current Zoning: R-17MF, multi-family residential Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 4.7 acres located on the south side of University City Boulevard between Mark Twain Road and Suther Road.
SUMMARY OF PETITION	The petition proposes redevelopment of an existing apartment complex to allow 200 multi-family dwelling units and 5,000 square feet of ground floor commercial.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Century Partners, LLC Crescent Resources Century Partners, LLC
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> and not to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Firestone seconded by Commissioner Phipps).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend DENIAL of this petition. The Zoning Committee considered the revised site plan that included the following changes to the petition:</p> <ol style="list-style-type: none"> 1. Reduced the maximum number of units to 200, resulting in an overall density of 43 units per acre. 2. Limited nonresidential square footage to a maximum of 5,000 square feet. 3. Altered the site plan to enhance compatibility and integration with the abutting neighborhood as follows: (a) limited building height to three stories for Buildings AB and E, which abut existing homes to the rear of the site; (b) moved building AB farther away from rear property line (10 feet on the eastern end and 25 feet on the western end. 4. Amended Note K under the heading of Architectural Standards to specify the maximum building height of Building AB at the rear of the building. Clearly noted height limit on all sheets. 5. Provided written confirmation from Duke Energy stating that Duke Power will not object to the planting of shrubs and trees that are of a species that will not exceed, at maturity, 15 feet in height in the utility easement along the rear of the property. 6. Amended Note 4E under the heading of Permitted Uses to specify that the commercial uses are limited to those listed in 4A and stated that ground floor commercial uses are permitted in a residential building and/or parking structure. 7. Provided a 10-foot minimum building separation abutting the residential use to the east on Building AB. 8. Showed and labeled the required loading space. 9. Deleted Note 4 under the heading of Optional Provisions. 10. Deleted standard MUDD requirements listed in Notes 6 A, B and C under the heading of Architectural Standards and Notes 7 C and D under the heading Streetscape and Landscaping.
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11. Amended Note 6I (I.1) to delete vinyl siding as an exterior building material, with the exception of vinyl windows.
12. Showed and labeled possible location of solid waste and recycling containers.
13. Removed five-year vested rights from the heading of Optional Requests as it is not an optional request. Additionally deleted the request for five-year vested rights.
14. Addressed CDOT comments.
15. Added Note 6H under the heading of Architectural Standards to state "a greenscreen or decorative architectural screening to be installed at all openings on all levels of the structured parking deck façade facing the rear yard of the site."
16. Revised parking maximums to be provided as follows: Multi-family - one space per bedroom minus 20 spaces for multi-family units; Visitor- one space per 15 bedrooms; Restaurant- one space per 150 square feet; Other Uses- one space per 600 square feet.
17. Amended Note 5C under the heading of Transportation to state "access to the site from Mark Twain Road is proposed as full access with a median opening. The petition shall open the median (no left-turn lanes) and extend the median from its existing location (approximately 80 feet) to the University City Boulevard (NC 49) right-of-way. The petitioner shall provide for a pedestrian refuge area if needed, if feasible align Advent Lutheran Church's existing driveway to the new median opening, and add new landscaping material or transplant any existing vegetation impacted by construction to the proposed median extension. A landscaping plan for the Mark Twain median will be required during the driveway and construction plan approval process."
18. Amended Note 6D under the heading of Architectural Standards to state" all buildings constructed on the site shall be architecturally compatible in appearance through the use of similar, as well as complementary building materials, colors and design (giving due considerations of the use of each building). Should a decorative architectural screening be used on the rear yard façade of the structured parking deck, it must be reviewed and approved by the Charlotte-Mecklenburg Planning Department prior to the issuance of a building permit for the parking deck."
19. Amended Note 13 under the heading of Phasing to state the development will be built in one phase.
20. Amended Note 4A to limit permitted uses to the following uses: barber and beauty shops; dwellings detached, duplex, triplex, quadraplex, attached, multi-family and planned multi-family developments, and mixed use buildings; restaurants including open air or sidewalk cafes; retail sales limited to uses permitted in the B-1 district, structured parking decks as a principal or accessory use.
21. Deleted Note 6K under the heading of Architectural Standards.
22. Added Hardie plank siding as a permitted building material under Note 6H.

VOTE

Motion/Second:	Firestone/Phipps
Yeas:	Firestone, Griffith, Johnson, Phipps, and Zoutewelle
Nays:	None
Absent:	Allen, Dodson, and Rosenburgh
Recused:	NA

ZONING COMMITTEE DISCUSSION

Planning staff presented the petition to the Committee and indicated all of staff's outstanding issues had been addressed. Some on the committee felt that the density is justified at this location directly across from the university. However, all agreed that the minimal building separation and lack of any buffer were not appropriate abutting the existing single family residential dwellings to the rear of the site.

In addition, a committee member expressed concern about the resultant traffic impacts of the development and asked if staff has given consideration to pedestrians crossing Highway 49 to the university? CDOT staff responded that NCDOT will require the petitioner to install a third north bound continuous lane from Mark Twain Road to John Kirk Road, and a fourth leg to the intersection of Broadrick Boulevard. It was noted that there are existing pedestrian crossings on either side of the existing traffic signal at the intersection of Broadrick Boulevard and University City Boulevard.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW**• Proposed Request Details**

- The site plan accompanying this petition contains the following provisions:
- Up to 200 multi-family residential units at a density of 43 dwelling units per acre.
- Maximum of 5,000 square feet of commercial uses on the ground floor of a residential building.
- Allowance of limited uses permitted in the MUDD district and retail uses permitted in the B-1 district.
- A three-story structured parking deck.
- Maximum height of 55-feet and four stories for buildings A, C, D, F and a maximum height of 40 feet and three stories for buildings AB, E and the parking deck.
- Building D is required to be built prior to the construction of the parking deck.
- Vinyl siding prohibited as an external building material. Vinyl windows may be used.
- Detached lighting limited to 20 feet in height.
- A CATS concrete passenger waiting pad along University City Boulevard.
- Optional Provisions include:
 - Allow five brick columns to be constructed in the right-of-way along NC Highway 49 with a maximum of 20 feet in height. Allow a maximum of 25 square feet of signage on one column.
 - Allow variation from streetscape standards by providing mid-building or end access points on Buildings C, D and F, which may or may not connect pedestrians directly to sidewalks located on NC Highway 49.

• Public Plans and Policies

- The *University City Area Plan* (2007) recommends multi-family residential uses up to 17 dwelling units per acre.
 - 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. However, the building massing and design should go further to meet the "Key Goal" of respecting and enhancing compatibility and integration with the adjacent neighborhood.
 - Staff disagrees with the recommendation 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:** The proposed development would generate 48 students. The net change in number of students generated from existing zoning to the proposed zoning is 33.
 - **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 a CATS concrete passenger waiting pad.
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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
- 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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