

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment), with five-year vested rights
<b>LOCATION</b>	Approximately 26.47 acres located on the west corner at the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow up to 380 multi-family units at a density of 14.34 dwelling units per acre.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	B&C Land Holdings, LLC Carolina Development Services, LLC Peter Tatge, ESP Associates, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent with the <i>Northeast Area Plan</i> based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends multi-family and/or retail land uses for this site.</li> </ul> <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition:</p> <ul style="list-style-type: none"> <li>• Incorporated standards on site design, open space and buffers, street design and connectivity, and building form and design (as identified in the District 4 Multi-Family Assessment); and</li> <li>• Reduces the overall intensity of the site by eliminating 107,000 square feet of retail entitlement and reducing the total allowed number of residential units to 380 (422 currently allowed);</li> </ul> <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Eschert).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 7-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Environmental Features language has been amended to state that that the water quality facility to be constructed on the site will be designed and landscaped as part of the overall site design, and that <u>such areas will be made aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like features.</u></li> <li>2. Architectural Standards Note g has been amended to read as follows: "The petitioner reserves the right to combine or relocate building locations so long as the total number of buildings of 380 is not increased, the buildings are within the general Building Pod Areas as illustrated on sheet RZ-3 entitled Street Section/Building/Parking Concepts, <u>the number of units in any single building will not exceed 34 units,</u> and the typical <u>public and private</u> street frontage requirements are met, as further illustrated on this sheet."</li> <li>3. Lighting language has been amended as follows: "<u>Freestanding lighting on the site located within 200 feet of residential lots within Mallard Lake subdivision will be limited to 20' in height as depicted on the Technical Data Sheet.</u> Other freestanding lighting located throughout the property will be limited to 25' in height. All lighting will utilize full cut-off luminaries."</li> </ol>
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4. The Petitioner has agreed to dedicate in fee simple to NCDOT a minimum of 50 feet right of way, measured from the existing centerline of Salome Church Road along the site’s frontage for the future expansion of Salome Church Road and to install the required curb and gutter at its future location.
5. References to the CC Area Plan have been removed from the site plan.
6. Note e under Streetscape Landscaping, Buffers, and Setbacks has been revised to state: “With the exception to the 75’ buffer adjacent to the Mallard Lake Subdivision, the petitioner may reduce the width of any required buffers by 255 with the installation of a 6’ foot high fence or berm with required landscaping as specified in Section 12.302(b).”
7. Revised site plan to note that tree preservation areas will be a minimum of 30 feet in width.
8. Modified vignette 3. Typical Open Space/Building Relationship with respect to building locations and treatment of open space and pathways.
9. A note has been added that the buildings will have the same “front” and “rear” elevations.

**VOTE**

Motion/Second: Wiggins/Eschert  
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Majeed, Sullivan and Wiggins.  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Zoning Committee, noting all items had been addressed. There was no discussion of this request.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
  - At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report, including corrective rezonings of selected parcels.
  - The subject rezoning site was one of the properties selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site’s lack of updated community design guidelines associated with the conditional rezoning plan for the property.
  - This petition was originally a staff-initiated (conventional) request to rezone the site from CC (commercial center) to R-4 (single family residential), to allow all uses in the R-4 (single family residential) district.
  - The City Council held a public hearing on this conventional request at its February 17, 2014 meeting. The Zoning Committee recommendation was deferred several times to allow additional time for the property owner and staff to work together to develop a mutually acceptable conditional site plan with specific design guidelines.
  - To support this effort, the Planning Department hired a Charlotte-based design firm (DRG) to develop preliminary site plans using current development standards and regulations that have been implemented since the approval of rezoning petition 1999-33c. Staff held two design charrettes with the property owner and consultant, and met several times to work on site plan challenges and design guidelines.
  - Subsequently, the property owner decided to undertake a conditional rezoning for the subject property.

- At the Zoning Committee's June 24, 2015 meeting, the committee recommended that the petition be returned to City Council for a new hearing to allow the conversion of the petition to a conditional rezoning as requested by the property owner.
- At its meeting of July 20, 2015, the City Council approved a new public hearing for the subject petition.
- **Proposed Request Details**

The site plan amendment contains the following changes:

  - Up to 380 multi-family residential units at a density of approximately 14.33 dwelling units per acre (42 fewer units than 422 allowed under approved petition 1999-33c which currently governs the site), with five-year vested rights. Proposed development areas are identified on site plan as "Pods" A-D.
  - Number of units in any single building not to exceed 34 units.
  - Provides "building example."
  - Maximum 55-foot building height (not to exceed three stories).
  - Proposed extension of Porter Creek Road, connecting to Salome Church Road, which will serve as the primary street running through the proposed development.
  - This street will have six-foot sidewalks, eight-foot planting strips, and on-street parking. Buildings will be set back 27 feet from this street.
  - Dedication in fee simple to North Carolina Department of Transportation (NCDOT) a minimum of 50 feet of right-of-way, measured from the existing centerline of Salome Church Road along the site's frontage for the future expansion of Salome Church Road.
  - A proposed private street network within the "Pods" connecting to the new internal public streets.
  - Includes a series of concepts showing relationships between buildings, streets, courtyards, parking, and buffers.
  - Provides street cross sections for public streets.
  - Conceptual building elevations.
  - Architectural standards identifying proposed treatments pertaining to building materials, roof pitch, building façade/articulation, and window arrangement.
  - Proposed 50-foot and 75-foot buffers along property lines abutting existing single family residential homes to the south and west (Mallard Lake Subdivision). Any required buffers may be reduced by 25% with the installation of a six-foot high fence.
  - Potential tree save areas identified. Tree preservation areas to be a minimum of 30 feet in width.
  - Provides water quality areas that will be made aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like features.
  - Freestanding lighting on the site located within 200 feet of residential lots within Mallard Lake subdivision will be limited to 20 feet in height.
- **Public Plans and Policies**
  - The petition is consistent with the *Northeast Area Plan (2000)*, which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the entire site rezoned in 1999, be developed at a density up to eight dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
  - No issues.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Engineering and Property Management:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.
- **Charlotte Fire Department:** No comments received.

**OUTSTANDING ISSUES**

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Transportation Review
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte-Mecklenburg Schools Review
  - Engineering and Property Management Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Mecklenburg County Land Use and Environmental Services Agency Review

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