

REQUEST	Current Zoning: O-2(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W. T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to develop a vacant site located within a half mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charlotte University Park, LLC Water Walk RE Development Services, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online Number of people attending the Community Meeting: 0
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>University City Area Plan</i> based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends a mix of residential, office and/or retail uses in this area. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition proposes a mixture of hotel rooms and residential units; and • Provides a new local street that is identified in the adopted area plan as a desired connection; and • Provides buffers abutting multi-family residential uses; and • Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and • Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment; <p>By a 6-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reoriented building to shift location of primary entrance toward University Executive Park Drive. 2. Added a porte-cochere for drop-off and to help further create a prominent primary entrance. 3. The petitioner has provided a 10-foot Class "C" buffer along the property line with the existing multi-family use in O-3(CD) zoning as the proposed MUDD (mixed use development) does not require buffers. 4. Reduced parking from a rate of 1.6 spaces per unit to 1.2 spaces per unit, for a total of 180 parking spaces. 5. Oriented public open space to be accessible from the street network. 6. Added Notes 4(a) and (b) as follows: Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University
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Executive Park Drive subject to the City agreeing to provide the petitioner up to \$250,000 to construct the new public street. As part of this agreement the petitioner will:

7. Dedicate or convey to the city a 40-foot wide strip of property along the site's northern property boundary for the construction of a new public street that will connect Collins Aikman Drive to University Executive Park Drive;
8. Construct within the 40-foot right-of-way a public street that will contain two travel lanes with 20 feet of pavement; 2.5-foot curb and gutter on each side; and an eight-foot planting strip and six-foot sidewalk on the side of the new public street adjacent to the site (on street parking may also be provided along the street).
9. The City will be responsible for the maintenance and up keep of the new street, upon dedication or conveyance of the street to the City.
10. Reflects an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on University Executive Park Drive, and commits to provide an eight-foot planting strip and six-foot sidewalk on the side of the Collins Aikman Drive Extension adjacent to the site.
11. Deleted Note 1(c)(i-iv) including the footnote.
12. Amended Note 4c to delete the following: The existing sidewalk and planting strip on Executive Park Drive will remain.
13. Deleted Note 6c, which indicated that screening will meet ordinance requirements.
15. Specified the location of proposed gates at driveway entrances.
16. Updated building elevations and included an optional elevation that reflects a change to building materials as allowed per Note 5a.
17. Provided a knee wall and ornamental fencing to screen parking along the new street.
18. Amended plan to show that the gate on the driveway from University Executive Park Drive will be located a minimum of 60 feet from the back of the sidewalk, and to add a note that the gated access from the new public street will be equipped with a transponder or similar equipment.
19. Amended plan to shift the outer row of nine parking spaces that abuts the new street.
20. Added a note that the petitioner will discuss with University Research Partners (URP) the possibility of allowing the on-site tree save area to be used as public open space.
21. Amended Note 2c to clarify that the optional request seeks to allow a three-foot screen wall instead of the minimum four-foot high wall required per the ordinance.
22. Added a note that if the alignment of the new road shifts during the Subdivision approval process the proposed storm water detention area and the on-site parking areas will shift accordingly.
23. Added a note that approval for the road will be done through the Subdivision approval process and that site plan approval for the remainder of the site will be done through the MUDD approval process.
24. Amended Note 6a to state that the proposed 16-foot setback along University Executive Park Drive will be measured from the existing or future back of curb as required by the Ordinance.
25. Added #2 to the notes regarding Optional Provisions.
26. Amended Note 4(a)(II) as follows: If on-street parking is provided along the new public street it must be recessed and can only be accommodated if the road is widened and additional right-of-way provided. On-street parking cannot be provided in the proposed 40-foot right-of-way.
27. Amended Note 4(d) to clarify that an eight-foot planting strip and six-foot sidewalk will be provided along the existing cul-de-sac bulb of Collins Aikman Drive as well as the new extension of Collins Aikman Drive (one side only).
28. Amended Note 5e to delete reference to Abbey Place.

- 29. Added a note that the petitioner must design, build, and plat the new road prior to issuance of a certificate of occupancy for the proposed single building designed to serve as corporate housing units. The petitioner must post a bond at the time of platting if road work is not completed.
- 30. Deleted Sheet R-100.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition, reviewed new notes added by the petitioner the day of the Zoning Committee meeting, and noted that one outstanding issue has not been addressed. The outstanding issue was identified as the request to remove the outer row of nine parking spaces that abuts the new street, and specified staff’s rationale for the request include:

- a) the site is parked at 1.2 spaces per unit, which exceeds the MUDD district’s minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for the new street to shift if needed.

A committee member asked if the site would meet the parking requirement if the nine spaces are removed. Staff responded the site should meet the parking requirement based on the proposed 1.2 spaces per unit, which exceeds the minimum ordinance parking required for both uses.

Another committee member asked the number of bedrooms that will be provided per unit. Staff could not answer this question. The committee asked the aforementioned questions to the petitioner and agent. The agent, Keith MacVean, responded that the site would not meet the required parking if the nine spaces were to be removed and specified that one, two and three-bedroom units will be provided.

A committee member stated that though the site is in a proposed transit area it is currently very suburban in nature. The member asked how the road is being installed. CDOT staff stated that the Northeast Corridor Infrastructure Program (NECI) program is providing up to \$250,000 toward installation of the road.

A member asked the typical length of stay at the proposed facility. The petitioner, Bill Chaffee, responded over 80 days on the hotel site and an average 180 days for the extended stay side. The petitioner’s agent further clarified that both hotel units and extended stay units are designed the same but that some of the units are fully furnished and the other portion are unfurnished. Staff clarified that the zoning ordinance does not have a definition or use category for extended stay facilities. The Zoning Administrator made an interpretation that the length of stay allowed by some of the units constituted a living unit and was classified as a multi-family dwelling unit. Because the current approved site plan allows hotel units, the site had to be rezoned to allow residential dwelling units. A committee member stated that an accompanying family member may need use of a car and, for that reason, they were okay with allowing the nine parking spaces to remain.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee, for the following reasons:

- a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district's minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for location of the new street that is not fully engineered to shift if needed.

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

PLANNING STAFF REVIEW**• Background**

- Petition 1998-39 rezoned the subject property (identified as Area 2c) to O-2(CD) to allow two hotels with up to 384 rooms.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A mix of up to 150 hotel rooms and residential dwellings in one principal building designed to serve as corporate housing.
- Building height limited to four stories and 60 feet.
- Building materials to be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material only to be used on windows, soffits and handrails/railings.
- A minimum of 40% of the exterior of the building, exclusive of windows, doors and roofs to be constructed with masonry materials such as brick, stone, precast stone and precast concrete.
- Building elevations have been provided.
- The portion of the building facing University Executive Park Drive not to have expanses of blank walls that exceed 20 continuous feet in length.
- A 16-foot setback to be provided along University Executive Park Drive and Collins Aikman Drive.
- Parking limited to 1.2 spaces per hotel room or residential unit. This is an increase in parking from one space per residential unit and 0.5 per hotel as required in (mixed use development) MUDD.
- Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University Executive Park Drive subject to the City agreeing to provide the petitioner up to \$250,000 to construct the new public street.
- Site access proposed via gated entrances on one driveway off University Executive Park Drive and a driveway connection on the proposed extension of Collins Aikman Drive.
- Provision of an eight-foot planting strip and eight-foot sidewalk along the site's frontage on University Executive Park Drive, and an eight-foot planting strip and six-foot sidewalk along the existing cul-de-sac and proposed extension of Collins Aikman Drive.
- A sidewalk and crosswalk network that links the buildings on the site to the sidewalks along University Executive Park Drive and Collins Aikman Drive to be provided along the site's internal parking area.
- A 10-foot wide Class C buffer along the property line with the existing multi-family use in O-3(CD) zoning.
- Optional Provisions for the following allowances:
 - Allow parking between the building and Collins Aikman Drive and University Executive Park Drive as generally depicted on the rezoning site plan. Parking between buildings and streets is disallowed in the MUDD (mixed use development) except through an optional provision.
 - Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. The MUDD (mixed use development) district allows signs located on any building wall to have a maximum sign surface not to exceed 5 percent of the building wall area to which the sign is attached up to a maximum of 100 square feet.
 - Allow a three-foot screen wall instead of the minimum four-foot high wall required per the

ordinance.

- **Public Plans and Policies**
 - The *Northeast District Plan* (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.
- **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 Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 10 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 10 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) significantly. The schools are anticipated to remain at the current utilization shown below.
 - University Meadows Elementary at 139%
 - James Martin Middle at 98%
 - Vance High at 142%
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No comments received.
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OUTSTANDING ISSUES

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

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

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