

<b>REQUEST</b>	Current Zoning: R-3 (single family residential), O-1(CD) (office, conditional), and INST (institutional)  Proposed Zoning: MUDD-O (mixed use development, optional), with five year vested rights
<b>LOCATION</b>	Approximately 6.83 acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	This petition proposes to allow the redevelopment of a residential site, located directly across University City Boulevard from the campus of UNC Charlotte, with up to 332 multi-family residential dwelling units, at a density of 48.6 dwelling units per acre.
<b>PROPERTY OWNER</b>	College Station Associates, LLC; Cardinal Property Holdings, LLC; Sonya P. Moore, and Steve and Sarah Goodman
<b>PETITIONER</b>	Haven Campus Communities
<b>AGENT/REPRESENTATIVE</b>	Jeff Brown, Keith MacVean, Bridget Dixon, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 17
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found the residential use consistent with the <i>University City Area Plan</i>, but the proposed density to be inconsistent with the plan. Further the Zoning Committee found the residential use proposed for the portion of the site that fronts Sandburg Avenue to be consistent with the <i>Northeast District Plan</i>, but the proposed density to be inconsistent with the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The <i>University Area Plan</i> recommends residential use for the site.</li> <li>• The <i>University Area Plan</i> recommends a density of 22 dwelling units per acre.</li> <li>• The <i>Northeast District Plan</i> recommends residential use for the portion of the site that fronts Sandburg Avenue.</li> <li>• The <i>General Development Policies</i> (GDP's) only support a density up to 17 units per acre.</li> </ul> </li> <li>• However, 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: <ul style="list-style-type: none"> <li>• The nature of the area has changed such that some of the recommendations in the area plan are no longer applicable; and</li> <li>• There is a need for this type of housing in the vicinity of UNCC;</li> </ul> </li> </ul> <p>By a 4-1 vote of the Zoning Committee (motion by Labovitz seconded by Majeed).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 4-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended Note 6H under "General Design Guidelines" to add language that all building entrances shall be visible from the street and have prominent components that are similar in size and scale to the building, and appear to residents as a primary entrance to the building. This may be done with window features, architectural elements, a building protrusion that is taller than one story, or awnings.</li> <li>2. <i>Staff has rescinded this request because no widening of University</i></li> </ol>
--------------------------------	--

- City Boulevard is proposed or required. Identify the future curb line location along University City Boulevard on the site plan.*
3. Reduced number of units from 349 to 332. Density is reduced from 51 units per acre to 48.6 units per acre.
  4. Amended Note 6(b) under "General Design Guidelines" as follows: "The attached building elevations are provided to reflect the architectural style and a quality of the building to be constructed on the site. The actual building constructed on the site may only have minor variations from this illustration that adhere to the general architectural concepts, and the intent illustrated is maintained. Minor variations do not include changes to design or percentage of coverage of building materials as designated on Sheet RZ-6 and shown on Sheets RZ-4 and RZ-5.
  5. Amended Note 4(l)(a) under "Transportation Improvements" to add the following: "The proposed multi-use trail may meander to save existing trees. The multi-use trail will maintain a minimum clearance of 10 feet from the back of the curb along University City Boulevard."
  6. Amended 6(h) under "General Design Guidelines" as follows: "The units with frontage on Sandburg Avenue will not have individual entrances to Sandburg Avenue. The proposed building entrances will be visible from the street and have prominent components that are similar in size and scale to the building and appear to be primary entrances to the building. This may be done with window features, architectural elements, and a building protrusion that is taller than one-story, or awning or trellis like features."
  7. Provided amended townhouses conceptual perspective to eliminate individual entrances along Sandburg Avenue.
  8. Added a partial north elevation at University City Boulevard, a partial south elevations at Sandburg Avenue, a west elevation at Suther Road, an east elevation at the new public street, and an annotated architectural rendering.
  9. Petitioner committed to amend Note 4(l)(a) under "Transportation Improvements" to reflect that the multi-use trail will reflect a minimum clearance of 15 feet from the back of curb along University City Boulevard.
  10. Petitioner committed to specify a minimum percentage of brick to be provided on buildings that aligns with the amended building elevations that reflect more brick.
  11. Petitioner committed to amend the renderings to reflect the additional entrances that meet the standard specified in Note 6H under "General Design Guidelines."
  12. Petitioner committed to amend Note 6C under "General Design Guidelines" to note that blank walls shall include any sidewalk level walls that are taller than five feet.
  13. Petitioner committed to provide a complete elevation of University City Boulevard in one image to ensure that the building elevations show the entire frontage along University City Boulevard and not just parts of the elevation.
  14. Petitioner committed to amend Note 6E(iv) under "General Design Guidelines" as follows: "architectural protrusion of six inches or greater and have a greater frequency to accentuate enclosed balconies if provided."
  15. Petitioner committed to amend architectural renderings on Sheet RZ-6 to reflect entrance architecture that will have prominent components that appear to residents as a primary entrance to the building. This may be done with window features, architectural elements, a building protrusion that is taller than one store, or awnings.
  16. Petitioner committed to amend Note 6K under "General Design Guidelines" to delete "or have the appearance of being taller than."

Yeas: Eschert, Labovitz, Majeed, Watkins  
 Nays: Spencer  
 Absent: Lathrop  
 Recused: Wiggins

## ZONING COMMITTEE DISCUSSION

Staff provided an update on the petition, noting additional outstanding issues the petitioner has agreed to address, and pointed out that there are five remaining outstanding issues.

Staff noted that the residential use is consistent with the *University City Area Plan*, but the proposed density is inconsistent with the plan. Further the residential use proposed for the portion of the site that fronts Sandburg Avenue is consistent with the *Northeast District Plan*, but the proposed density is inconsistent with the *General Development Policies*.

A committee member questioned the request for the public street to be shifted. Staff pointed out that the location of the proposed public street reflected on the site plan will not allow for a street network to be established, as has been set up via petition 2016-50 located farther south fronting Old Concord Road. Staff continued that there are a number of streets throughout the city that stub into properties and await future development as the city works to build a road network as called for in the City's connectivity policy. As areas redevelop there are additional opportunities for connectivity, and we seize these opportunities so roads will eventually be connected. If the City does not set the road network up for such connections now the desired connections will likely never come to fruition.

A committee member suggested that two roads (the proposed road and Suther Road) coming in off University City Boulevard are too many. Staff responded that, though tighter than the existing road network, it will create a closer street network that will get some traffic off main roads. Staff pointed out that per the current site, the total distance of proposed road is approximately 800 to 850 feet from the existing Suther Road, and the University City Area Plan (UCAP) approved in 2015 calls for a block spacing of 600 feet located closer to Suther Road, in order to break up the larger building and create the desired road network.

CDOT staff noted that the requested block lengths of 400 to 600 feet are consistent with those set forth in the Urban Street Design Guidelines (USDG), which sets block lengths that promote walkability. The recommended block length of 600 feet was then translated into the adopted area plan. Staff noted that an 800-foot block length is more likely to result in vehicular travel as opposed to two 400-foot block lengths, which are easier to digest as a walker or biker. The USDG and adopted area plan want to promote the latter type of mobility. It was asked if the existing rail line will create a problem with connectivity. CDOT staff responded that the local connections will be from Old Concord road to University City Boulevard, and will set a gridded network offering route choice.

A commissioner asked what would make this petition something staff could support. Staff responded that the following issues currently violate the plan and policy, and would need to be addressed: (1) Reduction of the proposed density, which is over twice the density recommended in the recently adopted area plan; and (2) relocation of the proposed public street to create a shorter block along University City Boulevard, which is called for in the area plan to set up a future street network.

A committee member relayed their understanding that a scenario creating two buildings on the site would require a new street per the Subdivision Ordinance, which would shorten the block length but noted that the petitioner has stated this would threaten security of the buildings. Staff stated that the petitioner has made them aware of this

perspective. The committee member noted that the density has been reduced from 51 to 48.5 units per acre via a reduction of the number of units from 349 to 332 and continued that it has been explained to them that there is going to be an increased need for housing in the area due to the growth of the UNC-Charlotte. Thus, justifying the need for the proposed number of units.

Staff explained that the UNC-Charlotte staff had indicated during a previous meeting with staff that there is a true need for graduate housing at this point and time, which is not necessarily what's being proposed. Staff continued that UNC-Charlotte is growing but there may not be as much of a demand for the proposed type of housing in the near term as has been indicated by the petitioner.

Another committee member expressed concern about the number of outstanding issue and questioned if a different area plan or amendments to area plan have been considered. Staff responded that the *University City Area Plan* was approved in 2015, and that staff is working to create balance by considering the interests of the existing College Downs neighborhood and ensuring that new projects fit so the two entities work together, realizing that previous projects have been too dense.

A committee member stated he was familiar with the neighborhood and feels the proposed street would be more intrusive into the neighborhood, noting that Bonnie Lane and Suther Road are the main cross roads. The committee member further stated that there has been an increase in student housing along University City Boulevard but the university cannot keep up with demand even though the private sector is building. The member also noted that the proposed multi-family development is directly across the street from the entrance to UNC-Charlotte so it is walkable. A member stated UNC-Charlotte's growth has changed the character of the area, that the College Downs neighborhood is currently fighting for its survival, and that most houses on this side of the road are rentals and the main core of the homeowners in the neighborhood is along Bonnie Lane. A few members stated the character of the area has now changed, and the current guidelines, though updated in 2015, seem outdated. It was rhetorically questioned where the proposed density would be appropriate if not in this location.

A commissioner referred to a letter of support from University City Partners, and stated that we must use some strategy to make the best of what we have. Another committee member stated that policies and standards are guidelines but human vote is allowed to be the dictating factor, noting that the units will be open to all students. The committee expressed concern about penetration into the neighborhood but understands that the petitioner worked with an abutting property owner to eliminate access to units from the neighborhood side, which helps maintain the remaining character of the neighborhood. The committee asked if the outstanding issues could still be addressed if the ZC recommended approval. Staff responded that it would be the decision of City Council to approve without the five outstanding issues being addressed. The petitioner has right to address the outstanding issues between now and the time of the decision, and City Council has the discretion to send the petition back to the Zoning Committee due to additional changes that may be made after this recommendation.

#### **MINORITY OPINION**

A minority of the Zoning Committee felt the petition was not in the public interest due to numerous outstanding issues.

#### **STAFF OPINION**

Staff agrees with the recommendation of the minority of the Zoning Committee, noting the following outstanding issues:

1. The proposed residential density of 48.5 dwelling units per acre is inconsistent with the *University City Area Plan*, which recommends residential uses up to 22 dwelling units per acre for the portion of the site that fronts University City Boulevard. In addition, the

portion of the site that fronts Sandburg Avenue does not meet the criteria set forth in the *General Development Policies* (GDP's) for consideration of an increase in density above 17 dwelling units per acre. The density of the proposed development should be reduced as it is more than twice what is recommended in the adopted area plan and GDP.

2. The 870-foot proposed block length should be reduced to not exceed 600 feet by relocation of the proposed new street that runs north to south closer to existing Sandburg Avenue to create two smaller blocks, which would be consistent with adopted policy. This future road network has already been established at Old Concord Road between Suther Road and John Kirk Drive via Petition 2016-50. The loss of this road negates an opportunity to set up a future road network in the area.
3. The nonresidential component fronting University City Boulevard should protrude 15 feet from the face of the building to break up massing.
4. Petitioner should amend the South Elevation at Sandburg Avenue (partial) - East Side to reflect better screening for adjacent properties. Spell out the proposed screening ratio in the development notes.
5. The petitioner should revise the site plan to provide better access to the parking structure. CDOT recommends providing a two-way, 20-foot wide driveway aisle connection between the proposed parking deck and Sandburg Avenue or relocating the proposed public street to the other side of the parking structure and creating a local connection between Sandburg and University City Boulevard.

---

### FINAL STAFF ANALYSIS

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

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum of 332 multi-family residential dwelling units, in one principal building, at a density of 48.5 dwelling units per acre.

Site Design and Building Standards:

- Maximum residential building height limited to four and five stories along University City Boulevard, four stories along Suther Road and the proposed new public street, and three stories along Sandburg Avenue.
- Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and handrails/railings.
- Provided building elevations to reflect the architectural style and a quality of the building to be constructed on the site. The actual building constructed on the site may only have minor variations from the illustration, which do not include changes to design or percentage of coverage of building materials.
- The building at the corner of Suther Road and University City Boulevard will be designed to have active ground floor uses such as a leasing office, club house and other amenity areas.
- A minimum 15-foot wide transition zone will be provided between the building face and the back of the sidewalk located along University City Boulevard, which may be used for enhanced landscaping. A five-foot wide transition zone will be provided along Suther Road and a four-foot transition zone will be provided along Sandburg Avenue when possible. Stairs, landscaping, and stoops may be located in the transition zones.
- Scale and massing of buildings longer than 150 feet along a street shall be minimized by using a combination of varied roof lines, building corners, horizontal and vertical variations, and/or architectural protrusion of six inches or greater and have a greater frequency to accentuate enclosed balconies if provided.
- The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Such areas that cannot be treated principally with doors or windows will be treated with a combination of options such as a higher level of transparency on the ground floor, horizontal and vertical variations in wall planes, and/or architectural protrusion.

- Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances.
- Building entrances will be provided a minimum of every 270 linear feet along the site's frontage along University City Boulevard. A minimum of two entrances will be provided along the site's frontage on Suther Road. For units with frontage on Sandburg Avenue, the proposed building entrances will be visible from the street and have prominent components that are similar in size and scale to the building, and appear to be primary entrances to the building. This may be done with window features, architectural elements, a building protrusion that is taller than one-story, or awnings or trellis like features.
- All building facades will incorporate windows, arches or other architectural details along with varying building materials, roof lines or building offsets.
- The ground floor of the proposed building will not exceed five feet above the grade of the proposed sidewalks and the multi-use trail located along the adjoining public streets.
- The ground floor of the building will be taller than or have the appearance of being taller than the upper floors through the use of architectural treatments and details.

Transportation Standards:

- Access to the site provided from University City Boulevard, with a limited service fire access from Sandburg Avenue.
- Petitioner shall provide for future access from the proposed parking deck to the future extension of Sandburg Avenue.
- A crosswalk will be constructed at the intersection of the proposed public street and the proposed 10-foot multi-use trail subject to NCDOT approval. The proposed multi-use trail may meander to save existing trees. The multi-use trail will maintain a minimum clearance of 10 feet from the back of curb along University City Boulevard.
- Petitioner will widen Suther Road along the site's frontage so it will be 24.5 feet from the existing center line.
- Petitioner will widen Sandburg Avenue so the new curb line is located 17.5 feet from the existing centerline, in addition to providing a sidewalk and utility easement along the sites frontage.
- A new north/south public street to be located along the east side of the subject property will be constructed to the standards of a residential wide cross section, with sidewalk along both sides and on-street parking.
- Petitioner will construct required roadway improvements prior to the issuance of a certificate of occupancy.

Additional Provisions:

- A public courtyard will be provided along University City Boulevard, which will be improved with landscaping, hardscape elements, seating and lighting.
- A pad for a bus shelter will be provided along University City Boulevard.
- A 45-foot building setback from the existing or future back of curb along University City Boulevard will be provided
- A building setback along Suther Road ranging from 16 feet at the intersection with University City Boulevard to 75 feet at the intersection with Sandburg Avenue will be provided. Building setback will be measured from the proposed back of curb.
- Along Sandburg Avenue a 16-foot setback measured from the future back of curb will be provided.
- A 16-foot setback along the proposed public street will be provided as measured from the proposed back of curb.
- On-street parking will be provided on Sandburg Avenue and the new public north/south street.

Optional Provisions:

- Allow a small surface parking area between the building and Suther Road, as shown on the site plan.

• **Public Plans and Policies**

- The *Northeast District Plan (1996)* recommends residential land uses up to four units per acre for the subject parcels along Sandburg Avenue.
- The *University City Area Plan (2015)* recommends residential uses at up to 22 units per acre for the subject parcels along University City Boulevard.
- Additional guidance for the parcels subject to the *University City Area Plan* includes the following:
  - Limited retail development may be appropriate as part of new residential development to provide goods and services to the immediate neighborhood.
  - Buildings should be designed to avoid the appearance of having a long, continuous building wall and to break up visual mass and bulk.
  - Development adjacent to established neighborhoods should be no greater than four stories and may incrementally increase in height away from existing single family residential.

Development should be designed to promote pedestrian activity. Buildings should be oriented to the street and located at or near the back of the sidewalk. Parking should be located behind buildings.

- Reduce the number of driveways along University City Boulevard by providing centralized access from a local street or through a series of cross access agreements or other innovative approaches.
- As development occurs construct a multi-use path along University City Boulevard.
- Provide multiple pedestrian and bicycle connections throughout developments, including direct sidewalk connections at intersections and convenient, safe access to UNC Charlotte.
- As new development occurs, provide open space that incorporates amenities such as plazas, courtyards, fountains, outdoor seating, and recreation areas. Encourage consolidation of open space.
- The adopted streetscape for University City Boulevard from North Tryon Street to Mallard Creek Church Road includes a 10-foot multi-use path, 15-foot planting strip, and a 45-foot setback.
- This area lies within a General Corridor, and therefore, most block lengths should not be greater than 600 feet.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre, and are applicable to the portion of the site that fronts Sandburg Avenue, which is proposed for a density of greater than 17 units per acre.

Assessment Criteria	Density Category – over 17 du/a
Meeting with Staff	1 – Yes
Sewer and Water Availability	2 – Yes
Land Use Accessibility	3 – High
Connectivity Analysis	3 – Medium
Road Network Evaluation	0 – No
Design Guidelines	4 – Yes
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 13</b>

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major thoroughfare near a signalized intersection with a local street, directly across University City Boulevard from the UNC Charlotte campus. The current site plan provides bicycle and pedestrian facilities and accommodates street cross sections and associated rights-of-way to develop better local street connectivity. CDOT requests have been substantially resolved. However, the petitioner should revert back to the prior site plan depiction of a right-turn lane on Suther Road as a right-of-way reservation and not constructed with the initial project. The remaining outstanding issues are requests for pedestrian scale lighting on the multi-use path and improved access to the 800 plus space parking deck in the current site plan.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 540 trips per day (based on five single family detached dwellings, 38 multi-family dwelling units, and a 1,647-square foot child care center).

Entitlement: 950 trips per day (based on four single family detached dwellings, a religious institution, and 3,900 square feet of office uses).

Proposed Zoning: 2,140 trips per day (based on 332 multi-family dwelling units).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Site must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning could produce 128 students. Therefore, the potential net change in the number of students generated from existing zoning to proposed zoning is 126 students. The proposed development could increase the school utilization (without mobile classroom units) as follows:
  - Newell Elementary from 108% to 115%;
  - James Martin Middle from 87% to 89%; and

- 
- Vance High from 116% to 118%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing 20-inch and six-inch water distribution mains located along University City Boulevard. There is also system availability via an eight-inch water distribution main located along Suther Road and a four-inch water distribution main located along Sandburg Avenue. Sewer system is available for the rezoning boundary via an existing eight-inch gravity sewer main located in the southern area of the rezoning boundary and along Sandburg Avenue.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

## OUTSTANDING ISSUES

### Land Use

1. The proposed residential density of 48.5 dwelling units per acre is inconsistent with the University City Area Plan, which recommends residential uses up to 22 dwelling units per acre for the portion of the site that fronts University City Boulevard. In addition, the portion of the site that fronts Sandburg Avenue does not meet the criteria set forth in the General Development Policies (GDP's) for consideration of an increase in density above 17 dwelling units per acre. Reduce the density, which is over twice what is recommended in the adopted area plan and GDP.

### Transportation

2. The petitioner should revise the site plan to provide better access to the parking structure. CDOT recommends providing a two-way, 20-foot wide driveway aisle connection between the proposed parking deck and Sandburg Avenue or relocating the proposed public street to the other side of the parking structure and creating a local connection between Sandburg and University City Boulevard.

### Site and Building Design

3. Reduce the 870-foot proposed block length to not exceed 600 feet by relocation of the proposed new street that runs north to south closer to existing Sandburg Avenue to create two smaller blocks, which would be more consistent with adopted policy. This future road network has already been established at Old Concord Road between Suther Road and John Kirk Drive via Petition 2016-50. The loss of this road negates an opportunity to set up a future road network in the area.
  4. The nonresidential component fronting University City Boulevard should protrude 15 feet from the face of the building to break up massing.
  5. Amend the South Elevation at Sandburg Avenue (partial) – East Side to reflect better screening for adjacent properties. Spell out the proposed screening ratio in the development notes.
- 

## Attachments Online at [www.rezoning.org](http://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
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools 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
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704)-336-8327

