

REQUEST	Current Zoning: O-1(CD) (office, conditional) and RE-1 (research) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 26.26 acres located on J.N. Pease Place, north of Ben Craig Drive and east of Mallard Creek Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to construct up to 315 multi-family residential units at a density of approximately 12 units per acre on a vacant parcel of land surrounded by a mix of residential, office, retail, and vacant land, and located in the University Research Park.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Summit Avenue URP, LLC Bainbridge Companies Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the office land use recommendation for this site as per the <i>University Research Park Area Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The site is within the University Research Park Mixed Use Activity Center, and the overall intent of the <i>University Research Park Area Plan</i> is to encourage the introduction of a variety of complementary infill developments throughout the Research Park. • The proposed residential development, while not consistent with the adopted office land use for the site or the density per the <i>General Development Policies</i>, is consistent with the overall intent for the University Research Park Mixed Use Activity Center. • The proposed moderate intensity residential use will provide additional housing options within the University Research Park, which is currently predominantly developed with office uses. • As part of the proposed development, Ben Craig Drive will be extended, supporting the City's goal of enhanced street connectivity. • The proposed site plan also includes a connection to the Mallard Creek Greenway, supporting the intent of the developing greenway system to be used for transportation and/or recreation.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes up to 315 multi-family residential units (including townhouse style structures) at a density of approximately 12 units per acre.
- Provides clubhouse, pool/courtyard, "Central Park", and connections to adjacent greenway.
- Limits building height to 60 feet, or four stories.
- Limits number of buildings on the site to 15.
- Proposes access from Mallard Creek Road, J.N. Pease Place, and Ben Craig Drive (Extension).
- Commits to the following transportation improvements:
 - Constructs Ben Craig Drive Extension as a public street to meet the standards for a local collector with provision of a 51-foot right-of-way for this extension, except that on the western edge of the road the right-of-way will extend to the limits of the existing property line.
 - Sets aside 50% of the estimated cost to extend Ben Craig Drive over the existing creek.
 - Provides a minimum \$40,000 to CDOT to fund a traffic signal at the intersection of Mallard Creek Road and Ben Craig Drive.

- Proposes all transportation improvements, excluding the extension of Ben Craig Drive, to be constructed and approved prior to the release of a certificate of occupancy for more than six buildings. The extension of Ben Craig Drive will be approved and constructed prior to the release of the first certificate of occupancy for the buildings labeled 8 and 10 on the rezoning plan. Petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is requested.
- Constructs a minimum of a six-foot sidewalk connection from Mallard Creek Road through the site to J.N. Pease Place.
- Commits to construction of a new waiting pad for a relocated bus stop on Mallard Creek Road along the site's frontage.
- Provides the following architectural standards:
 - Provides front and side building elevations.
 - Proposes a combination of the following materials on principal buildings: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood.
 - Limits use of vinyl or aluminum to use on windows, soffits, and on handrails/railings.
 - Proposes that at least 40% of exterior building facades oriented towards Mallard Creek Road, J.N. Pease Place and Ben Craig Drive Extension will be constructed of brick, stone, pre-cast stone or pre-cast concrete.
 - Proposes that at least 40% of the exterior building facades, exclusive of windows, doors, balconies and roofs will be constructed of brick, stone, pre-cast or pre-cast concrete.
 - Requires buildings exceeding 120 feet in length to have modulations of the building massing/façade plane.
 - Requires buildings to be designed with a recognizable architectural base.
 - Proposes open space amenity areas to be improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area.
- Commits to working with Mecklenburg County Park and Recreation concerning the following:
 - Proposes location for a pedestrian access path to the Mallard Creek Greenway.
 - Builds a minimum of a 10-foot wide access path from J.N. Pease Drive through the site to the existing greenway trail.
 - Constructs a bridge over Mallard Creek to allow a connection from the site to the existing greenway trail.
 - Notes possible dedication of the 100-foot SWIM buffer associated with Mallard Creek located on the site.
 - Notes the minimum width of the access easement for the greenway as 20 feet as requested by Mecklenburg County Park and Recreation.
- Identifies wetland areas to be preserved.
- **Existing Zoning and Land Use**
 - The site is currently vacant and surrounded by office, residential, and retail uses and vacant land in the Research Park area. The site lies adjacent to the Mallard Creek Greenway.
 - The portion of the site currently zoned O-1(CD) is part of a larger, 20-acre site rezoned from RE-1(research) via petition 2001-036 in order to allow general or medical office and any other use allowed under O-1 (office) zoning except hotel/motel or residential units.
 - North of the site are single family homes, townhomes, and apartments, retail and office uses, and educational facilities zoned R-3 (single family residential), R-15(CD) (single family residential, conditional), R-15MF(CD) (multi-family residential, conditional), Inst(CD) (institutional, conditional), and B-1 (neighborhood business).
 - East are offices and vacant land zoned MUDD-O (mixed use development, optional), RE-1 (research) and RE-2 (research).
 - South are retail and office uses zoned MUDD-O (mixed use development, optional), RE-1 (research), and B-1(CD) (neighborhood business, conditional).
 - West are a CATS Park and Ride facility, apartments, and office uses zoned R-17MF(CD) (multi-family residential, conditional), O-1(CD) (office, conditional), and RE-1 (research).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2017-058 rezoned approximately 11.1 acres located on the north side of West WT Harris Boulevard between Mallard Creek Road and Medical Plaza Drive from RE-1 (research) to RE-3(O) (research, optional) in order to allow up to 142,000 square feet of additional non-residential uses including an existing 70,000-square foot building on a site located just outside the University Research Park.
- **Public Plans and Policies**

- The *University Research Park Area Plan* (2010) recommends office use for this site and surrounding area.
- The *University Research Park Area Plan* (2010) stated that the overall intent of the plan was to encourage a mixture of uses, and that the plan depicts a variety of uses that together would strengthen the appeal and vibrancy of the University Research Park. A broader range of uses should be provided to ensure the competitive positioning of the University Research Park.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to six dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 6 dua
Meeting with Staff	Yes = 1
Sewer and Water Availability	CMUD = 2
Land Use Accessibility	Low = 1
Connectivity Analysis	Medium Low = 2
Road Network Evaluation	No = 0
Design Guidelines	Yes = 4
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 10

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on Mallard Creek Road (major thoroughfare), J.N. Pease Place (local) and next to the Mallard Creek Park and Ride. CDOT is requesting the petitioner build Ben Craig Drive to match the cross section of Research Drive as it is anticipated that both roads will connect.
- See Outstanding Issues, Notes 1-3.
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 0 trips per day (based on vacant land use).
 Entitlement: Information unavailable
 Proposed Zoning: 2,030 trips per day (based on 315 apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 0 students, while the development allowed under the proposed zoning will produce 43 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 43 students.
 - The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
 - Mallard Creek Elementary from 93% to 96%;
 - Ridge Road Middle to remain at 119%; and
 - Mallard Creek High from 123% to 124%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water main located along J.N. Pease Place. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along J.N. Pease Place and within the rezoning boundary.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of any state maintained streets (Mallard Creek Road and J.N. Pease Place) without permission of NC Department of Transportation and the City Arborist’s office. Trees must be planted to meet NCDOT planting guidelines. Contact Laurie Reid (704-336-5753) at the City Arborist’s office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.

- **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** Parcel #047-131-07 is adjacent to Mallard Creek Greenway as indicated on the 2015 Greenway Master Plan Update. The Petitioner has been in discussions with Mecklenburg County Park and Recreation (MCPR) about providing an access trail/easement and a bridge from the CATS Park and Ride lot to the Mallard Creek Greenway through the development. The final access trail alignment/width, bridge type/width and easement width is to be reviewed and approved by MCPR prior to the issuance of the first certificate of occupancy.

OUTSTANDING ISSUES

Transportation

1. ~~The petitioner should revise the site plan and conditional note stating the cross section for the extension of Ben Craig Drive will be 30-foot pavement width. Ben Craig Drive is anticipated to connect to Research Drive in the future as a collector street and bike route.~~ **Addressed.**
2. ~~The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ **Addressed.**
3. ~~The petitioner should revise conditional note "d" under Section 3 by removing the "plus statutory interest" from the note.~~ **Addressed.**

Site and Building Design

4. ~~Section 9.303(19)(f) refers to what is noted as a 15-foot setback as a "15-foot separation."~~
5. ~~Ensure a portion of the building footprint adjacent to Mallard Creek Road is not located within the setback.~~ **Addressed.**
6. ~~Label width of sidewalk connection between J.N. Pease Place and Mallard Creek Road.~~ **Addressed.**

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Claire Lyte-Graham (704) 336-3782