



Zoning Committee

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**REQUEST**

Current Zoning: R-12MF(CD) (multi-family residential, conditional) and INST (institutional)  
Proposed Zoning: MUDD (CD) (mixed use development, conditional)

**LOCATION**

Approximately 10.77 acres located at the northeast intersection of East Mallard Creek Church Road and University City Boulevard. (Council District 4 - Phipps)

**PETITIONER**

Fountain Residential Partners

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Northeast District Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends multi-family residential.

However, the proposed density is found to be inconsistent with the *Northeast District Plan*, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends densities of up to 8 and up to 12 dwellings per acre for different sections of the property.

However, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The continuing growth of the UNC Charlotte campus and surrounding area, as well as the area's evolution to a denser and more walkable form represent a change of conditions warranting reconsideration of the density proposed in the area plan; and
- The site is located just beyond the boundaries of the *University City Area Plan* (2015) to the west and the *Rocky River Area Plan* (2006) to the south. These other plans are more recent and reflect higher density uses in proximity to this site which is still covered by the much older *Northeast District Plan* (1995); and
- The Boulevard 98 apartment development adjacent to the west across Mallard Creek Church Road was rezoned in 2012 at a density similar to the subject proposal; and
- Mallard Creek Church Road adjacent to the south is proposed for a grade separated southward extension across University City Boulevard, which is a major change

in condition within the area, supportive of significantly increased density at the subject site; and

- The site is within close proximity to UNC Charlotte's main campus and the Carolina's Medical Center University Hospital, and the proposed development could offer a conveniently located housing choice for students and employees; and
- The site immediately abuts 1990's garden apartments to the north and a retail shopping center to the east, such that it does not impact any adjoining lower density residential neighborhoods.

The approval of this petition will revise the adopted future land use map as specified by the *East District Plan*, from residential at up to 8 and 12 dwellings per acre, to residential greater than 22 dwelling units per acre for the site.

Motion/Second: McClung / Ham

Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel, and Watkins

Nays: None

Absent: None

Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. However, the proposed density is found to be inconsistent with the *Northeast District Plan*.

A committee member noted that though the density is out of range, the proposed student housing type of use should be considered. Because the use was referenced as student housing, staff pointed out that there is no use or definition for student housing specified in the zoning ordinance, and that federal fair housing laws don't allow for prohibition based on age for unprotected classes. As such, the use is deemed multi-family housing.

A committee member pointed out that there was a loss of naturally occurring affordable housing, and this would have been a great opportunity for providing replacement affordable housing in the 'north' freestanding building, which is across the street from the majority of the site.

Another member stated that the separate site segment, located on the north side of the new a major road, is a great location for affordable housing, and responsibility for such programs is too siloed in the City. Members of the committee noted the lack of review comments from the Neighborhood and Housing Services Department, and questioned who is looking after the loss of existing affordable housing.

There was no further discussion of this petition.

## PLANNER

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