

REQUEST	Current Zoning: RE-3(O) (research, optional) Proposed Zoning: RE-3(O) SPA (research, optional, site plan amendment)
LOCATION	Approximately 37.54 acres located on the south side of West Mallard Creek Church Road between Senator Royall Drive and Claude Freeman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to modify the development standards for a portion of an approved project, to allow up to 300 multi-family dwelling units; 75,000 square feet of retail, eating/drinking/entertainment establishments; and a 200-room hotel, on approximately 37 acres of vacant located in the University Research Park.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Crescent Resources LLC & Crescent Resources Inc. Crescent Communities (Attn: Elizabeth McMillan) Jeff Brown, Keith MacVean and Bridget Dixon, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent with the <i>University Research Park (URP) 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, as amended by petition 2011-036, recommends a mix of office, retail, and residential uses for the larger development in which the site is located. <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:</p> <ul style="list-style-type: none"> • This property is located in the University Research Park, and the adopted area plan for this part of the research park recommends a mix of uses with a density of over 22 dwelling units per acre; and • The plan further recommends that this area become a vibrant mixed use developed in a compact, urban, and pedestrian friendly pattern; and • The petition meets the overall intent of the area plan by creating a mix of uses; and • The petition's proposal to reduce the permitted amount of office use and add residential uses will balance the mix of uses, due to the large amount of existing office uses in the research park; and • In addition, the site plan has been designed to support walkability by placing buildings along the streets, with most parking located to the rear of buildings, and providing direct pedestrian connections between the buildings and the sidewalk system. <p>By a 5-0 vote of the Zoning Committee (motion by Fryday seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. CDOT is not pursuing the request for the developer to construct the westbound Research Drive 100-foot right turn lane storage lane with appropriate bay taper length at David Taylor Drive, including a raised right turn channelized median with pedestrian refuge. The
------------------------------------	---

- petitioner has reduced the intensity of the development so that this improvement would is not required.
2. The petitioner has revised the site plan to add the following transportation improvements as identified in the approved rezoning petition 2011-036 and letter dated October 4, 2012 as related to the Senator Royall Development Mitigation Agreement.
 - a. an additional 200-foot north bound left turn lane on Senator Royall Drive at its intersection with West Mallard Creek Church Road (the existing median in Senator Royall Drive must maintain a minimum width of eight feet) only at the pedestrian crossing at Mallard Creek Church Road; and
 - b. modifications to the median associated with the left turn lane from eastbound West Mallard Creek Church Road to northbound Senator Royall Drive by shortening the left turn taper so the proposed right-in right-out drive to Mallard Creek Church Road from Parcel A is located outside of the left turn taper; and
 - c. Creek Church Road at the I-85 southbound on ramp, extend existing right-turn lane from 210 feet to a minimum of 525 feet of storage.
 3. CDOT is not pursuing the request for the developer to construct the Mallard Creek Church Road site access to Parcel A at the location of the future street connection (approximately 750 feet from Senator Royall Drive).
 2. The following notes have been modified as noted:
 - a. Note 4c – restored note (ii) for I-85 southbound off-ramp right-turn lane.
 - b. Note 4d – removed as Note 4c was restored.
 3. Increased the amount of active use along public and private street frontage for the commercial component in Parcel A.
 4. Reduced the square footage allowed for commercial uses which do not directly front on a public or private street.
 5. Staff has rescinded the following request as the setback line for Parcel A is located 50 feet from the back of curb and the setback line for Parcel B is located 100 feet from the back of curb: Revise the setback for Parcel A along West Mallard Creek Church Road to provide a 50-foot "Class B" buffer behind the multi-use trail. For Parcel B, commit to providing a 50-foot "Class B" buffer behind the multi-use trail as the setback line for Parcel A is located 50 feet from the back of curb and the setback line for Parcel B is located 100 feet from the back of curb.
 6. Added note to move multi-family building four feet or more behind the back of sidewalk and trail. Stoops, steps and porches may encroach into the four-foot transition zone.
 7. Added provisions to allow front door entrances within 15 feet of a sidewalk to be raised at least 24 inches above the average grade of the sidewalk.
 8. The parking deck in Parcel A has been removed from the site plan.
 9. Provided note stating that non-residential buildings constructed on Parcels A and B with frontage on a private drive running off of Senator Royall Drive will have a building entrance oriented to the private drive. These building entrances will be unlocked and accessible from the outside during business hours.
 10. Note 8 c.ii states that shadow boxes or window graphics will be allowed for no more than 40 percent of the total required building transparency requirement.
 11. Specified maximum height of freestanding lighting as 31 feet. Also notes maximum height of the detached lights in Parcels A and B will be 26 feet, and the maximum height of the detached lights in Parcel C will be 16 feet.
 12. Added language stating that the club house amenity area for the allowed multi-family development may be constructed on Parcel A.

14. Added language stating public urban open space will be provided within Parcel A and Parcel B at the intersection of Senator Royall Drive and Alexander Village Main Drive.
15. Added note that petitioner will construct at the intersection of Senator Royall and West Mallard Creek Church Road within the proposed setback areas entrance features to help define the development and the research park, and that help create a presence at the intersection.
16. Added a note stating that retaining walls located along Senator Royall Drive five (5) feet or greater in height will meet the requirement for solid walls..
18. The rectangular shape adjacent to the larger retail building footprint within Parcel A will be labeled as possible outdoor dining/seating area if a restaurant is located in the adjacent building.
19. The treatment indicated along the internal private street will be labeled as screening. Additional screening will be added to the private street that enters the Site from Alexander Village Drive.
20. As requested by CDOT, Note 4.d. will be corrected to indicate Parcel A and C instead of Parcel A and B.
21. The Petitioner will add a note indicating that if NCDOT does not allow the street trees to be planted within the right-of-way of West Mallard Creek Church Road for Parcel A the Petitioner will plant two (2) staggered rows of trees in the setback outside of the right-of-way. (The street trees for Parcel B are not located in the right-of-way so NCDOT approval is not required).
22. The Petitioner committed to reconcile and consolidate the lighting note in Section 10.b with the lighting Section 11.b; the new note will read as follows: The maximum height of detached lights on Parcel A and B shall not exceed 31 feet, and the maximum height of detached lights in Parcel C shall not exceed 16 feet.

VOTE

Motion/Second: Wiggins / Fryday
 Yeas: Fryday, McClure, Spencer, Watkins and Wiggins
 Nays: None
 Absent: Lathrop and Majeed
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting outstanding issues that had been addressed and/or agreed to by the petitioner as pertaining to transportation commitments, streetscape, screening, and amenities. Staff noted that this petition is consistent with the *University Research Park (URP) Area Plan*. A Commissioner commented that this project will add to new urbanism in that it is close to major employers, transportation systems, a university and greenway.

Another Commissioner commented that such projects add extreme pressure on schools. He noted that while an increase in 41 students may not seem a lot, other approved rezonings/developments result in cumulative impacts on the school system.

There was no further discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Proposed Request Details**
 The site plan amendment contains the following changes:
 - Modifies the development standards for a previously approved project (rezoning petition

2011-036) on Parcels A, B, and C (Parcel D has been developed with 300 multi-family residential units). The modifications for Parcels A and B include amending the square footage, drive-through window restrictions, the number of proposed buildings, and site layout changes. The modifications for Parcel C include changes to the permitted uses and the site layout.

Parcel A and Parcel B

- Removes the requirement that the maximum size of any retail tenant on Parcels A and B will be limited to 27,000 square feet.
- Adds a request that only two retail uses over 20,000 square feet of gross floor area will be allowed on Parcels A and B. If a grocery store is one of the uses that exceeds 20,000 square feet of gross floor area it may not exceed 50,000 square feet of gross floor area; all other allowed uses that propose to exceed 20,000 square feet of gross floor area may not exceed 35,000 square feet of gross floor area.
- Modifies the language pertaining to uses with drive-through service windows, to allow no more than two uses with drive-through service windows within the site on Parcels A and B instead of limiting them to only one parcel, either Parcel A or B.
- Modifies the language limiting permitted uses for drive-through service windows by eliminating requirement that restaurants provide only ice cream, yogurt, coffee, juices, bagels, muffins, pastries and similar items. Removes the requirement that these types of restaurants may not have on-premise cooking of food, and allows drive-through service windows for financial institutions, pharmacies, dry cleaners, and eating/drinking/entertainment establishments (EDEE), and increases the maximum square footage of eating/drinking/entertainment establishments (EDEE) from 2,500 to 3,500 square feet. EDEEs without an accessory drive-through window are not subject to the square footage restriction.
- Modifies the layout and design of the building/parking arrangement on Parcels A and B.
- Amends the total permitted number of principal buildings from six to eight on Parcel A, and from eight to five on Parcel B.
- Adds note stating that the club house amenity area for the allowed multi-family development may be constructed on Parcel A.

Parcel C

- Removes the approved 250,000 square feet of retail and EDEE uses allowed on Parcel C, and replaces it with an allowance of up to 300 multi-family residential units that may be developed in multiple phases.
- Modifies the layout and design of the building/parking arrangement on Parcel C.
- Amends the total permitted number of principal buildings from 12 to 14 on Parcel C.
- Reduces the maximum building height from 90 feet to 60 feet and six stories as allowed by the ordinance, provided hotel uses may be located in buildings of up to 68 feet in height.
- Added commitment that residential buildings within Parcel C will have a four-foot transition zone between the sidewalk or a multi-use trail provided along public or any required private network streets. The principal building will not be allowed to be located in the four-foot transition zone; however, stoops, porches, steps, rails and similar items may be located within the transition zone.
- Requests the following optional provisions:
 - Allow retail sales uses over 10,000 square feet on Parcel A and Parcel B subject to restrictions below.
 - Allow a 50-foot landscape setback as measured from the future back of curb along Parcel A's frontage along West Mallard Creek Church Road as generally depicted on the rezoning plan. (The area plan recommends a 100-foot setback along West Mallard Creek Road.)
 - Allow 15-foot and 16-foot setbacks along the new internal public streets as generally depicted on the rezoning plan.
 - Allow parking and maneuvering to be located between the proposed buildings and West Mallard Creek Church Road and Alexander Village Main Drive as generally depicted on the rezoning plan.
- Retains transportation commitments to improvements within and around Parcels A, B, and C with the following modifications:
 - Amends Note 4a (Project #2) to delete commitment to provide a 100-foot right turn lane on West Mallard Creek Church Road for the right-in, right-out access located east of the intersection of Senator Royall Drive and West Mallard Creek Church Road. Commits to constructing a second southbound right-turn lane with channelized dual right-turn lanes with protected traffic signal phasing at southbound Interstate 85 exit ramp at Mallard Creek Church Road. Replaces the commitment to provide a six-foot sidewalk along the Parcel B frontage on West Mallard Creek Church Road with a 12-foot multi-use trail.
 - Amends Note 4b (Project #3) to increase the square footage of retail and

eating/drinking/entertainment establishments on Parcel A from 35,000 square feet to 50,000 square feet upon construction of the public street along the southern boundary of Parcel A. Deletes the commitment to provide a 700-foot extension of the existing southbound outside travel lane on Senator Royall Drive to the first full movement intersection located on the site. Replaces commitment to provide a sidewalk as required along Parcel A frontage on Senator Royall Drive with commitment to provide a 12-foot multi-use trail.

- Amends Note 4b (Project 3) to provide modifications to the median associated with the left-turn lane from eastbound West Mallard Creek Church Road to northbound Senator Royall Drive by shortening the left-turn taper.
- Amends Note 4b (Project #3) to add the following: "If the amount of square footage proposed to be developed on Parcel A exceeds 50,000 square feet of gross floor area then roadway improvements required above for Parcel B must also be constructed."
- Amends Note 4c (Project #4) by removing references to improvements at Interstate 85 southbound ramp at West Mallard Creek Church Road.
- Amends Note 4c (Project #4) by deleting the following: "an additional southbound right-turn lane with 250 feet of storage on the I-85 southbound ramp at West Mallard Creek Church Road, channelized dual right-turn lanes with protected traffic signal phasing at the southbound I-85 exist ramp at West Mallard Creek Church Road." Adds the following note: "the extension of the existing southbound outside travel lane on Senator Royall Drive to the extension of Heritage Pond Drive (as illustrated on Exhibit 1 on Sheet RZ-2A of the rezoning plan)". Amends Note 4c (Project #4) to replace commitment to provide a sidewalk along Parcel C frontage on Senator Royall Drive with a commitment to provide a 12-foot multi-use trail.
- Amends Note 4c (Project #4) to add the following: "The improvements proposed along Senator Royall Drive and the intersection of Senator Royall Drive and West Mallard Creek Church Road are illustrated on Exhibit 1 located on Sheet RZ-2A of the rezoning plan."
- Adds Note 4e as follows: "The petitioner will dedicate 30 feet of right-of-way along a portion of the western edge of Parcel A and B, as generally indicated on Sheets RZ-1 and RZ-2 of the rezoning plan. This right-of-way will be dedicated as development occurs on each parcel and prior to issuance of the first certificate of occupancy for the first building on each parcel."
- Replaces cross-sections for proposed Senator Royall Drive with cross-sections for Senator Royall Drive Section D and Section E, and provides cross-sections for Heritage Pond Drive Extension, and Alexander Village Main Drive Extension, West Mallard Creek Church Road (Parcels A and B), and internal private road (Parcel A).
- Adds note that states if the amount of square footage proposed to be developed on Parcel B exceeds 40,000 square feet of gross floor area then roadway improvements required for Parcel A must also be constructed.
- Adds note that states if the amount of square footage proposed to be developed on Parcel A exceeds 50,000 square feet of gross floor area then roadway improvements required above for Parcel B must also be constructed.
- Adds language committing to improve Senator Royall Drive to include an eight-foot raised median with up to three pedestrian refuge islands, one located at Alexander Village Main Drive, one at Heritage Pond Drive, and one additional pedestrian refuge island to be determined during the permitting process if widening of Senator Royall Drive is not required.
- Amends language regarding timing of completion of road improvements and right-of-way to state that roadway improvements must be completed prior to the first (removing final) certificate of occupancy for the first space/unit and first building.
- Adds Note 6c committing to provide a 12-foot multi-use trail along the western side of Senator Royall Drive as part of the development of Parcel A and Parcel C; provided, however, the width of the multi-use trail may be reduced to no less than eight feet, with the approval of CDOT, in certain "pinch point" locations between the pond on the site and Senator Royall Drive.
- Commits to provide an eight-foot wide sidewalk to be developed throughout the site that links each of the parcels.
- Identifies a new CATS bus stop within 50-foot setback.
- Adds a statement that the petitioner will construct, at the intersection of Senator Royall and West Mallard Creek Church Road within the proposed setback areas, entrance features to help define the development and the research park, and that help create a presence at the intersection.

- Amends the location of urban open spaces throughout the site.
- **Public Plans and Policies**
 - The *University Research Park Area Plan* (2010) as amended by petition 2011-036 recommends a mix of office, retail and residential uses for the larger development in which the site is located.
 - The area plan also specifies that the intent for this section of the research park is for it to become a vibrant mixed use district developed in a more compact, urban and pedestrian friendly pattern, while preserving important natural features.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is located along a local street at the signalized intersection with a major thoroughfare. The proposed land use revisions generate approximately the same number of trips as the original rezoning. This petition does provide a connected bike/pedestrian system from Mallard Creek through the development via the site's multi-use paths and proposed street network.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing uses: 0 trips per day (based on vacant property).
 - Entitlement: 9,900 trips per day (based on 200 hotel rooms, 250,000 square feet of office and 75,000 square feet of retail).
 - Proposed Zoning: 9,550 trips per day (based on 100 hotel rooms, 100,000 square feet of retail and 300 attached dwelling units).

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 issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 41 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 41 students.
 - The proposed development is projected to impact the school utilization (without mobile classroom units) as follows:
 - Mallard Creek Elementary utilization to increase from 99% to 102%;
 - Ridge Road Middle to remain at 110%; and
 - Mallard Creek High to increase from 127% to 128%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Senator Royall Drive. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Senator Royall Drive.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

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