

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 & Bridget Dixon
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition in its current form. Outstanding issues are related to transportation, and site and building design.</p> <p><u>Plan Consistency</u> The proposed land uses are consistent with the <i>University Research Park (URP) Area Plan</i>, as amended by petition 2011-036, which recommends a mix of office, retail, and residential uses for the larger development in which the site is located.</p> <p>The site plan is inconsistent with the area plan recommendation of “ a more compact and urban form which will create a unique community”.</p> <p><u>Rationale for Recommendation</u> Staff does not recommend this site plan amendment in its current form because:</p> <ul style="list-style-type: none"> • The proposal does not fully support the goal for the University Research Park to transform into a walkable, mixed-use area. • The commercial component of this site plan amendment is largely auto-oriented and reduces active uses fronting public and private streets. • This proposal locates the primary building in Parcel A away from the street with parking between the building and the street, decreasing the desired walkability of the development. • Additional issues related to landscaping treatment along Mallard Creek Church Road, multi-family building setbacks, traffic mitigation and access remain outstanding. <p>Staff could support approval of the petition if the outstanding issues are satisfactorily addressed.</p>
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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 window 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.

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, and 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 add the following: "If the amount of square footage proposed to be developed on Parcel A exceeds 35,000 square feet of gross floor area then

- roadway improvements required above for Parcel B must also be constructed.”
- Amends Note 4c (Project #4) by 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 a sidewalk as required 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 4d regarding contribution of funds by the petitioner in lieu of certain roadway improvements, which commits the petitioner to contribute to CDOT \$350,000 prior to the issuance of the first certificate of occupancy of the residential units on Parcel C in lieu of specified roadway improvements.
 - 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 C 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, sections of Senator Royall Drive, 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 35,000 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.
 - Amends the location urban open spaces throughout the site.
- **Existing Zoning and Land Use**
 - The site is currently undeveloped and part of a larger 62.70-acre tract rezoned from RE-1 (research) to RE-3(O) (research, optional) by petition 2011-036 in order to allow 75,000 square feet of retail, restaurant and other uses as allowed on Parcels A and B; a 200-room hotel on Parcel A or B; 250,000 square feet of general and medical office uses on Parcel C; and 320 multi-family dwelling units on Parcel D. The multi-family dwelling units on Parcel D have been constructed. The site is surrounded by a mix of residential, retail, institutional, and office uses, and lies just west of Interstate 85.
 - To the north are single family neighborhoods, a religious facility, retail and office uses, and vacant land zoned R-3 (single family residential), MX-1 Innov (mixed use, innovative), R-12MF(CD) (multi-family residential, conditional), MUDD-O (mixed use development, optional), NS (neighborhood services), and O-1(CD) (office, conditional).
 - East of the site are a multi-family residential community, water tower, Duke Energy substation, vacant land, and scattered single family residential development zoned RE-1 (research), RE-3(CD) (research, conditional), RE-3(O) (research district, optional), R-4 (single family residential), and BD(CD) (distributive business, conditional).
 - To the south are undeveloped land, office/warehouse uses, and low density single family

- residential homes zoned O-1(CD), RE-1 (research), RE-2 (research), and RE-3(O) (research, optional).
- To the west are undeveloped land, Fire Station 36, and office/warehouse uses zoned RE-2 (research), RE-3(O) (research, optional), R-3 (single family residential).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2016-139 is a request to rezone approximately 65.70 acres located on the northwest corner at the intersection of West Mallard Creek Church Road and Interstate 485 from RE-1 (research), RE-3(CD) (research, conditional) and R-3 (single family residential) to CC (commercial center) to allow 395 multi-family residential units, and 160,000 square feet of non-residential uses. This petition is currently under review.
 - Rezoning petition 2016-010 rezoned approximately 4.3 acres located on the southeast corner at the intersection of West Mallard Creek Church Road and Legranger Road from R-4 (single family residential) to BD(CD) (distributive business, conditional) in order to allow a 107,000-square foot climate controlled self-storage facility.
 - Rezoning petition 2014-035 rezoned approximately 90 acres located on the southeast corner at the intersection of David Taylor Drive and Claude Freeman Drive from RE-2 (research) to RE-3(O) (research, optional) and O-1(CD) (office, conditional) in order to allow the expansion of office, research and laboratory facilities for an existing business (Electrolux) in the University Research Park.
 - **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; however, the petitioner has reduced or removed some of the prior transportation mitigation commitments. Additionally, CDOT has concerns with the form of the street connection provided from the multi-family and through the retail portion of the site. 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.
 - See Outstanding Issues, Notes 1-3.
 - **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 Department of Solid Waste Services:** No comments received.
- **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.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise 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. The following traffic mitigation improvements shall be completed and approved before the first building certificate of occupancy is issued on the site (i.e. development parcels A, B, or C):
 - a. A westbound Research Drive 100' right turn lane storage lane with appropriate bay taper length at David Taylor Drive, including a raised right turn channelized median with pedestrian refuge.
2. CDOT recommends the developer construct the Mallard Creek Church Road site access to Parcel A at the location of the future street connection (approximately 750' from Senator Royall) as this will be the permanent location for site access. CDOT's approval/permitting of the Parcel A site access at the location shown on the current site plan (approximately 400' from Senator Royall) will be temporary only and will be required to be closed when requested by CDOT upon implementation of a portion of the permanent right-in/right-out street, for which right of way is shown as reserved, at the western property line. The petitioner needs to revise the site plan to add a conditional transportation note acknowledging and committing to this condition. Additionally, median modification on Mallard Creek Church Road to accommodate temporary driveway location (i.e. note 4d iii should be moved to 4b v).
3. Petitioner should revise the conditional notes as follows:
 - a. Note 4c – restore (ii) for I-85 southbound off-ramp right turn lane
 - b. Note 4d – revise to "If agreed to by NCDOT and CDOT, the petitioner may provide a \$xxx,xxx (to be determined) contribution prior to the issuance of the first certificate of occupancy of the residential units allowed in Parcel C in lieu of the additional southbound right turn lane with 250 feet of storage, including channelizing and signal modifications, at the I-85 southbound off-ramp to Mallard Creek Church Road for use by CDOT, in conjunction with NCDOT, to fund other improvements at this interchange.
 - i. Appropriate cost for substitute improvement(s) has not been provided. Petitioner should coordinate with NCDOT to provide acceptable format and documentation.
 - ii. Transportation mitigations to MCC median at Parcel A and westbound David Taylor are not and should not be included in the substitute improvements scope or cost.
 - iii. The petitioner should work with NCDOT to determine if the cost of mitigations "by others" that have not been constructed but were identified as existing in the TIS will be required to be included in the transportation commitments and/or payment in lieu.

Site and Building Design

4. Increase the amount of active use along public and private street frontage for the commercial component in Parcel A.
5. Reduce the square footage allowed for commercial uses which do not directly front on a public or private street.
6. 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.
7. Revise setback 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.
8. Add a note as follows: "Front door entrances within 15 feet of a sidewalk will be raised at least 24 inches above the average grade of the sidewalk."
9. The front wall plane of the parking deck in Parcel A should not extend beyond the front wall planes of the buildings north of the deck.
10. Place primary building entrances for the commercial buildings along Senator Royall Drive and Alexander Village Main Drive along those streets or along the perpendicular driveways off of Senator Royall Drive. Note that these building entrances will be unlocked and accessible from the outside during business hours.

11. Under Note 8.b.ii add that shadow boxes or window graphics will be allowed for no more than 20 percent of the total required transparency requirement per building face.
12. Add architectural standards for the treatment of the portions of the parking deck visible from public and private streets. Emphasis should be on the ground floor when abutting internal and external sidewalks.

REQUESTED TECHNICAL REVISIONS

13. Specify maximum height of freestanding lighting.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services 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

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