

Site Develop	<u>ment Data:</u>
Acreage: ±	10.77 acres

--Tax Parcel #s: 051-013-04, 051-013-03, 051-013-01, 051-013-02, 051-011-16, 051-011-15, and 051-011-35

- --Existing Zoning: INST and R-12MF(CD) --Proposed Zoning: MUDD-CD
- -- Existing Uses: Vacant and Multi-Family Residential

--Proposed Uses: Residential dwellings units as permitted by right, and under prescribed conditions, together with accessory uses, as allowed in the MUDD zoning district (all as more specifically described and restricted below in Section 3). --Maximum Number of Residential Dwelling Units: Up to 568 residential dwelling units as allowed by right and under prescribed conditions in

**Fountain Residential Partners** 

**Development Standards** 

12/19/18

**Rezoning Petition No. 2018-075** 

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the MUDD zoning district. --Maximum Building Height: Up to five (5) stories and 72]feet for the residential buildings and up to six (6) stories and 65 feet for the proposed parking structure. Building height to be measured per the Ordinance

1. General Provisions:

--Parking: As required by the Ordinance.

Site Location. These Development Standards, the Technical Data Sheet, Schematic Site Plan and other site plan sheets form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Fountain Residential Partners. ("Petitioner") to accommodate the development of a high quality residential community on an approximately 10.77 acre site located on the northeast quadrant of the intersection of University City Boulevard and E. Mallard Creek Church Road (the "Site").

b. **Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the MUDD zoning classification shall govern all development taking place on the Site.

Graphics and Alterations. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Permissible Building Areas (as defined below) and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

The Petitioner will also submit to University City Partners (UCP) Executive, for review and comment, any Administrative Amendment requests submitted to the Planning Director under the provisions of 6.207. The comments from the UCP Executive will be forwarded to the Planning, Design & Development Department for review prior to the approval of any Administrative Amendment requests. 

Number of Buildings Principal and Accessory. The total number of principal buildings to be developed on the Site will be limited to six (6). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.

2. <u>Permitted Uses, Development Area Limitations:</u>

a. The principal buildings constructed on the Site may be developed with up to 568 multi-family residential dwellings units as permitted by right, and under prescribed conditions together with accessory uses allowed in the MUDD zoning district.

- 3. Transportation Improvements and Access:
- I. <u>Proposed Improvements:</u>

Improvements. The Petitioner plans to provide or cause to be provided on its own or in cooperation with other parties who may implement portions of the improvements, the improvements set forth below to benefit overall traffic patterns throughout the area in accordance with the following

The following Transportation Improvements are also illustrated on Sheet RZ-02 and RZ-05 of the Rezoning Plan. The illustrations on Sheet RZ-02 and RZ-05 are to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on Sheet RZ-02 and RZ-05, if applicable, for the proposed improvement).

The following roadway improvements will be made by the Petitioner in coordination with CDOT and NCDOT regarding Transportation Improvement Program (TIP) project U-5768 as part of the redevelopment of the Site as proposed by the rezoning Plan and the proposed phasing:

The Petitioner reserves the right to work with CDOT and NCDOT to request modifications to the proposed improvements indicated below in order to allow the proposed improvements to be coordinate and to align with the final plans for TIP project U-5768.

**Phase One Mitigation/Improvements:** 

Up to 460 units may be constructed and occupied once the following improvements have been provided:

- a. University City Boulevard (NC 49) at E. Mallard Creek Church Road.
- The Petitioner, in coordination with CDOT and NCDOT, will remove Phase 1 of the signal phasing during the AM peak hour, so that additional green time can be provided to the westbound through movement, and timing adjustments during the PM peak hour for the signal at University City Boulevard and East Mallard Creek Church Road.
- Existing Thomas Combs Drive at Site Access # 1.
- Construction of a full movement driveway.
- Thomas Combs Drive Extension at Site Access #2.
- Construction of a full movement driveway.
- d. Thomas Combs Drive Extension at E. Mallard Creek Church Road.
- Construction of Thomas Combs Drive Extension with the right-in/right-out operation at E. Mallard Creek Church Road.
- Construction of a northbound right-turn lane along E. Mallard Creek Church Road with 100 feet of storage.

The Petitioner will dedicate and convey to CDOT and/or NCDOT the right-of-way for the construction of Thomas Combs Drive located on the Site and as generally depicted on the Rezoning Plan. This right-of-way dedication will be dedicated and conveyed to CDOT and NCDOT prior to the issuance of the first certificate of occupancy for the Site.

Phase Two Mitigation/Improvements.

Upon the completion of the improvements listed below, by the Petitioner or by NCDOT as part of TIP project U-5768, up to an additional 108 units may be constructed and occupied.

- a. University City Boulevard (NC 49) at Future Thomas Combs Connector:
- Addition of a second exclusive southbound right-turn lane and an exclusive southbound left-turn lane along Future Thomas Combs Connector Road at NC 49. It is recommended that the storage for each southbound right-turn lane be maximized within the approximately 500 feet available between NC 49 and Thomas Combs Drive/Site Access #1.
- E Mallard Creek Church Road at Future Thomas Combs Connector Road b.

• Addition of an exclusive westbound right-turn lane along future Thomas Combs Connector Road at E Mallard Creek Church Road. It is recommended that the right-turn lane storage be maximized within the approximately 200 feet available between E Mallard Creek Church Road and Site Access #3.

- Future Thomas Combs Connector Road at Thomas Combs Drive/Site Access #1
- Construction of a right-in/right-out driveway.
- d. Future Thomas Combs Connector Road at Site Access #2 • Addition of an eastbound right-turn lane with 100 feet of storage.
- Construction of a right-in/right-out driveway.
- e. Future Thomas Combs Connector Road at Site Access #3
- Construction of a right-in/right-out driveway.
- The Petitioner will work with CDOT and NCDOT to provide an improved pedestrian crossing at the intersection of E. Mallard Church Road and Thomas Combs Drive as generally depicted on the Rezoning Plan.

The Petitioner will construct the required roadway improvements and provide any required sidewalk and utility easements needed for these improvements prior to the issuance of the first certificate of occupancy. The Petitioner reserves the right to post a bond for any roadway improvements not finalized at the time of the issuance of the certificate of occupancy, as allowed by City regulations.

# II. Standards, Phasing and Other Provisions.

a. **<u>CDOT/NCDOT</u>** Standards. All of the foregoing public roadway improvements will be subject to the standards and criteria of CDOT as applicable. It is understood that such improvements may be undertaken by the Petitioner on its own or in conjunction with other development or roadway projects taking place within the area, by way of a private/public partnership effort or other public sector project support.

b. <u>Substantial Completion</u>. Reference to "substantial completion" for certain improvements as set forth in the provisions of Section 4.I. above shall mean completion of the roadway improvements in accordance with the standards set forth in Section 4.IIa above provided, however, in the event all roadway improvements are not completed at the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings, and in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements.

c. Right-of-way Availability. It is understood that some of the public roadway improvements referenced in subsection a. above may not be possible without the acquisition of additional right of way. If after the exercise of diligent good faith efforts over a minimum of a 60 day period, the Petitioner is unable to acquire any land necessary to provide for any such additional right of way upon commercially reasonable terms and at market prices, then CDOT, the City of Charlotte Engineering Division or other applicable agency, department or governmental body agree to proceed with acquisition of any such land. In such event, the Petitioner shall reimburse the applicable agency, department or governmental body for the cost of any such acquisition proceedings including compensation paid by the applicable agency, department or governmental body for any such land and the expenses of such proceedings. Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in the acquisition of additional right-of-way as contemplated herein and such delay extends beyond the time that the Petitioner seeks to obtain a certificate of occupancy for building(s) on the Site in connection with related development phasing described above, then the Petitioner will work with City Staff to determine a process to allow the issuance of certificates of occupancy for the applicable buildings; provided, however, Petitioner continues to exercise good faith efforts to complete the applicable road-way improvements; in such event the Petitioner may be asked to post a letter of credit or a bond for any improvements not in place at the time such a certificate of occupancy is issued to secure completion of the applicable improvements

d. Alternative Improvements. Changes to the above referenced roadway improvements can be approved through the Administrative Amendment process upon the determination and mutual agreement of Petitioner, CDOT and NCDOT, and the Planning Director as applicable, provided, however, the proposed alternate transportation improvements provide (in the aggregate) comparable transportation network benefits to the improvements identified in this Petition.

## III. Coordination of the Proposed Improvements with CDOT, NCDOT and TIP Project U-5768.

The Site is located on the northeast quadrant of the intersection of University City Boulevard (NC 49) and E. Mallard Creek Church Road. The intersection of University City Boulevard at E. Mallard Creek Church Road is part of NCDOT TIP project U-5768, this project is anticipated to begin construction in 2023 with right-of-way acquisition scheduled for 2021.

In order to coordinate and facilitate the construction of the roadway improvements proposed by the Petitioner and the construction of the future grade separated intersection of University City Boulevard and E. Mallard Creek Church Road and the Thomas Combs connector (the "Intersection Project"), the Petitioner:

(i) May request and seek approval a grading permit for the Site prior to the preparation of a concept plan by NCDOT for the Intersection Project.

(ii) May not get land development approval for the Site prior to the preparation by NCDOT of a concept plan for the Intersection Project. Once the concept plan has been provided to the Petitioner the Petitioner may proceed to get formal land development approval for the Site.

(iii) Will coordinate the proposed roadway improvements for the Site, including the location and materials to be used for the proposed MUP with the NCDOT and CDOT based on the concept plan prepared by NCDOT for the Intersection Project, and will incorporate the agreed upon improvements into the development of the Site prior to the issuance of a certificate of occupancy for the 250th unit. The intent and request of CDOT is for the Petitioner to determine how much of Thomas Combs connector can be built as a three lane section, without requiring the acquisition of off-site right-of-way, and still maintaining access to the properties currently using Thomas Combs Drive for access; and then to build as much of a three lane section of Thomas Combs connector as has been determined to be feasible. The three lanes to be constructed on the interior of the Thomas Combs Drive connector and adjacent to Phase one.

# IV. Access.

a. Access to the Site will be from University City Boulevard and East Mallard Creek Church Road, by way of existing and the extension of Thomas Combs Drive as generally depicted on the Rezoning Plan. The number of access points to Thomas Combs Drive may vary from the number indicated on the Rezoning Plan. \_\_\_\_\_

b. The alignment of the vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.

c. The Petitioner will request that existing Marlynn Drive be closed and the right-of-way abandoned.

The Petitioner will design the vehicular entrances to the proposed parking structure with gates and other access control measures so as to limit and control access to the parking structure to residents and their guests as recommended by Charlotte Mecklenburg Police Department (CMPD). Visitor parking spaces or spaces associated with the leasing office may be located outside gates.

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## Streetscape, Landscaping Open Space and Screening:

a. A 30 foot building setback as measured from the future/existing right-of-way line will be established along University City Boulevard and East Mallard Creek Church Road will be provided as generally depicted on the Rezoning Plan. Along proposed Thomas Combs Drive a 20 foot setback as measured from the future back of curb will be provided as generally depicted on the Rezoning Plan. If the right-of-way along E. Mallard Creek Church Road or University City Boulevard is increased beyond what is indicated the proposed setback may be reduced accordingly.

A 15 foot wide planting strip and a 12 foot multi-use path (MUP) will be provided along University City Boulevard. An eight (8) foot planting strip and an twelve (12) foot MUP will be provided along East Mallard Creek Church Road, and on both sides of the portion Thomas Combs Drive, that will be constructed as part of the development to the Site as generally depicted on the Rezoning Plan. Due to the planned intersection improvements to E. Mallard Creek Church Road and University City Boulevard the location and timing of the installation of the MUP may be altered with the approval of CDOT. The final location, timing and type of MUP to be constructed will be determined during the land development approval process for the Site.

c. Improved open space court yards for the residents of the community will be provided through the Site. The Petitioner will provide at a minimum the following type of amenities for the residents of the community; outdoor seating areas with hardscape and landscaping elements, a pool area, a club house, and outdoor cooking areas. The minimum size of the open space/amenity areas is indicated on the site plan. The open space court yards that are open to University City Boulevard (Hwy 49) may have a decorative metal fence installed across the openings to provide security for the residents of the development. The fence will be located behind the main building line (recessed in the opening).

Meter banks will be screened where visible from public view at grade level. d.

### 5. **General Design Guidelines:**

streets.

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood, defined as the "Preferred Building Materials." Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings, concrete masonry units not architecturally finished will not be allowed. The railings utilized on balconies and patios must be metal railings.

b. The proposed building will be designed and constructed so that the each building elevation(s) that abut/face an existing or proposed Public Streets will have at least 60% masonry materials (e.g. brick, natural stone, (or its synthetic equivalent) precast stone, precast concrete), exclusive of windows, doors and roofs.

Building Placement and Site Design shall focus on and enhance the pedestrian environment through the following: Building shall be placed to present a front or side facade to all network required streets (public or private).

Building shall front a minimum of 50% of the total network required street frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities).

iii. Parking lots shall not be located between any building and any network required public or private

d. Building massing and height shall be designed to break up long monolithic building forms as follows: Building exceeding 120 feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of 6 feet extending through the building.

## e. Architectural Elevation Design - elevations shall be designed to create visual interest as follows:

Building elevations shall be designed with vertical bays or articulated architectural facade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.

Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances through a combination of at least five (5) of the following features: (i) decorative pedestrian lighting/sconces; (ii) architectural details carried through to upper stories; (iii) covered porches, canopies, awnings or sunshades; (iv) archways; (v) transom windows; (vi) terraced or raised planters that can be utilized as seat walls; (vii) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (viii) double doors; (ix) stoops or stairs; and/or (x) contrasting pavement from primary sidewalk.

methods.

h. Where ground floor connection to units is not possible and a shared or common entry is used, transition from the street to the entry itself is provided to create a unique sense of entry for pedestrians. The ground level transitions are thoughtfully designed and incorporated into the overall character of the building and include any / all the following: changes in grade or setback, stairs, low masonry walls, ornamental railing, changes in paving material, additional landscaping or other methods.

Parking lot areas are not located between any building and any network required public or private street however, parking lot areas may be located to the side as generally depicted on the Rezoning Plan.

The exposed portions of multi-level parking decks shall provide screening so that interior cars are not visible from public streets. This is primarily accomplished by the use of architectural louvers or decorative screens on all levels.

m. When porches, balconies or stoops (any exterior occupied space) outdoor living elements are provided on the ground floor, they will be connected to the internal or external sidewalk network. A connection will not be required when changes in grade will required the installation of more than six (6) steps or when units are located more than three (3) feet above or below the adjoining street grade.

Fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood split-rail, metal or other materials specifically designed as fencing materials.

Service equipment such as dumpsters, refuse areas, recycling and storage are screened from view from public streets with materials and design to be compatible with principal structures. Such design includes a minimum 20% Preferred Exterior Building Materials.

ii. For pitched roofs ( not including details that may include crickets, towers or other elements that slope back to the primary roof) the minimum (4:12), excluding buildings with a flat rood and parapet.

iv. For flat roofs, a parapet extends above the roof plane and include an element that provides a visual termination of the facade.

Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

**Environmental Features:** 

6.)

7. Lighting:

Detached lighting on the Site, except street lights located along public streets, will be limited to 22 feet in height.

9.

Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable development area or portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance

10.

Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of Preferred Exterior Building Materials or articulated architectural facade features and color changes.

iii. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length. Where blank or unarticulated walls 20' or greater cannot be addressed principally with doors or windows, they shall be treated with a combination the following options: (i) a higher level of transparency on the ground floor (exaggerated or larger windows indicative of living areas); and (ii) horizontal and vertical variations in wall planes. If the final architectural design cannot meet the design standards for blank wall articulation, alternative innovative design solutions may be considered for approval by the Planning Director.

g. To provide a level of comfort and security for residents on the first floor of residential buildings, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other

k. The pedestrian crossings on Site will be designed to incorporate markings, or varied paving or pavers, signage, and lighting so that these crossings are visible to moving vehicles during day light and night time hours. 

Internal sidewalk connections shall be provided between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.) and abutting or adjacent parks, greenways, bikeways, trails, developments and transit stops. Internal sidewalks shall be hard surfaced and at least 6 feet in width unless connecting to four units or less.

Roof Form and Articulation - roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows:

Long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form, to include but not be limited to gables, hips, dormers or parapets.

iii. All rooftop mechanical equipment on buildings shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, using parapet walls or similar architectural treatments.

a. The Site will comply with the Post Construction Ordinance.

b. The Site will comply with the Tree Ordinance.

a. All new attached and detached lighting shall be fully shielded downwardly directed and full cut off fixture type lighting excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

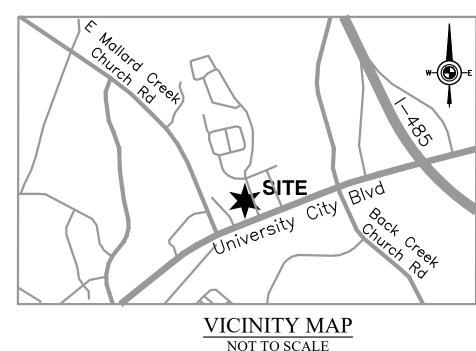
c. The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and visitors can safely use the system at night. 8. CATS Waiting Pad with a Bench and Bike rack for a new Bus Stop on University City Boulevard:

The Petitioner will construct a bus stop with a bench and bike rack along the Site's frontage on University City Boulevard. The bus stop will be designed and constructed per Charlotte Land Development Standard 60.02A. The location of the bus stop to be determined during the land development permitting process for the Site.

# Amendments to the Rezoning Plan:

**Binding Effect of the Rezoning Application:** 

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



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PRELIMINARY DOCUMENT

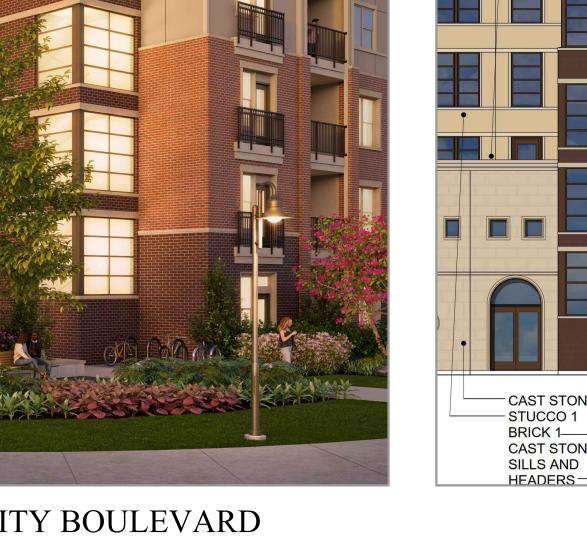


LONG VIEW TYPICAL COURTYARD ACCESS

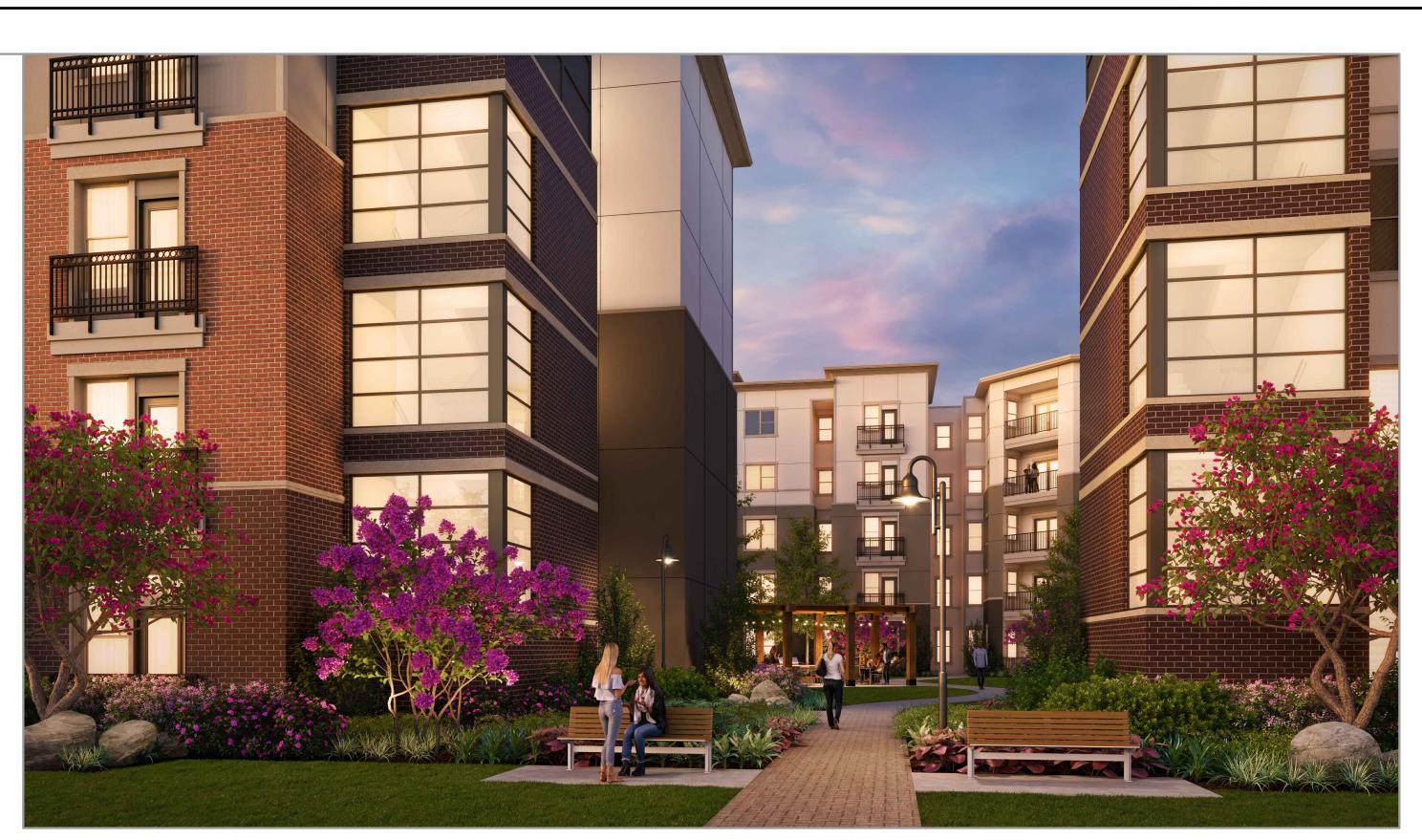


PRIMARY BUILDING ENTRANCE CORNER OF UNIVERSITY CITY BOULEVARD AT EAST MALLARD CREEK CHURCH ROAD

THESE PERSPECTIVES ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS TO BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY ONLY HAVE MINOR VARIATIONS FROM THIS ILLUSTRATION THAT ADHERE TO THE GENERAL ARCHITECTURAL CONCEPTS, AND INTENT ILLUSTRATED IS MAINTAINED.

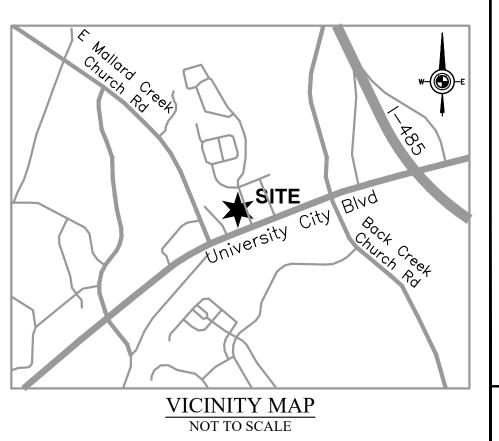






VIEW OF COURTYARD ACCESS UNIVERSITY CITY BOULEVARD

TYPICAL ELEVATION MATERIAL SELECTION AT PUBLIC STREETS



	REVISIONS DATE BY	
MTES, INC. TTE, NC 28202	No.	
© 2018 KIMLEY-HORN AND ASSOCIATE 200 SOUTH TRYON ST, SUITE 200, CHARLOTTE, PHONE: 704-333-5131 WWW.KIMLEY-HORN.COM NC LICENSE #F-0102		
PRELIMINARY DOCUMENT		
кна реојест 019818007 019818007 DATE 12/20/2018 scale AS SHOWN DESIGNED BY KH DRAWN BY CH	СНЕСКЕД ВУ ЈН	
REZONING PETITION NO. 2018-		
MARLYNN HOUSING DEVELOPMENT PREPARED FOR FOUNTAIN NDELCAPAINT		

