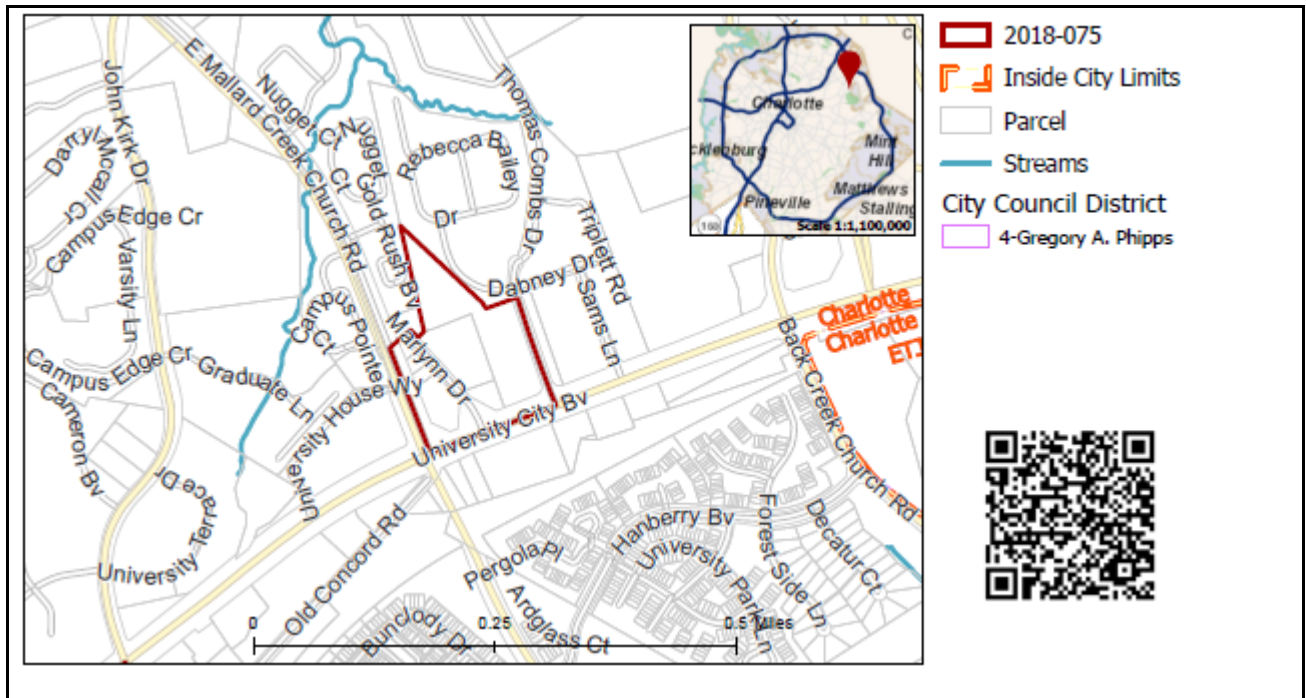


**REQUEST**

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)



**SUMMARY OF PETITION**

The petition proposes to redevelop the site to allow ~~578~~ **568** multi-family residential dwelling units, at a density of ~~53.66~~ **52.7** units per acre.

**PROPERTY OWNER**

Sigma Phi Epsilon Nu Housing Chapter of NC, et al

**PETITIONER**

Fountain Residential Partners

**AGENT/REPRESENTATIVE**

Keith MacVean and Bridget Grant, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 0.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The proposed land use for the subject property is consistent with the *Northeast District Plan*, which recommends multi-family residential. However, the proposed density of ~~53~~ **52.7** units per acre is inconsistent with the recommended densities set forth in the plan.

Rationale for Recommendation

- 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.

- 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).
- 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.
- 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.
- 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.
- 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.

## PLANNING STAFF REVIEW

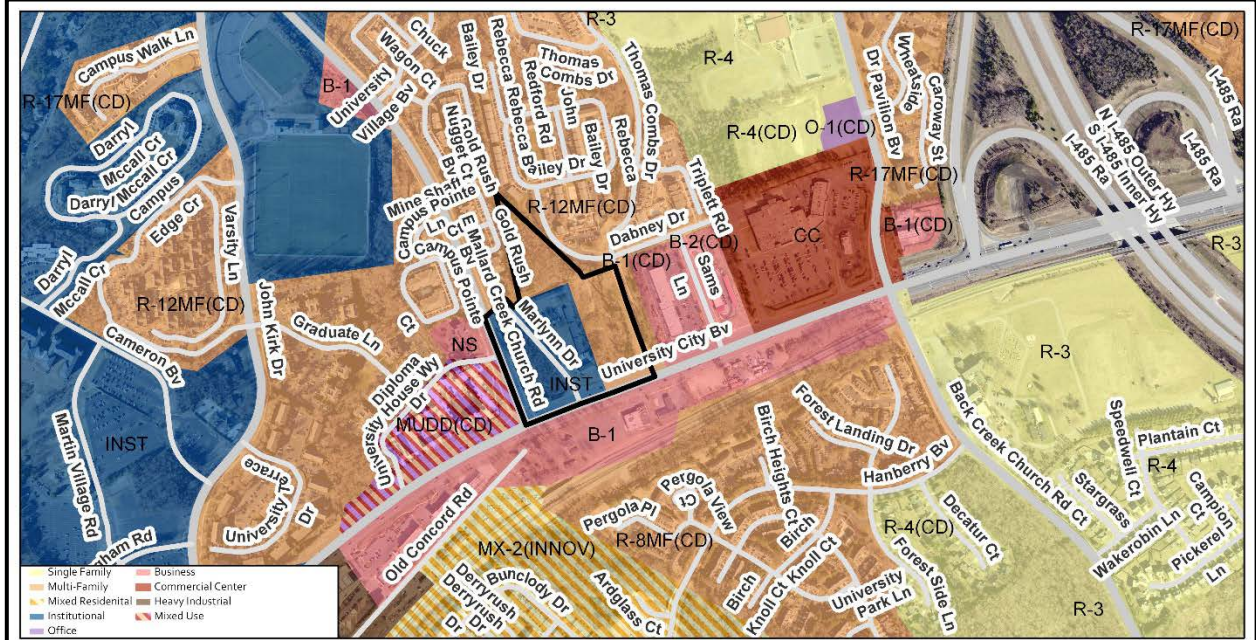
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum ~~578~~ 568 multi-family residential dwelling units, limited to five stories and 72 feet in height, and a structured parking facility with a maximum height of six stories and 65 feet.
- Access to the Site will be from University City Boulevard and East Mallard Creek Church Road, by way of a new public street (Thomas Combs Drive extension).
- The Petitioner will request that existing Marylynn Drive be closed and the right-of-way abandoned.
- The Petitioner will construct a bus stop with a bend and bike rack along the Site's frontage on University City Boulevard.
- Transportation Roadway improvements as follows:
  - University City Boulevard 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).
  - E. Mallard Creek Church Road at future Thomas Combs Connector (addition of an exclusive westbound right-turn lane along future Thomas Combs Connector Road at E Mallard Creek Church Road).
  - Future Thomas Combs Connector Road at Thomas Combs Drive Site Access #1 (construction of a right-in/right-out driveway.)
  - Future Thomas Combs Connector Road Site Access #2 (addition of an eastbound right-turn lane with 100 feet of storage, and construction of a right-in/right-out driveway)
  - Future Thomas Combs Connector Road Site Access #3 (construction of a right-in/right-out driveway.).
  - The Petitioner will construct Thomas Combs Drive extension per the cross-section indicated on the site plan. The Petitioner reserves the right to work with CDOT and NCDOT to vary the proposed improvements to Thomas Combs Drive extension if CDOT and NCDOT determine that building the full cross-section is not required or appropriate based on the final plans for TIP project Y-5768.
  - The petitioner will dedicate and convey any right-of-way, indicated on the site plan for the construction of the full cross-section of Thomas Combs Drive prior to the issuance of the first certificate of occupancy.
  - 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.
  - 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.

- Streetscape
  - A 30-foot building setback as measured from the future back of curb will be established along University City Boulevard and East Mallard Creek Church Road. Along proposed Thomas Combs Drive a 20-foot setback as measured from the future back of curb will be provided.
  - A 15-foot wide planting strip and a 12-foot multi-use path will be provided along University City Boulevard. An eight-foot planting strip and a twelve-foot multi-use path 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.
  - Improved open space court yards for the residents of the community will be provided through the Site, with the following type of amenities: outdoor seating areas with hardscape and landscaping elements, a pool area, a club house, and outdoor cooking areas. The open space court yards that are open to University City Boulevard may have a decorative metal fence installed across the openings to provide security for the residents of the development.
- Design Guidelines
  - Building materials used on the principal buildings 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 proposed building will be designed and constructed so that each building elevation(s) that abut/face an existing or proposed Public Streets will have at least 60% masonry materials.
  - Buildings 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.
  - Parking lots shall not be located between any building and any network required public or private streets.
  - Buildings 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 six feet extending through the building.
  - Building elevations shall be designed with vertical bays or articulated architectural facade features.
  - Buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
  - Residential building entrances shall be at or slightly above grade and shall be highly visible and architecturally treated as prominent pedestrian entrances. The first floor shall be visually and physically separated from the sidewalk. 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.
  - Roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure.
  - Building elevations provided.

• **Existing Zoning and Land Use**



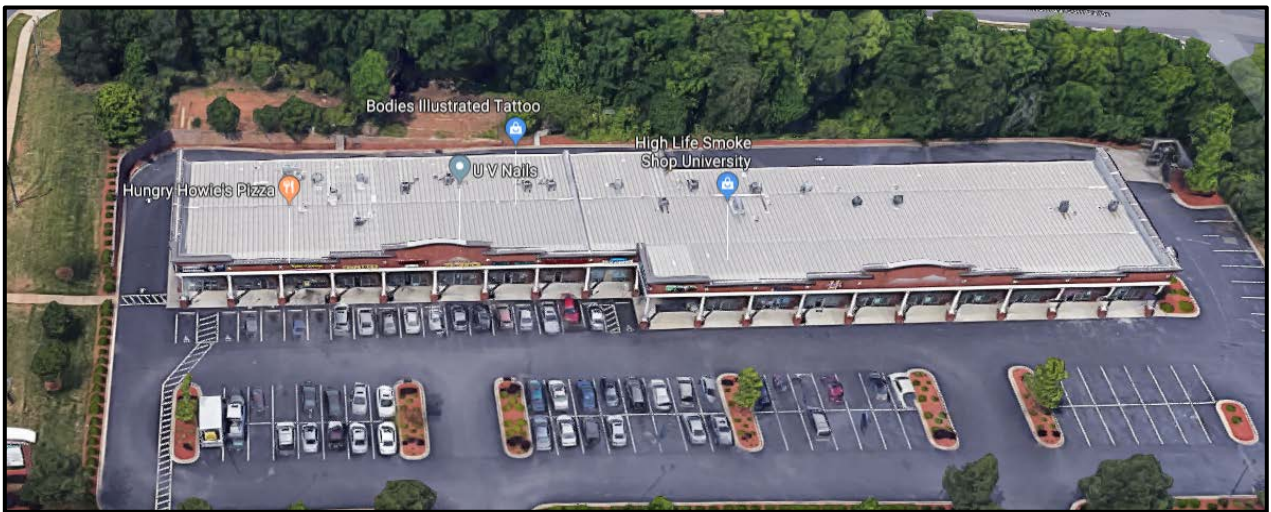
- Petition 1997-62 rezoned a portion of the subject property to R-12MF(CD) (multi-family residential, conditional) and reserved it for future roadway improvements for Mallard Creek Church Road Interchange. Tax parcel 05101135 has no development entitlements.
- The subject property is developed with one single family detached dwelling, a commercial lodge, and 24 multi-family dwellings.
- Properties on the north side of University City Boulevard are developed with multi-family and single family residential, institutional, and retail uses. Properties on the south side of University City Boulevard are developed with single family and multi-family residential, retail and industrial uses.



The subject property is developed with apartments.



The property to the north along Thomas Combs Drive is developed with apartments.



The property to the east along University City Boulevard is developed with a mix of retail uses.

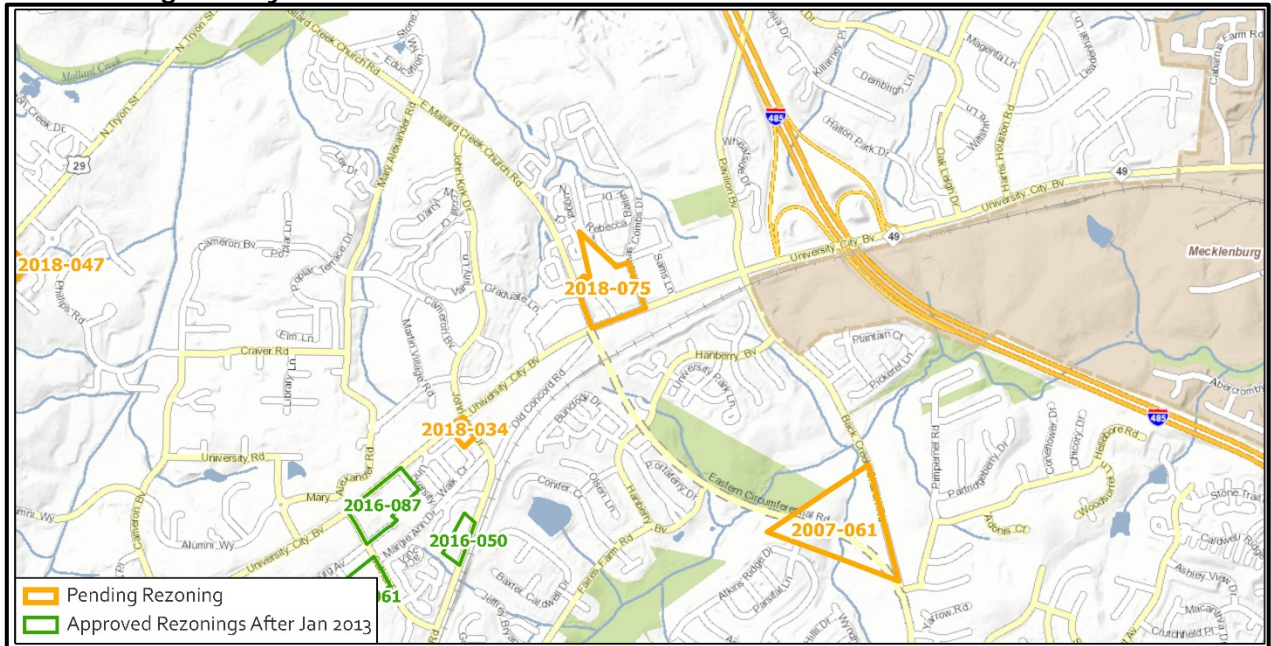


The property to the west along East Mallard Creek Church Road is developed with apartments.



The property to the south along University City Boulevard is a mix of retail uses.

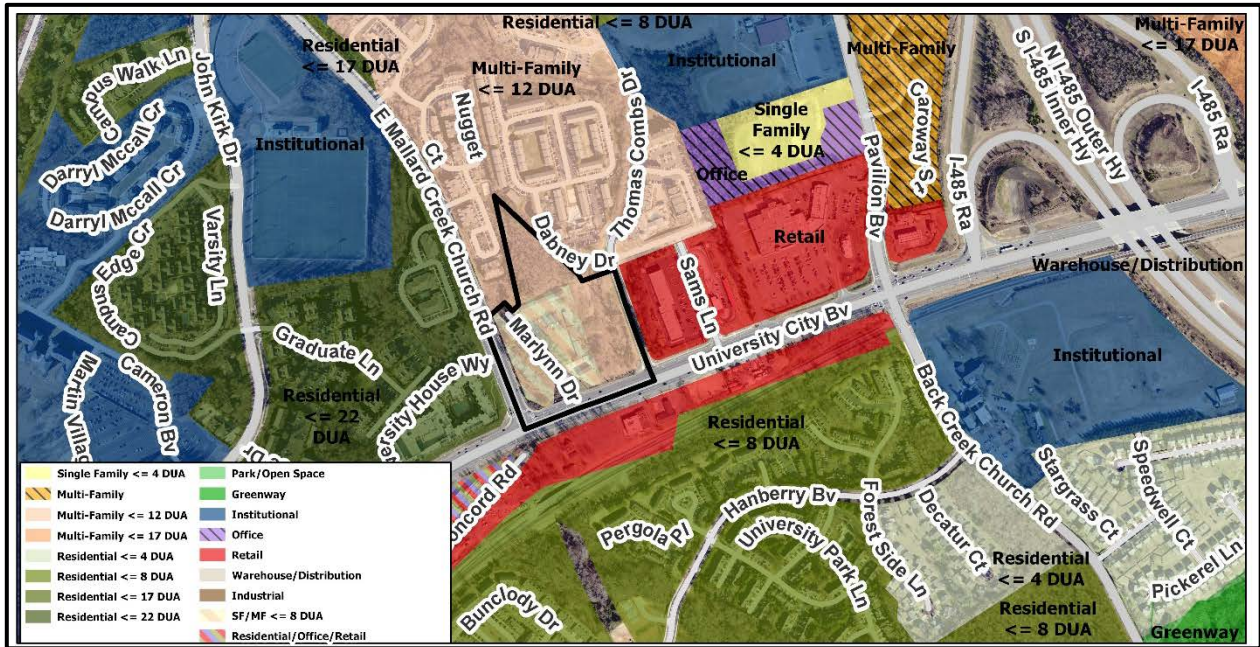
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-047	Rezoned 4.42 acres located on the east side of N. Tryon Street across from J.W. Clay Boulevard to allow a 230-room hotel/conference center, with accessory uses.	Approved
2018-34	Rezoned 0.71 acres located on the southern corner of the intersection of University City Boulevard and John Kirk Road to allow all uses permitted in the B-2 district.	Pending
2016-87	Rezoned 6.838 Acres located on the south side of University City Boulevard between Suther Road and John Kirk Drive to allow up to 349 multi-family residential dwelling units, at a density of 51 dwelling units per acre	Approved
2016-50	Rezoned 2.59 acres located on the west side of Old Concord Road. between Suther Road and John Kirk Drive to allow up to 26 duplex dwelling units in 13 buildings, at a density of 10 units per acre	Approved
2012-89	Rezoned approximately 6.07 acres located on the northwest corner at the intersection of University City Boulevard and East Mallard Creek Church Road to modify the approved plan for 2011-072 from 250 approved dwelling units to 300 multi-family dwelling units, and decrease the approved bedrooms from 750 to 725.	Approved

2007-61	Rezoned Approximately 26.21 acres located on the west side of Back Creek Church Road, between Wakerobin Lane and Rosemallow Road to allow up to 96 condominium units.	Pending
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• **Public Plans and Policies**



- *The Northeast District Plan* (1995) recommends multi-family residential at up to 12 dwellings per acre for the portion of the site zoned R-12MF(CD). For the portion zoned INST, the plan recommends single family or multi-family residential at up to 8 dwellings per acre.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located along two major thoroughfares. The petitioner commits to constructing the requested planting strips and multi-use paths. Final transportation mitigations have not been determined and the petitioner is currently working on updates to the traffic study based on the review comments from NCDOT and CDOT. Further comments may be forthcoming once the petitioner resubmits the updated study.
  - ~~See Outstanding Issues, Notes 1-3.~~ **Addressed**
  - **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 350 trips per day (based on 36 apartments and one single family dwelling).  
Entitlement: too many uses to determine trips per day (based on 5.35 acres of institutional and 5.42 acres of R-12MF zoning).  
Proposed Zoning: 4,900 trips per day (based on 1,517 off-campus student units).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No fire hydrant to be within 750 feet from most remote point of building as fire truck travels. Access road shall be within 200 feet of sprinklered building.
- **Charlotte-Mecklenburg Schools:** No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 8-inch water distribution mains located along Marilyn Drive and Thomas Combs Drive, an existing 12-inch water distribution main located along Thomas Combs Drive, an existing 16-inch water transmission main located along University City Boulevard, and a 24-inch water transmission main located along Mallard Creek Church Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Willingness to Serve application has been received and is currently under review. Correspondence will be maintained with the applicant.

- **Engineering and Property Management:**
  - **Arborist:** To comply with the NCDOT tree planting requirements on E. Mallard Creek Church Rd. or University City Blvd., if small maturing trees are required, they shall to be planted 8 feet from edge of travel lane due to the 45 MPH speed limit. However, if large maturing trees are planted, they shall be planted 12 feet from edge of travel lane due to the 45 MPH speed limit.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

#### OUTSTANDING ISSUES

##### Transportation

1. ~~A Traffic Impact Study/Transportation Technical Memorandum is necessary for the complete review of this petition. CDOT is currently awaiting an updated TIS after informing the petitioner the site's accesses will all be right in, right out.~~ Addressed
  2. ~~Update conditional note 4.A. to state setback is measured from future right of way instead of future back of curb. Also, update plans to label future right of way from centerline of each road.~~ Addressed
  3. ~~Update the site plan to show layout and right-of-way for potential six-lane section.~~ Addressed
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#### Attachments Online at [www.rezoning.org](http://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:** Sonja Strayhorn Sanders (704)336-8327