

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment), with five year vested rights.
LOCATION	Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow up to 380 multi-family units at a density of 14.34 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	B&C Land Holdings, LLC Carolina Development Services, LLC Peter Tatge, ESP Associates, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issues related to water quality treatment facilities and the request for a "build-to" line.

Plan Consistency

The proposed multi-family housing is consistent with the *Northeast Area Plan*, which recommends residential and/or retail land uses.

The petition is consistent with the Plan's recommended density of eight dwelling units per acre to include a mix of housing types, within a larger property area. Based on the approved and constructed 455 dwellings on 95.85 acres in Parcel 1, and the 380 dwellings on 26.47 acres proposed in this application for Parcel 2, the larger site would include 835 dwellings on 122.32 acres for a density of 6.83 dwellings per acre.

Rationale for Recommendation

- This site was identified in the District 4 Multi-Family Assessment as a priority site for a corrective rezoning due to the site's lack of updated community design guidelines associated with the existing conditional rezoning plan for the property. (See background section for more details on the District 4 assessment report.)
- Staff has worked extensively with the petitioner to develop and incorporate design guidelines for this multi-family residential project that provide details on building design, establishes buffers from adjoining single family subdivisions and enhances pedestrian and vehicular connectivity.
- The proposed site design provides for 50-foot and 75-foot buffers along the property lines that abut the existing Mallard Lake subdivision.
- A 35-foot setback is maintained along Salome Church Road.
- The site plan incorporates Street Sections/Building and Parking Concepts that depict relationships between buildings, streets, parking areas, open space, buffers, and adjacent properties.
- Architectural Standards notes are provided that commit to certain treatments with respect to building materials and composition; roof pitch; blank walls; arrangement of windows; and, entrances.
- Current development rights for this parcel under rezoning petition 1999-33c allow up to 422 dwelling units on the subject site at 15 dwelling units per acre, and the proposed rezoning will reduce the number of units to 380 at a density of approximately 14.33 dwelling units per acre and eliminates nonresidential uses.

PLANNING STAFF REVIEW

• **Background**

- In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
- At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report, including corrective rezonings of selected parcels.
- The subject rezoning site was one of the properties selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site's lack of updated community design guidelines associated with the conditional rezoning plan for the property.
- This petition was originally a staff-initiated (conventional) request to rezone the site from CC (commercial center) to R-4 (single family residential), to allow all uses in the R-4 (single family residential) district,
- The City Council held a public hearing on this request at its February 17, 2014 meeting. Zoning Committee recommendation was deferred several times to allow additional time for the property owner and staff to work together to develop a mutually acceptable conditional site plan with specific design guidelines.
- To support this effort, the Planning Department hired a Charlotte-based design firm (DRG) to develop preliminary site plans using current development standards and regulations that have been implemented since the approval of rezoning petition 1999-33c. Staff held two (2) design charrettes with the property owner and consultant, and met several times to work on site plan challenges and design guidelines.
- Subsequently, the property owner decided to undertake a conditional rezoning for the subject property.
- At the Zoning Committee's June 24, 2015 meeting, the committee recommended that the petition be returned to City Council for a new hearing to allow the conversion of the petition to a conditional rezoning as requested by the property owner. At its meeting of July 20, 2015, the City Council approved a new public hearing for the subject petition.

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Up to 380 multi-family residential units at a density of approximately 14.33 dwelling units per acre (42 fewer units than 422 allowed under approved petition 1999-33c which currently governs the site), with five-year vested rights. Proposed development areas are identified on site plan as "Pods" A-E.
- Maximum 55-foot building height (not to exceed three stories).
- Proposed 50-foot and 75-foot buffers along property lines abutting existing single family residential homes to the south and west (Mallard Lake Subdivision). Any required buffers may be reduced by 25% with the installation of a six-foot high fence.
- Proposed internal public street network with direct access onto Salome Church Road. Internal public streets will have six-foot sidewalks, eight-foot planting strips, and on-street parking.
- Proposed 27-foot setback from internal public streets.
- A proposed private street network within the "Pods" connecting to the new internal public streets.
- Proposed street connection to Porter Creek Road to access Salome Church Road.
- Proposed future street connection to the Stoney Creek Elementary School property to allow for future connectivity if the school is redeveloped in the future.
- Includes a series of concepts showing relationships between buildings, streets, courtyards, parking, and buffers.
- Provides street cross sections for public and private streets.
- Conceptual building elevations.
- Architectural standards identifying proposed treatments pertaining to building materials, roof pitch, building façade/articulation, window arrangement.
- Potential tree save areas.
- Water quality facilities that will be designed and landscaped as part of the overall site design.

• **Existing Zoning and Land Use**

- The rezoning site is currently vacant and was a part of a larger 136-acre tract rezoned to MX-2 INNOV (mixed use district, innovative) and CC (commercial center), in order to allow 1,172 attached housing units and 107,000 square feet of retail/office space (1999-33(c)).
 - Parcel I (MX-2 INNOV) consisting of approximately 93.14 allowing up to 750 attached

- homes at a density of eight (8) units per acre. The number of units was reduced in 2007 to 455 single family homes and 175 townhomes at a density of 4.75 units per acre.
- Parcel II, which includes the subject property, consisted of 42.21 acres and was initially rezoned to CC (commercial center), in order to allow 422 attached housing units at a density of 15 units per acre, and 107,000 square feet of retail/office. A subsequent rezoning in 2007 (2007-037) amended the site plan for approximately 12.87 acres of Parcel II from CC (commercial center) to INST(CD) (institutional, conditional) in order to accommodate Stoney Creek Elementary School.
 - This section of Mallard Creek Road and Salome Church Road has residential uses, as well as undeveloped acreage, on properties zoned R-3 (single family residential), R-12MF (multi-family residential) and MX-2 (mixed use). In addition, institutional uses are located on properties zoned INST(CD) (institutional, conditional).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.
 - **Public Plans and Policies**
 - The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the entire site rezoned in 1999, be developed at a density up to eight dwelling units per acre.

TRANSPORTATION CONSIDERATIONS

- Salome is major thoroughfare that will eventually become a five-lane street, although it is currently only one lane in each direction. The key transportation goals for this site are to ensure safe access in and out of the site and to incrementally widen Salome Church Road. This petition achieves those goals by providing a left-turn lane at the entrance and constructing new curb-and-gutter in a location that will widen a portion of Salome Church Road to its ultimate cross-section.
- Recent developments in the area impacting Salome Church Road include a new charter school on the north side of Salome Church Road.
- The Salome Church Road / Morehead Road intersection will eventually become signalized as traffic volumes grow in the area.
- **Vehicle Trip Generation:**
Current Zoning: 2,681 trips per day (site is currently vacant)
Proposed Zoning: 2,425 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would allow 54 students, while the development allowed under the proposed zoning will produce 50 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is projected to increase the school utilization (without mobile classroom units) for Stoney Creek Elementary School from 125% to 128%. Utilization for Martin Middle School (98%) and Mallard Creek High School (132%) will not change.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

OUTSTANDING ISSUES

Environment

1. Environmental Features language should include a note that water quality facility will be constructed on the site will be designed and landscaped as part of the overall site design. Such areas will be made aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like features.

Site and Building Design

2. Remove Architectural Standards note g which reserves right to combine or relocate building

locations so long as the total number of buildings from petition 1999-33 c is not increased.

3. On Sheets RZ-2 and RZ-3 provide a minimum build-to line for all buildings.
4. Limit freestanding lighting to a maximum height of 20 feet as proposed development lies adjacent to an existing single family residential subdivision.

REQUESTED TECHNICAL REVISIONS

1. Under "Streetscape Landscaping buffers and Setbacks" note b., which references the "CC Area Plan" that no longer exists, should be removed from the site plan.
 2. Remove note e under "Streetscape Landscaping buffers and Setbacks" which allows the buffer along the abutting property with the single family to be reduced by 25 percent.
 3. The "clear zone" shown on the cross section should be noted as 33 feet instead of 30 feet.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review

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