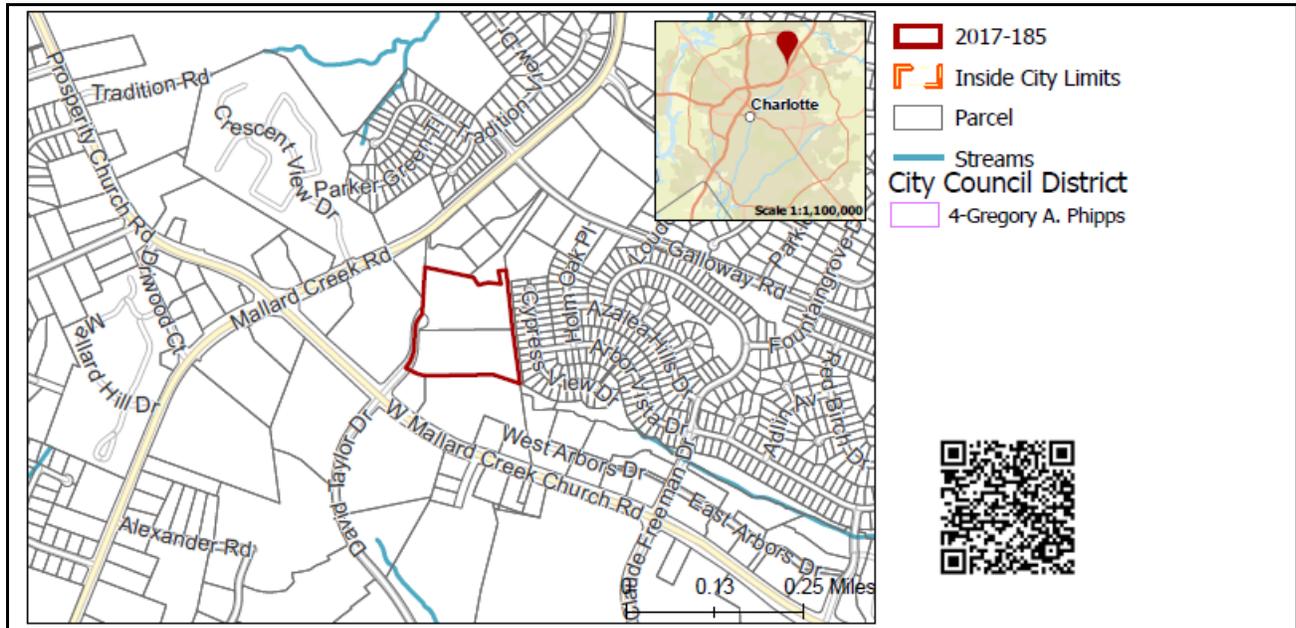


**REQUEST** Current Zoning: O-1(CD) (office, conditional)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION** Approximately 11.75 acres located on the east side of David Taylor Drive, north of West Mallard Creek Church Road (Council District 4 - Phipps)



**SUMMARY OF PETITION** The petition proposes to allow up to 260 multi-family residential units on vacant land located just outside of the University Research Park Mixed Use Activity Center.

**PROPERTY OWNER** High Family Partnership I, LP  
**PETITIONER** High Family Partnership I, LP  
**AGENT/REPRESENTATIVE** Keith MacVean and Jeff Brown/Moore & Van Allen, PLLC

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 2

**STAFF RECOMMENDATION** Staff recommends approval of this petition upon resolution of outstanding issues related to density.

Plan Consistency  
The petition is inconsistent with the *Northeast Area Plan* recommendation for research/office/retail uses for the northern portion of the site as amended by rezoning petition 2000-11(C), and office uses for the southern portion of the site as amended by rezoning petition 2002-080.

Rationale for Recommendation

- The proposed multi-family development is inconsistent with the adopted land uses for this site.
- The proposed density of 22 units per acre is not supported by the *General Development Policies*, which recommends up to 17 units per acre.
- However, the proposed request provides buffers and open space creating an appropriate transition to the adjoining single family residential.
- In addition, the request includes building elevations and commits

to architectural details such as building orientation, façade standards for entrances, windows, and doors, and roof types and other design standards that are compatible with the surrounding single family development.

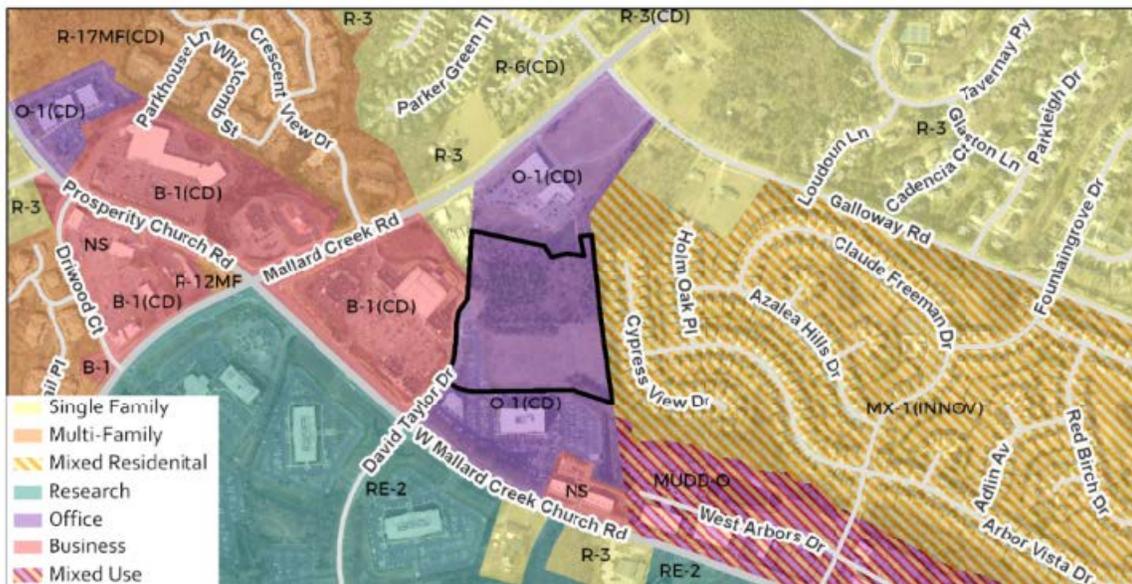
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Proposes up to 260 multi-family residential units at a density of 22 dwelling units per acre.
- Limits the number of principal buildings to be developed on the site to five and a height of 57 feet or four stories.
- Includes a club/leasing space on the first floor of one of the buildings.
- Provides a 120-foot rear yard between Building #3 and the eastern property boundary with single family residential homes.
- Provides a minimum 50-foot Class C buffer along the eastern property boundary.
- Provides ingress/egress from David Taylor Drive and two vehicular connections of office development to the south.
- Extends David Taylor Drive to connect with the property to the north and includes eight-foot sidewalks, eight-foot planting strips, and on street parking.
- Provides colored elevations of Buildings 1 and 3.
- Proposes a combination of the following building materials: glass, brick, stone, simulated stone, pre-cast stone, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood and prohibits vinyl except on windows, soffits and on handrails/railings.
- Provides architectural design guidelines with respect to building orientation; architectural treatment; façade composition; and roofing.
- Proposes to screen surface parking area located along existing David Taylor Drive with a three-foot high masonry wall.
- Screens the parking area along the southern property line adjacent to the existing office building with landscape materials.
- Commits to the following minimum amenities: dog park; outdoor seating area with hardscape and landscaping elements; pool area; club house; and outdoor cooking areas.

### • Existing Zoning and Land Use



- The site is currently vacant save for an existing parking lot at the southwest corner of the property. The site is surrounded by a mix of office, retail, and residential development.
- The northern portion of the site is part 16.62 acres rezoned to O-1(CD) (office, conditional) via petition 2000-11C in order to allow 200,000 square feet of general office uses. The lower portion of the site is part of 15.83 acres rezoned to O-1(CD) (office, conditional) via petition 2002-80 to allow 222,000 square feet of office uses.



The current site is vacant with the exception of a small parking lot.



The properties to the east are developed with single family homes.

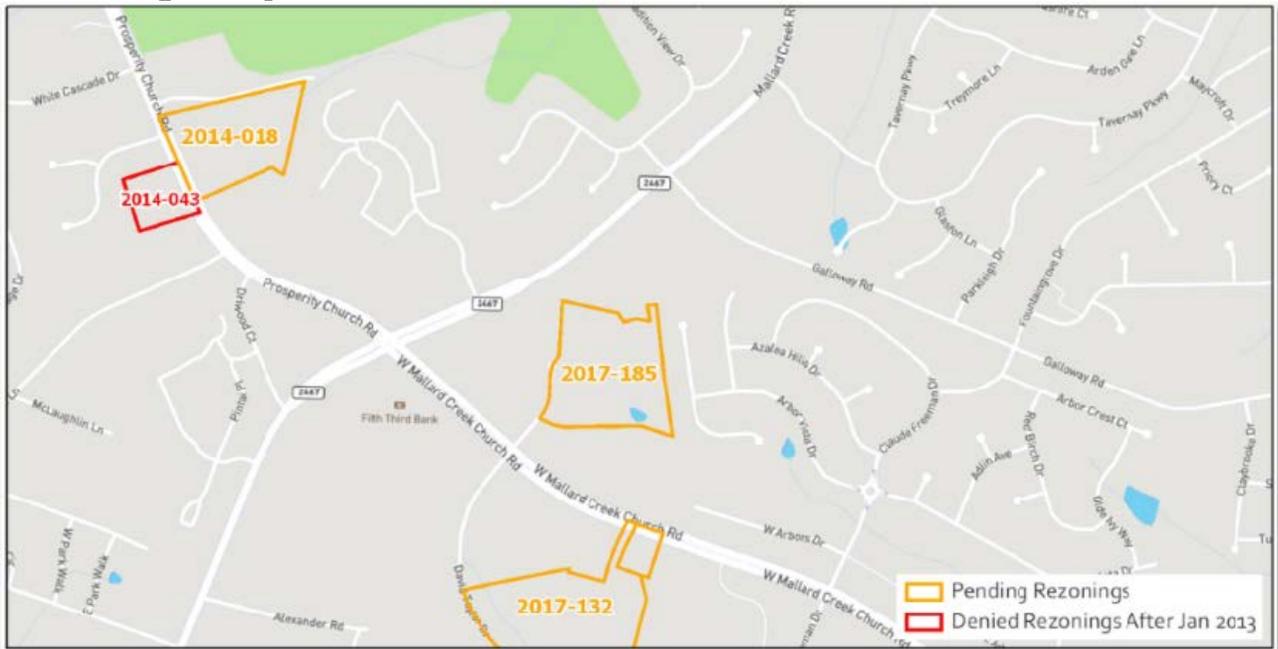


Cochran Commons shopping center is located to the west of the subject property.



The properties to the south are developed with office uses.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-018	Request to rezone 8.81 acres from R-17MF(CD) (multi-family residential, conditional) to R-4 (single family residential) to allow all uses permitted in the R-4 (single family residential) zoning classification.	Pending
2014-043	Rezoned 2.71 acres from R-3 (single family residential) to INST(CD) (institutional, conditional) to reuse a single family residence to establish a commercial daycare.	Denied
2017-132	Rezoned 21 acres from R-3 (single family residential) and RE-2 (research) to UR-2(CD) (urban residential, conditional) in order to allow up to 94 townhomes.	Pending

• **Public Plans and Policies**



- The *Northeast Area Plan* (2000) recommends research/office/retail uses for the northern portion of the site, and office uses for the southern portion of the site, as amended by rezoning petition 2002-080.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 17 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	3
Connectivity Analysis	3
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 13</b>	<b>Total Points: 13</b>

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major collector. The current site plan commits to the extension of David Taylor Drive as a public street with cross access to the adjacent property to the north. CDOT requests space for a public street connection by others along the site’s western property line to allow cross access to the signalized intersection with Mallard Creek Church.
- See Outstanding Issue 1.
- **Vehicle Trip Generation:**  
 Current Zoning:  
 Existing Use: 0 trips per day (based on vacant land).  
 Entitlement: 1,970 trips per day (based on rezoning petitions 2002-080 and 2000-011C).  
 Proposed Zoning: 1,700 trips per day (based on revised site plan 2017-185).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer must comply with the City’s Housing Policies if seeking public funding for multi-family housing developments. According to recent data from the U.S. Department and Urban Development, there is an estimated need for approximately 22,000 affordable workforce housing units in the City of Charlotte. In an effort to increase the estimated supply, developers are encouraged to assist in providing homes at

diverse price point to meet increased housing demand.

- **Charlotte Fire Department:** No on-street parking. See charlottefire.org for other requirements.
- **Charlotte-Mecklenburg Schools:** The development allowed under the proposed zoning will produce 35 students. CMS notes that adequacy of existing school capacity in this area is a significant problem. CMS is particularly concerned about rezoning cases where school utilization exceeds 100% since the proposed development may exacerbate those situations. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed below.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Mallard Creek Elementary from 93% to 95%
    - Ridge Road Middle from 119% to 120%
    - Mallard Creek High from 123% to 124%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch distribution main located along David Taylor Drive.

Charlotte Water currently does not have sewer system accessibility for the rezoning boundary under review. The closest available sewer main is approximately 600 feet north southwest of the rezoning boundary along David Taylor Drive. The applicant should contact Charlotte Water's New Services at (704) 432-5801 for more information regarding accessibility to sewer system connections.

Development is encouraged to contact Installation Development Services at (704) 336-5499 to review service connection design requirements and City Ordinances (e.g., backflow, separate meter Ordinance, public/private pipeline extensions). Comments: Development will need to submit a CAP application, will need to contact New Services for water/sewer services and dismantlements, will need to go through a donated projects to acquire water/sewer to serve site, send plans to Charlotte Water to permit private water, and will need to send plans to NC-DEQ Mooresville Regional Office (704) 663-1699 for sewer permitting.

Reservation of sanitary sewer system capacity through the Charlotte Water's Capacity Assurance Program is the responsibility of the customer/development. Contact the New Services Group at (704) 432-5801 for further information on reserving capacity up to 12 months.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** See Outstanding Issues, Note 2.
- **Mecklenburg County Land Use and Environmental Services Agency:** The proposed development is likely to require the use of heavy duty diesel equipment ( $\geq 25$  hp) and is located adjacent to a population sensitive to air pollution (e.g. hospital, clinic, retirement facility, school, ad daycare). Diesel exhaust may pose health risks to these sensitive populations. Therefore, MCAQ recommends that during construction the petitioner use diesel equipment that meets EPA Tier 4 emission standards, the cleanest equipment available.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

## OUTSTANDING ISSUES

### Land Use

1. The petition is inconsistent with the *Northeast Area Plan* recommendation for research/office/retail uses for the northern portion of the site, and office uses for the southern portion of the site as amended by rezoning petition 2002-080.
2. The petition meets the *General Development Policies* locational criteria for consideration of up to 17 dwellings per acre. The requested 22.13 dwelling units per acre exceeds the 17 dwelling units per acre the *General Development Polices* and should be reduced.

### Transportation

3. ~~The petitioner should revise the site plan and conditional note(s) to provide a space (55 feet) for a street connection along the site's western property line between tax parcels 02901106 and 02901105 shared property line to allow a street connection between Mallard Creek Road and David Taylor in the future by others. The street stub should be designed and constructed to local office/commercial narrow street typical section (see CLDSM U-04). CDOT would prefer this stub to be public if that is feasible for this development.~~ Addressed.

Environment

4. ~~Show calculations for tree save area on the site plan.~~ Addressed.

**REQUESTED TECHNICAL REVISIONS**Site and Building Design

5. ~~Under Site Development Data note proposed density.~~ Addressed by putting density on the site plan, however, staff does not support the density.
6. ~~Under Site Development Data remove reference to existing rezoning petitions.~~ 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
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Transportation Review

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