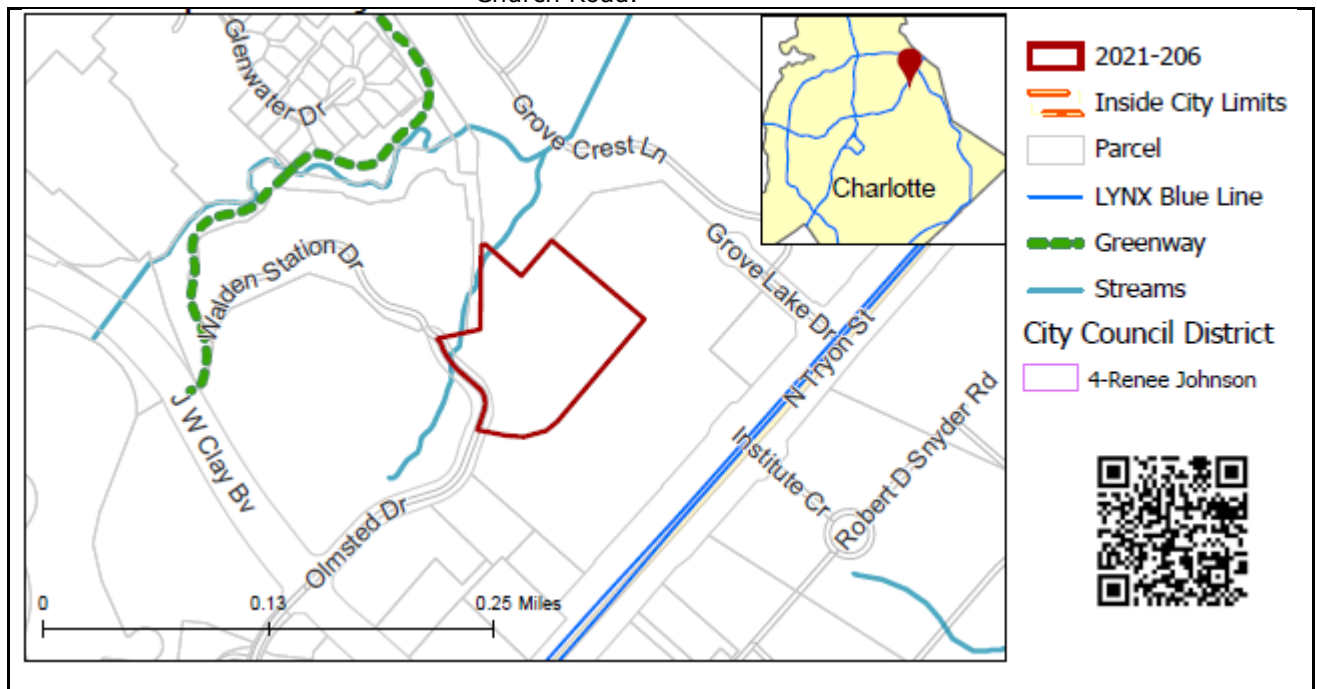


**REQUEST**

Current Zoning: CC (commercial center)  
Proposed Zoning: MUDD(CD) (mixed use development district, conditional) with 5-year vested rights.

**LOCATION**

Approximately 4.5 acres located on the west side of North Tryon Street, east of Interstate 85, and south of West Mallard Creek Church Road.



**SUMMARY OF PETITION**

The petition proposes to redevelop an existing retail space with up to 305 multi-family units with structured and surface parking and up to 5,100 square-feet of retail space within the Mallard Pointe shopping center.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE**

Mallard Pointe Associates, LLC  
Cambridge Properties, Inc.  
Jay Priester

**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 upon resolution of outstanding issues related to transportation and land use.

Plan Consistency

The petition is **consistent** with the *University City Area Plan* recommendation of a mix of residential, office and retail uses at this site.

Rationale for Recommendation

- This petition fulfills the district plan's recommendation for properties in this area to redevelop over time with a mix of residential, office and retail uses at this site.

- The petition supports the area plan's goal of accommodating higher intensity, mixed uses along a major transit corridor.
- The petition is consistent with the mix of existing multifamily development in the surrounding context.

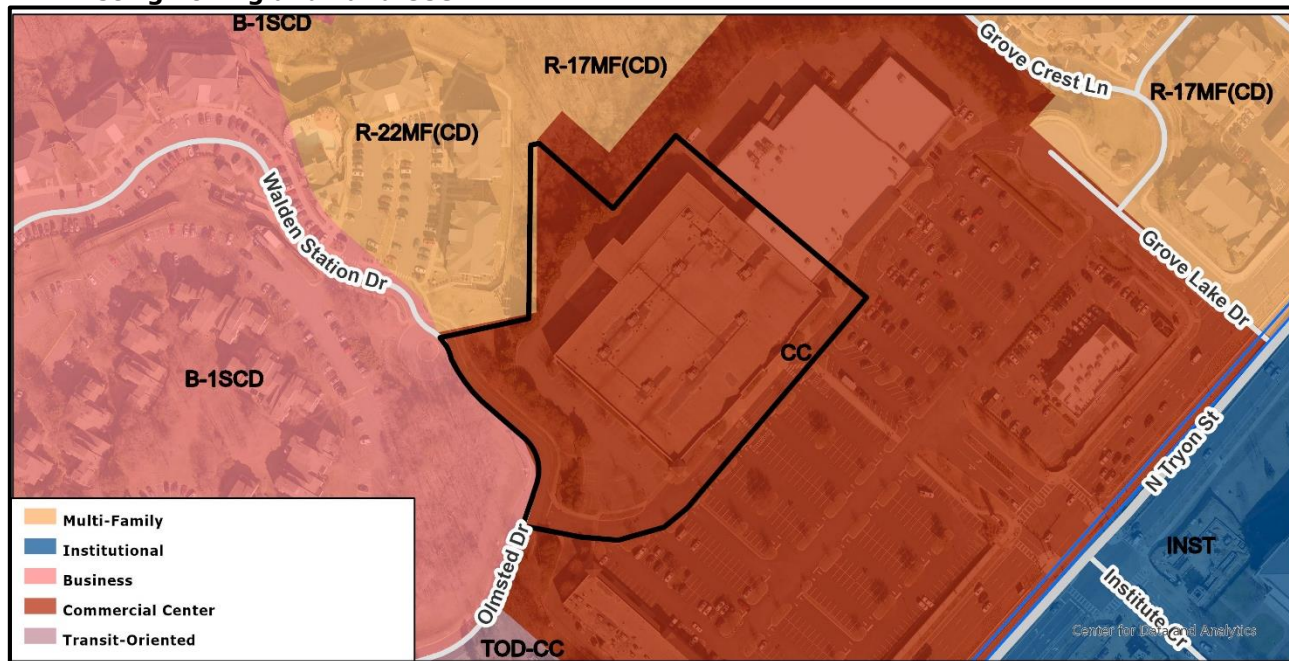
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 305 multi-family uses with structured parking and accessory uses for resident amenities.
- Allows up to 5,100 square-feet of retail/office uses.
- Limits height to 85-feet.
- Provides an 8-foot-wide sidewalk and an 8-foot-wide planting strip on both sides of the new private access drive and the primary entrance road.
- Provides covered bike parking in excess of the zoning ordinance.
- Provides open space and amenities including a fitness center, clubhouse, swimming pool, and dog park.
- Proposes a greenway connection to Barton Creek Greenway.
- Architectural details:
  - The front façade and side façade of the building(s) abutting the New Private Access Drive and Olmsted Drive shall include a minimum 30% of preferred exterior building materials of the entire façade facing a network street exclusive of windows, doors, and balconies. The preferred exterior building materials are masonry products, which shall include brick, stucco, stone and/ or masonry material.
  - Prohibits Vinyl siding (but not vinyl handrails, windows, or door trim).
  - Buildings shall be placed to present a front façade and side façade to the New Private Access Drive and Olmsted Drive.
  - Building facades exceeding 120-feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, balconies, and architectural details). Modulations shall be a minimum of 10-feet wide and shall project or recess a minimum of 2-feet extending from the primary façade of the building.
  - Building elevations shall be designed with vertical bays or articulated architectural façade 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.
  - The side façade facing Olmsted Drive and the front façade facing New Private Access Drive shall not have expanses of blank walls greater than 30-feet in all directions. Architectural features, including but not limited to banding, medallions, design features and materials may be used to avoid sterile, unarticulated walls.

- Existing Zoning and Land Use



The site is part of the existing Mallard Pointe shopping Center. The surrounding land uses include multi-family, UNC-Charlotte, hotel, JW Clay Park and Ride, Shoppes at University Place, retail, and commercial uses.



The subject property is denoted with a red star.





The existing Mallard Pointe Shopping Center is located to the southwest.



The JW Clay Park and Ride is located to the southeast of the site along North Tryon Street and JW Clay Boulevard.



The existing Mallard Pointe Shopping Center is located to the east of the site.



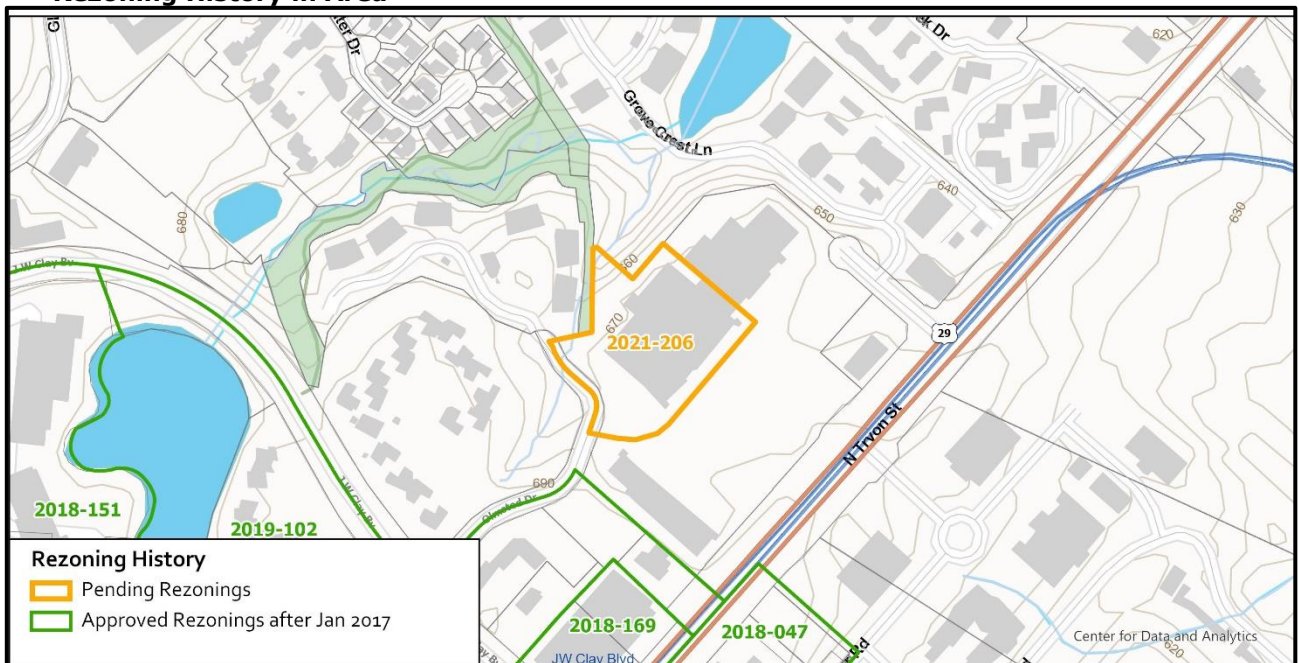


UNC-Charlotte is located across North Tryon Street to the southeast.



The property to the north along Grove Crest Lane is developed with multi-family apartments.

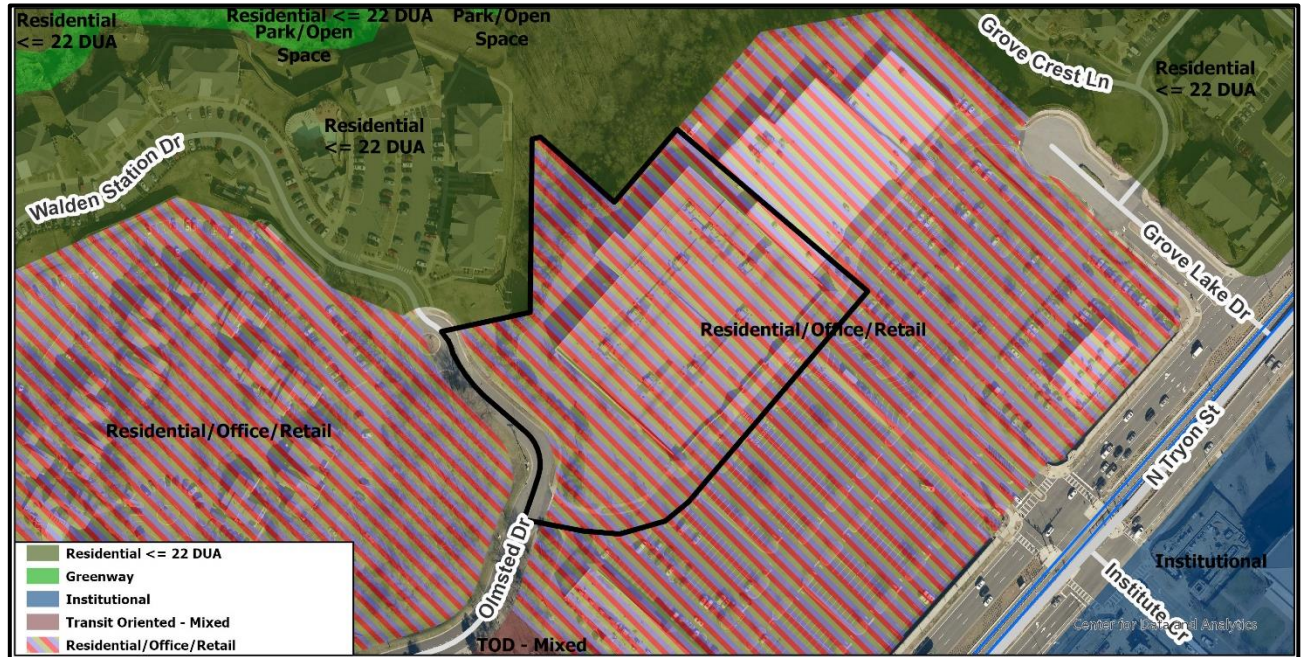
- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-047	Rezoned 4.42 acres to allow a 230-room hotel/conference center, with accessory uses.	Approved
2018-151	Rezoned 20.56 acres to allow a maximum development of 260,000 SF of Commercial, 40,000 SF of Civic (library), and 600 residential units.	Approved
2018-169	A text amendment to replace three existing transit oriented development districts with four new transit-oriented development districts and regulations.	Approved
2019-102	Realignment rezoning of parcel along the LYNX corridor to TOD districts.	Approved



- **Public Plans and Policies**



The *University City Area Plan* recommends a mix of residential, office and retail uses at this site.

- **TRANSPORTATION SUMMARY**

- The petition is located adjacent to Olmsted Drive, a City-maintained local street and Tryon Street a State-maintained major thoroughfare. A Traffic Impact Study (TIS) is not needed for this site, because the proposed site will generate less vehicular trips than what is entitled with the current zoning/land use. Site plan revisions are needed to clarify the proposed and existing sidewalk along Olmsted Drive, and to add conditional notes committing to proposed transportation improvements. Further details are listed below.

- **Active Projects:**

- JW Clay Blvd Streetscape
  - The project will provide sidewalks and bike lanes by widening certain areas of the existing J.W. Clay Boulevard. Sidewalks on the south and east sides of the road from W.T. Harris Boulevard to North Tryon Street.
  - Project is currently in the real estate acquisition and utility relocation phase.

- **Transportation Considerations**

- See Outstanding Issues, Notes 1-7

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 5,470 trips per day (based on 87,000 square-feet of retail uses).

Proposed Zoning: 2,460 trips per day (based on 305 apartments and 5,100 square-feet of retail.).

**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 Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 37 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 37 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - University Meadows Elementary from 119% to 122%.
    - James Martin Middle from 65% to 67%.
    - Julius L. Chambers High from 126% to 127%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Olmstead Road. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Olmstead Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** No comments submitted.

## OUTSTANDING ISSUES

### Transportation

1. Dimension curb and gutter along Olmsted Drive from centerline of roadway.
2. Dimension planting strip and sidewalk along Olmsted Drive to provide clarity.
3. CDOT is requesting sidewalk is installed along Olmsted Drive from the frontage of petition to the intersection of J W Clay Boulevard intersection.
4. Dimension the back of curb from the centerline of the roadways.
5. Add site plan note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued as needed. CDOT requests rights-of-way set at 2-feet behind back of sidewalk where feasible.
6. Add site plan note specifying that all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued as needed. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.
7. Add conditional note "All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. 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 broad northeastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support."

### Land Use

8. Remove 5-year vested rights.

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Michael Russell (704) 353-0225

## Goals Relevant to Rezoning Determinations







### Rezoning Petition # 2021-206

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	N/A
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓



	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>