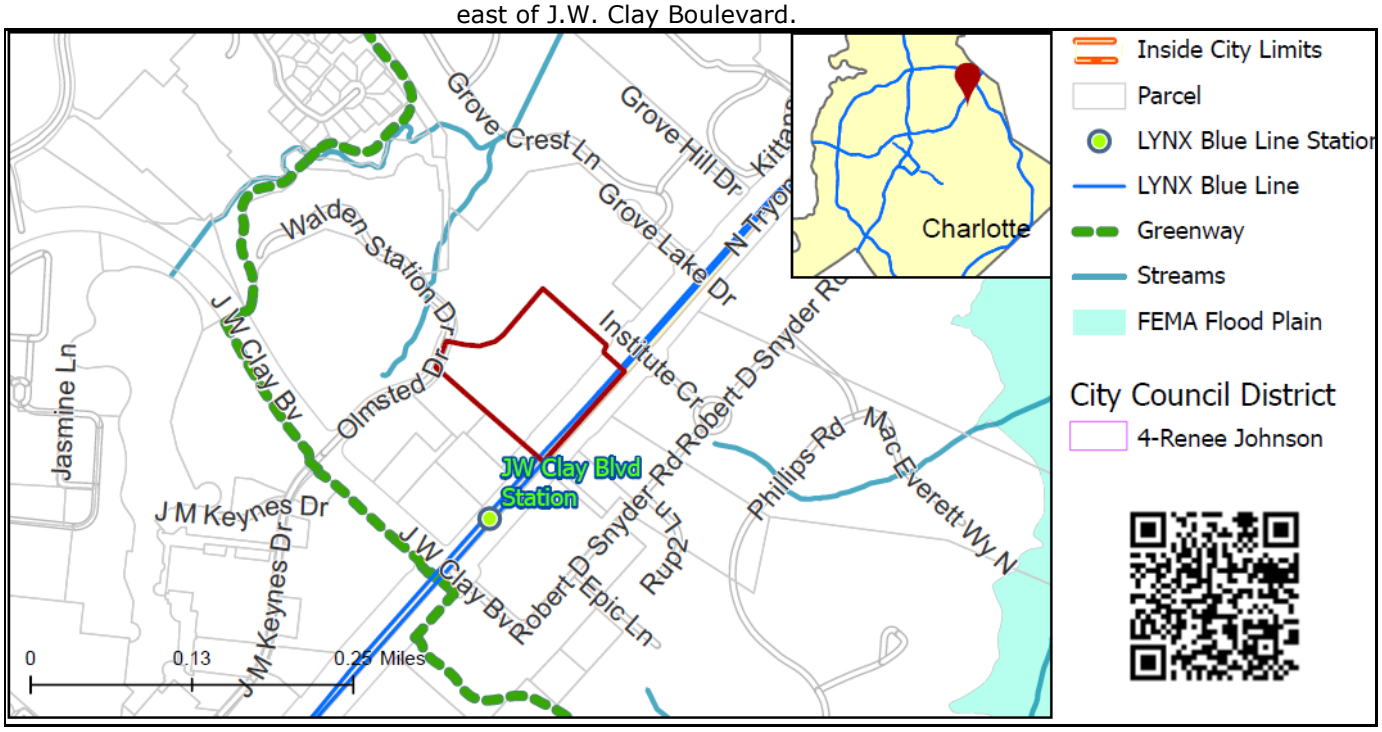
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2023-034
Final Staff Analysis
February 19, 2024

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: MUDD(CD) (mixed use development district, conditional)
LOCATION	Approximately 4.90 acres located on the west side of North Tryon Street, east of J.W. Clay Boulevard.



SUMMARY OF PETITION	The petition proposes to redevelop a portion of the existing shopping center with a mixed-use development containing up to 400 multi-family dwelling units and 91,500 square-feet of retail near the JW Jay Boulevard Station along North Tryon Street.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Mallard Pointe Associates, LLC Mallard Pointe Associates, LLC John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

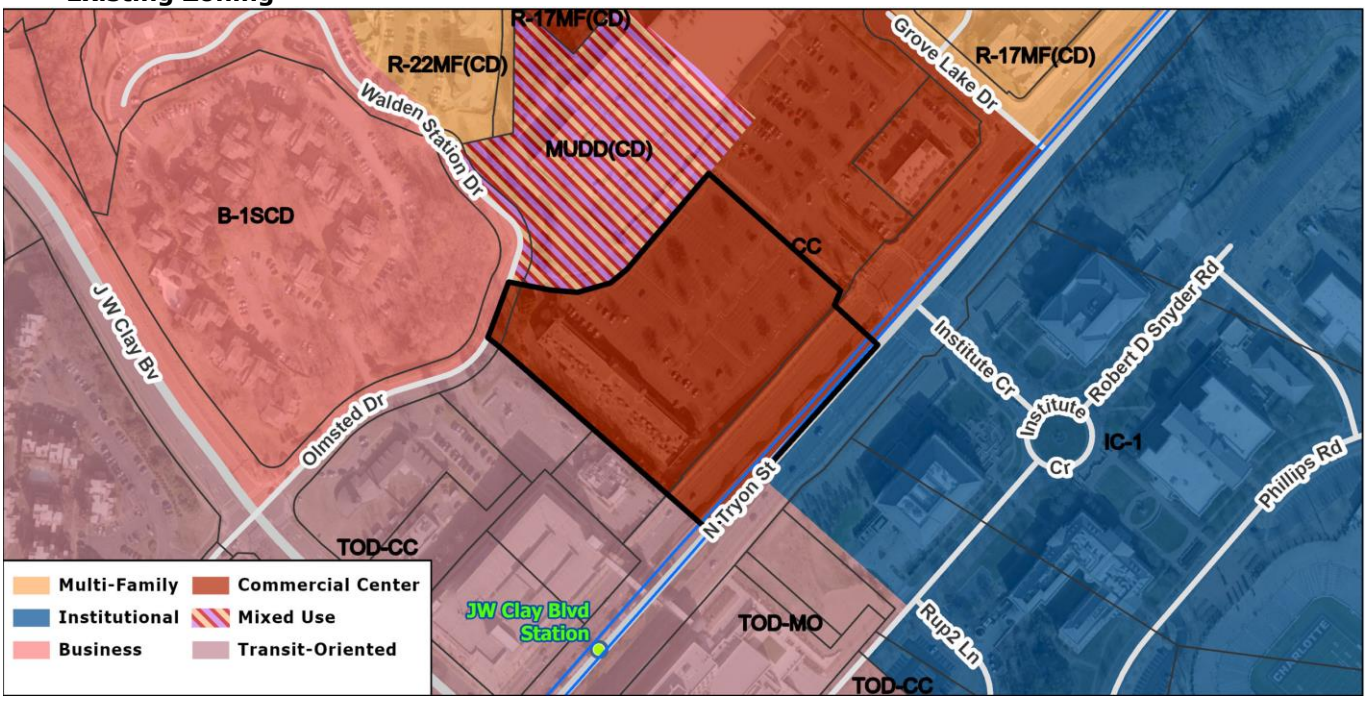
STAFF RECOMMENDATION	Staff recommends approval of this petition. Plan Consistency The petition is **consistent** with the *2040 Policy Map* recommendation for the Regional Activity Center place type. Rationale for Recommendation • The site redevelops a portion of an existing retail shopping center and introduces a mix residential and retail uses. • The site is in a Regional Activity Center, a place type appropriate for high density residential and commercial uses in a walkable building form. • The site is 500-feet north of the JW Clay Transit station on the Lynx Blue Line.

- The petition constructs an 8-foot planting strip and 8-foot sidewalk along the site's frontage on Olmsted Drive and along the new private access drive and entrance road that connects N. Tryon Street and Olmsted Drive.
- The petition commits to architectural design such as building placement, pedestrian entrances, percent of building frontage and other design details that create a pedestrian friendly environment.
- The petition prohibits automotive service stations, an automobile centric use.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 4: Trail & Transit Oriented Development
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 9: Retain Our Identity & Charm

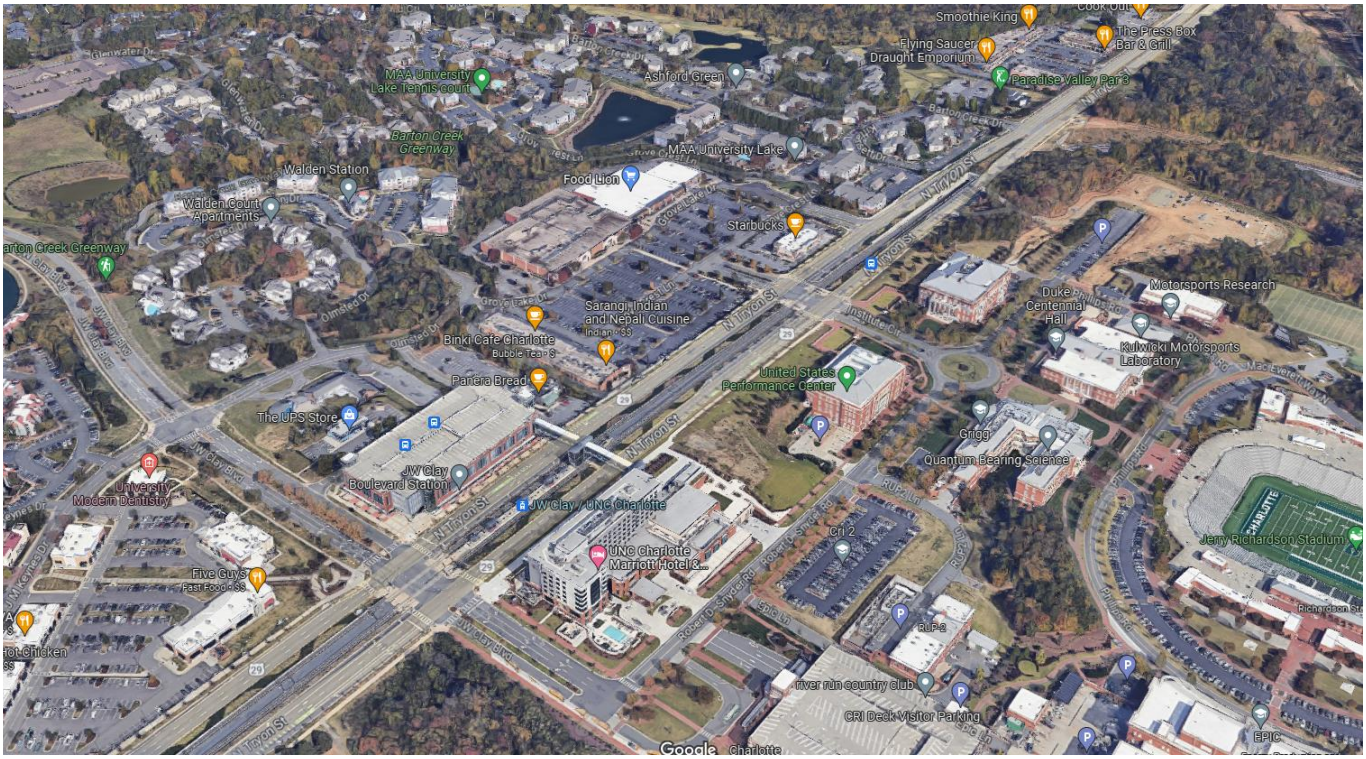
PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Up to 400 multi-family dwellings and 91,500 square-feet of non-residential uses.
  - Prohibits the following uses: auction sales/auction houses, automotive service stations, bus passenger stations, equipment rental/leasing, group homes, subdivision sales office, adult establishments, bed and breakfasts, boarding houses, building material sales, commercial rooming houses, nursing homes, rest homes, homes for the aged, shelters, short term care facilities, stadiums, coliseums, and arenas.
  - Limits the maximum building height to 100-feet.
  - Provides architectural standards related to exterior building materials, building placement and orientation, percent of building frontage, building modulation, articulation, expanses of blank walls, roof design and screening of mechanical equipment.
  - Prohibits parking (except on street) between buildings and the access drive, entrance drive and North Tryon Street.
  - Indicates potential vehicle entrances, 1 on the primary entrance drive and 2 along the access drive.
  - Installs an 8-foot planting strip and 8-foot sidewalk along the site's frontage of Olmsted Drive.
  - Maintains the commitment from phase 1 of the redevelopment (west of site) to construct an 8-foot planting strip and 8-foot sidewalk new private access drive off Olmsted Drive. and the primary entrance drive off North Tryon Street.

- **Existing Zoning**



- The site is currently zoned Commercial Center, a legacy conditional zoning district. Around the site is a mixed of zoning including additional commercial zoning, multi-family, institutional and transit oriented development.



There is a mix of uses in the area including commercial, multi-family, hospitality, and institutional uses. The JW Clay Station and parking deck are south of the site and UNC Charlotte campus is across N. Tryon St. to the east.

The site is a portion of the Mallard Pointe Shopping Center and developed with strip type commercial uses and surface parking.

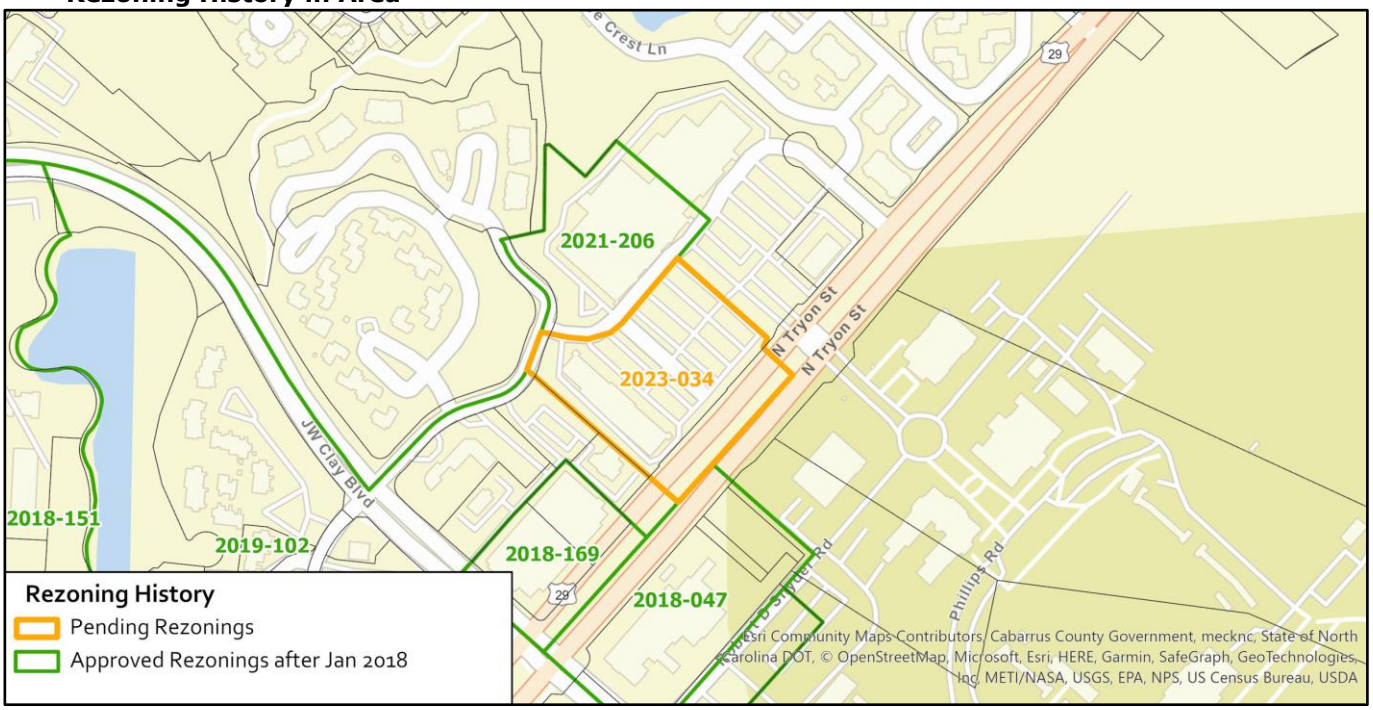
North of the site is a portion of the Mallard Pointe Shopping Center not included in this rezoning.

East of the site, across N. Tryon St. and the light rail line is the UNC Charlotte campus.

South of the site is an eating/drinking/entertainment establishment and the JW Clay Transit station parking deck with a mix of ground floor uses.

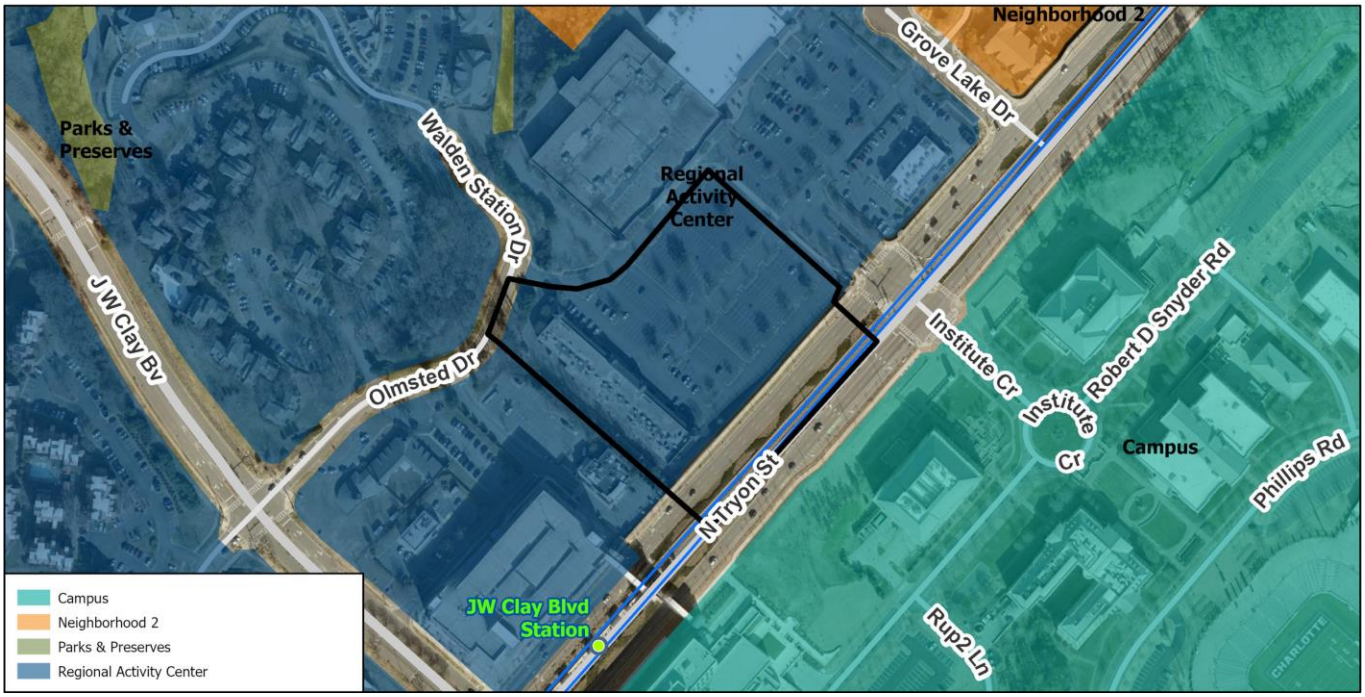
West of the site is a vacant portion of the Mallard Pointe Shopping Center that was previously approved for redevelopment by petition 2021-206. Further west across Olmsted Dr. is multi-family residential.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-047	4.2 acres south of the site to TOD-M(O) to allow a hotel and accessory uses.	Approved
2018-151	20.56 acres southwest of the site to MUDD-O to allow redevelopment of a portion of The Shoppes at University Place for uses permitted in the MUDD district.	Approved
2018-169	TOD translations for several parcels along the Blue Line as part of the TOD text amendment.	Approved
2019-102	TOD alignment rezoning for several parcels along the Blue Line as part of the implementation of the new TOD zoning districts.	Approved
2021-206	A 4.5 acre portion of the Mallard Pointe Shopping Center, north of the site, as the first phase of redevelopment of the shopping center from CC to MUDD(CD) to allow 305 multi-family units and 5,100 sqft of non-residential uses.	Approved

- **Public Plans and Policies**



  - The *2040 Policy Map* (2022) recommends Regional Activity Center place type.

- **TRANSPORTATION SUMMARY**
  - The site is located on Tryon Street a State-maintained, major thoroughfare. A Traffic Impact Study (TIS) is required for this site due to the site generating more than 2500 daily trips. The required TIS has been reviewed and approved on 12-08-2023. All outstanding CDOT issues have been addressed.
  - **Active Projects:**
  - JW Clay Boulevard 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
    - Currently in bid phase.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 1,397 trips per day (based on 26,650 square-feet of retail).

  Entitlement: 10,390 trips per day (based on 173,300 square-feet of retail).

  Proposed Zoning: 8,041 trips per day (based on 400 dwelling units and 91,500 square-feet of retail).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 0 students, while development allowed with the proposed zoning may produce 55 students. Therefore, the net increase in the possible number of students generated from existing zoning to proposed zoning is 55 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - University Meadows Elementary from 118% to 120%
    - James Martin Middle remains at 65%
    - Julius L. Chambers High from 134% to 135%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Olmstead Dr. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Olmstead Dr. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Michael Russell (704) 353-0225