

REQUEST	Current Zoning: O-1 (office) Proposed Zoning: MUDD(CD) (mixed use development, conditional), five-year vested rights
LOCATION	Approximately 1.6 acres located on the west side of Suttle Avenue between Wilkinson Boulevard and Isom Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 26 townhouse units on an infill site in the Bryant Park area located north of Wilkinson Boulevard and west of Interstate 77.
PROPERTY OWNER	The Blumenthal Foundation
PETITIONER	Saussy Burbank, LLC
AGENT/REPRESENTATIVE	Collin Brown and Bailey Patrick, Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, and site and building design issues.

Plan Consistency

The petition is inconsistent with the recommended office land use for the site, per the *Bryant Park Land Use & Streetscape Plan*, as amended by rezoning petition 2013-045.

Rationale for Recommendation

- The *Bryant Park Land Use & Streetscape Plan* originally recommended a mix of residential, office, and retail for the area where the site is located, which is the former Radiator Specialty industrial site.
- The office land use recommendation was a result of rezoning petition 2013-045 which allowed for all uses in the O-1 (office) district on this site and on abutting property.
- The proposed development of townhomes on this site will support the creation of a district with a mix of residential, office and retail and will complement the County owned office building across Suttle Avenue and the charter school located north of the site.
- The proposed development is also designed to support walkability in the new multi-use district, with the residential units located near the public sidewalk and directly accessible from the sidewalk.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 26 townhouse units at a density of 16.25 dwelling units per acre.
- Maximum building height of three stories and 75 feet.
- Provides two points of access onto Isom Street.
- Notes that gates may be installed to control vehicular access to the site, but there will be no restrictions to pedestrian movements through the site.
- Commits to a minimum of 20% of building façade facing network required public or private street to be constructed with brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, or other material approved by the Planning Director.
- Prohibits use of vinyl siding (but not vinyl hand rails, windows or door trim) and concrete masonry which is not architecturally finished.
- Commits to providing a building front or side façade to all network required streets.
- Commits to have buildings fronting a minimum of 50% of the total public street frontage on the site.

- Prohibits location of parking lots between any building and any public street.
- Provides for design of building elevations with recognizable architectural vertical bays or articulated architectural façade features.
- Prohibits horizontal expanses of blank walls greater than 20 feet on any floor.
- Proposes to satisfy tree save requirements through off-site mitigation or payment in lieu.
- **Existing Zoning and Land Use**
 - The site is currently vacant and surrounded by a mix of institutional, office/warehouse, and residential uses and vacant land. It was part of a larger 21.55-acreage located along both the east and west sides of Suttle Avenue rezoned from I-2 (general industrial) to MUDD (mixed use development district) and O-1 (office) via petition 2013-045, to allow all uses within the MUDD (mixed use development district) on an 18.97 acre portion of the site and all uses allowed within the O-1 zoning district on a 2.58-acre portion of the site. This site was in the office zoned area.
 - North of the site are vacant land, office, office/warehouse uses, a park, single family homes, multi-family residential development zoned R-5 (single family residential), R-22MF (multi-family residential), O-2 (office), MUDD-O (mixed use development, optional), I-1 (light industrial), and I-2 (general industrial).
 - To the east are institutional, office, and retail uses and vacant land zoned MUDD (mixed use development district), B-1 PED (neighborhood business, pedestrian overlay), and I-1 PED (light industrial, pedestrian overlay).
 - To the south are single family residential neighborhoods, office/warehouse and retail uses, and vacant land zoned R-4 (single family residential), I-1 (light industrial) and I-2 (general industrial).
 - West of the site are single family residential homes, townhomes, office/warehouse and retail uses, and vacant land zoned R-5 (single family residential), R-22MF (multi-family residential), MUDD-O (mixed use development, optional), O-2 (office), B-1 (neighborhood business), I-1 (light industrial), and I-2 (general industrial).
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2017-032 (scheduled for public hearing on March 20, 2017) proposes to rezone approximately 10.04 acres located at the northwest corner at the intersection of Wilkinson Boulevard and Suttle Avenue from I-2 (general industrial) to MUDD-O (mixed use development, optional), with five-year vested rights, to allow up to 354 multi-family residential units at a density of 34.86 units per acre. Petition 2017-032 abuts the subject site to the south.
 - Petition 2017-014 rezoned approximately 17.57 acres located south of the Southern Railway and on the northeast corner at the intersection of Parker Drive and Berryhill Road from R-4 (single family residential) and I-1 (light industrial) to MUDD-O (mixed use development, optional) to allow the development of a 55,000-square foot indoor/outdoor pet services facility and an eating/drinking/entertainment establishment on a vacant lot.
 - Petition 2013-035 rezoned approximately 0.494 acres located on the southwest corner at the intersection of West Morehead Street, Freedom Drive and Walnut Avenue from B-1 PED (neighborhood business, pedestrian overlay) to B-1 PED-O (neighborhood business, pedestrian overlay, optional) to allow the reuse of an existing building for uses allowed in the underlying B-1 (neighborhood business) zoning district. Various optional provisions to the pedestrian overlay district were requested due to existing conditions on the site and to allow for a drive through service window associated with a restaurant.
 - Petition 2012-006 approved a MUDD-O (mixed use development, optional) site plan amendment on approximately 5.75 acres located on the north side of Millerton Avenue near the intersection of West Morehead Street, allowing an increase in the number of residential buildings while maintaining the same number of residential units at 270.
- **Public Plans and Policies**
 - The *Bryant Park Land Use & Streetscape Plan*, as amended by rezoning petition 2013-045, recommends office use for the subject property.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of local streets. The current site plan commits to streetscape improvements and preservation of the existing on-street accessible parking space.
 - See Outstanding Issues, Notes 1 through 4.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land).
 - Entitlement: 330 trips per day (based on 16,000 square feet of office uses).

Proposed Zoning: 200 trips per day (based on 26 townhomes).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte-Douglas International Airport:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over current utilization:
 - Ashley Park PreK-8 to remain at 132%; and
 - West Charlotte High to remain at 96%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water main located along Isom Street and an existing eight-inch water main located along Suttle Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Bryant Park Drive, Isom Street, and Suttle Avenue.
- **City Arborist:** No trees can be removed from or planted in the right-of-way of Suttle Avenue and Isom Street without permission of the City Arborist's office. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight-inches or larger in the setback.
- **Engineering and Property Management:** Development must comply with tree ordinance.
- **Mecklenburg County Land Use and Environmental Services Agency:** The proposed development will result in residential development adjacent to property zoned for industrial use (I-1 or I-2). Many industrial uses can be considered incompatible with residential uses due to regulated air emissions and other common features of industrial uses such as odors, dust, noise, and truck traffic. MCAQ recommends that Planning determine this rezoning request constitutes an incompatible land use because the requested rezoning will result in residential development in close proximity to industrial use.

(Planning Response: The referenced property that is zoned for industrial use is currently vacant, and the adopted area plan recommends a mix of office, residential and retail for the area between Wilkinson Boulevard and Morehead Street. However, if the referenced properties are developed with industrial uses, the new industrial development will be required, by ordinance, to provide buffers to protect abutting residential properties.)

- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan to show two curb ramps at the southeast corner of Suttle Avenue and Isom Street and a receiving curb ramp directly across Suttle Avenue and the existing marked crosswalks to be removed.
2. The petitioner should revise the site plan to add a 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. CDOT requests right-of-way set at two feet behind the back of sidewalk.
3. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.
4. CDOT discourages gated access to parking as noted on current site plan and requests removal. If note for gate remains, adequate turn around design will be required during permitting.

Site and Building Design

5. Add the following note: "Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least six (6) feet deep. Stoops and entry-level porches may be covered but should not be enclosed."

6. Add the following note or provide blank wall provisions that limit the maximum blank wall expanse to 10 feet on all building levels: "All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit".
7. Commit to buildings fronting a minimum of 75% of the total public street frontage on the site.
8. Reduce the maximum building height to 50 feet.

REQUESTED TECHNICAL REVISIONS

9. Under "Site Development Data" specify that proposed zoning is MUDD(CD), with five-year vested rights.
 10. The site plan shows what appears to be a curb cut on the west side of Suttle Avenue. Confirm if this is an existing driveway to be removed or part of the proposed project.
 11. Site plan notes this parcel is in a center; however, it is in a corridor. Revise notes accordingly.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte-Douglas International Airport
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - City Arborist Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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