

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: MUDD-O (mixed use development district, optional), five year vested rights
<b>LOCATION</b>	Approximately 10.04 acres at the north west corner at the intersection of Wilkinson Boulevard and Suttle Avenue. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes allow up to 354 multi-family residential units on an infill site in the Bryant Park area located north of Wilkinson Boulevard and west of Interstate 77.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Suttle Avenue LLC, c/o Merrifield Patrick Alliance Residential Company Collin Brown and Bailey Patrick, Jr., K&L Gates, LLP
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Bryant Park Land Use and Streetscape Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends a mix of residential, office, and retail for this site and the surrounding area.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The subject site is located on the former Radiator Specialty industrial property; and</li> <li>• The Bryant Park Land Use &amp; Streetscape Plan called for the former and mostly vacant industrial site, which includes the subject property, to be redeveloped with a mix of uses to include office, multi-family and retail; and</li> <li>• The addition of multi-family development on this site will begin to create the mix of uses recommended by the area plan and will complement the County owned office building across Suttle Avenue and the charter school located north of the site; and</li> <li>• The proposed development will also help to implement the desired vehicular and pedestrian connectivity for the larger area by providing segments of two new streets and locating buildings close to the sidewalk to support walkability;</li> </ul> </li> </ul> <p>By a 5-1 vote of the Zoning Committee (motion by Majeed seconded by McClung).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner has revised the Morton Street extension right-of-way note to say: "Portion of R/W to be dedicated at time of Morton Street Extension construction".</li> <li>2. Revised 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.</li> <li>3. The petitioner revised the site plan to add a note specifying all transportation improvements will be phased per the site's development plan and as per the subdivision requirements.</li> <li>4. The petitioner added sidewalk extensions on the revised site plan adjacent to the reverse angle parking. These sidewalk extensions will be fully cantilevered across the planting strip with a reinforcing</li> </ol>
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	<p>steel grid extending fourteen feet from the back of curb.</p> <ol style="list-style-type: none"> <li>5. Development Note VI.c.4. has been removed from the site plan.</li> <li>6. Petitioner has added language stating freestanding lighting will not exceed twenty-six (26) feet in height.</li> <li>7. Petitioner has added Heading Signage to site plan and language stating that the number of signs will be limited to one per street frontage.</li> <li>8. The petitioner will revise the site plan to show cross section A-A to have a 10-foot travel lane and 14-foot travel lane. Reduce parallel parking width to five feet.</li> </ol>
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**VOTE**

Motion/Second: Spencer / Majeed  
 Yeas: Fryday, Majeed, McClung, Watkins and Spencer  
 Nays: Wiggins  
 Absent: Lathrop  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting the petitioner addressed the one outstanding item related to transportation. A Committee member asked who would be responsible for the Morton Road extension, and CDOT staff responded that the developer of the abutting parcel(s) would be responsible for constructing that improvement. Another Committee member asked if elevations were provided with this request, and staff responded no and that when to ask for elevations is an issue that staff continues to struggle with. A Commissioner asked if the subject parcel is a Superfund site. The rules were suspended to allow the agent to respond to this inquiry. Mr. Collin Brown responded that the subject acreage is not a Superfund site, but it is a brownfield site.

Staff noted that this petition is consistent with the *Bryant Park Land Use and Streetscape Plan*.

**MINORITY OPINION**

Commissioner Wiggins expressed concern with the project being developed on a brownfield site.

**STAFF OPINION**

Staff agrees with the recommendation of the majority of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 350 multi-family residential units at a density of 34.86 dwelling units per acre with clubhouse and pool amenities.
- A maximum building height of 75 feet and a maximum number of five stories.
- Proposes the following optional provisions:
- To allow for the use of a "green screen" to meet the screening requirements of the Ordinance as alternative screening between surface parking and Public Street 2 (detail of green screen provided on site plan).
- To allow total signage located on any building wall of a structure not to exceed 10% of the building wall area to which the sign is attached for a maximum of 200 square feet.
- To allow a ground mounted or monument sign and such sign shall have a maximum height of five (5) feet and a maximum face area of fifty (50) square feet.
- Creates an internal vehicular system with two public streets (with angled and parallel parking) that will connect to Suttle Avenue and Wilkinson Boulevard. Proposed streets will also have a future stub to the north and will accommodate the construction of the Morton Street extension.
- Commits to the following Architectural Standards:
- All principal buildings abutting a network required public or private street will comprise a minimum of 20% of the building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent), stucco or other material.
- Prohibits vinyl siding (but not vinyl hand rails) and concrete masonry units not architecturally

- finished.
- Proposes buildings will front a minimum of 50% of street frontage.
  - Prohibits locating parking lots between any building and street.
  - Requires buildings exceeding 120 feet in length to include modulations of the building massing/façade plan (such as recesses, projections, and architectural details).
  - Provides for incorporation of architectural façade features; recognizable architectural base on all facades facing network required public or private streets; prohibition of expanses of blank walls greater than 20 feet; and roof form and articulation.
  - Limits the height of ground-mounted lighting fixtures to 26 feet in height.
- **Public Plans and Policies**
    - The adopted future land use for this site is for a mixture of residential/office/retail uses as per the Bryant Park Land Use & Streetscape Plan (2007). The mixture may include either mixed use in individual buildings or single use buildings mixed on larger site.
    - The plan included a potential development scenario for the Radiator Specialty site which illustrated new medium intensity office and residential development along Wilkinson Boulevard, which would be designed to be part of a larger pedestrian-friendly, urban district.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site is located at the unsignalized intersection of a Class III major thoroughfare and a local street. The current site plan commits to construction of a local street network as envisioned by the area plan.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 0 trips per day (based on vacant land)
        - Entitlement: 360 trips per day (based on 100,000 square feet of warehouse use).
      - Proposed Zoning: 2250 trips per day (based on site plan-350 multi-family dwellings)

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 0 students, while the development allowed under the proposed zoning will produce 158 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 158 students.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
    - Ashley Park PreK-8 from 132% to 150%
    - Ashley Park PreK-8 from 132% to 143%
    - West Charlotte High from 96% to 97%.

The additional projected students at Ashley Park will result in overutilization that surpasses the capacity of the site. Additional mobile units will be required. Boundary changes may be needed to accommodate the anticipated student growth.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located along Suttle Avenue and a six-inch water distribution main located along Wilkinson Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Suttle Avenue and Wilkinson Boulevard. There is also availability via an existing eight-inch gravity sewer main located in the northern portion of parcel 067-02-116.
- **Engineering and Property Management:** No issues.
- **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 mixture of office, residential and retail uses 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 to provide buffers to protect abutting residential properties.)

- **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

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

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