

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M(O) (transit oriented development, mixed use, optional), with five-year vested rights.
LOCATION	Approximately 8.3 acres located on the west side of East Sugar Creek Road, at the intersection of Raleigh Street, north of the Blue Line Extension. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to redevelop a site in the Howie Acres area to allow all uses in the TOD-M (transit oriented development mixed-use) district. Uses allowed in the TOD-M (transit oriented development – mixed use) district include residential, office, retail and civic uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Sugar Creek One, LLC and Sugar Creek Station, LLC Flywheel Group Bridget Grant, 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: 4.

STAFF RECOMMENDATION	<p>Staff recommends approval of the petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plan</i> recommendation for transit supportive uses through new development and redevelopment.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject site is located at the Sugar Creek Transit Station on the LYNX Blue Line Extension. • The proposed rezoning allows a site zoned for industrial use to be redeveloped with transit supportive uses. • The proposal allows for all uses in the TOD-M (transit oriented development – mixed-use) district, which include office, residential, retail, and civic uses. • The realignment of Raleigh Street at Sugar Creek Road and commitments for the Cross Charlotte Trail will improve both the pedestrian and vehicular travel patterns. • Design standards beyond the ordinance requirements will enhance the quality of the built environment at a transit station.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Petition consists of Development Areas 1 and 2, seeking to allow all uses permitted in the TOD-M (transit oriented mixed use development).
- Vehicular access from East Sugar Creek Road and Raleigh Street.
- Dedication of additional right-of-way to provide a total right-of-way of 80 feet along Raleigh Street.
- Commits to a 16-foot wide shared use path (Cross Charlotte Trail) and an eight-foot wide planting strip along the north side of Raleigh Street prior to the first certificate of occupancy for new construction in Development Area 2.
- Provides an eight-foot planting strip and six-foot sidewalk along the south side of Raleigh Street prior to the first certificate of occupancy for new construction in Development Area 1.
- Provides a 16-foot setback along the south side of Raleigh Street and a 24-foot setback along the north side of Raleigh Street. ~~Residential development along and fronting Raleigh Street will provide a four-foot transition zone between the face of the building and the sidewalk.~~
- Area between the proposed building and the rail corridor/station area will be amenitized open space with landscaping, seating areas and/or features that promote gathering. Other open

space areas on the site will be improved with landscaping, lighting, seating and/or hardscape elements.

- Building materials consist of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, and handrails/railings.
- The ground floor portion of buildings fronting and facing directly on the future Cross Charlotte Trail will be designed to orient to the trail. Entrances that face the trail shall have direct access to the trail.
- Primary building entrances will be provided along Raleigh Street, at a minimum of every 100 feet, if individual uses and/or tenant entrances are not provided. Employs a minimum of three architectural standards for all primary entrances.
- Building walls located along public streets shall have a ground floor that is taller than and architecturally different than upper floors with more transparency than upper floors. The ground floor of new buildings on Raleigh Street shall have a minimum of 40% active uses, with no structured parking fronting public streets.
- **Added Notes 4(l)(e) as follows:** The petitioner shall preserve a local commercial street connection along the west property line and construct a sidewalk for this street as generally depicted on the technical data sheet at such time that the adjacent site is redeveloped.
- **Added Notes 4(l)(e) as follows:** All transportation improvements will be approved and constructed prior to the issuance of the first certificate of occupancy. The petitioner reserves the right to post a bond or letter of credit for any improvements not completed at the time of the issuance of the first certificate of occupancy, and as further described in 5a.
- **Optional provision to:**
 - Allow parking for an eating/drinking/entertainment establishment at the rate of one space per 300 square feet in lieu of the ordinance requirement of one space per 150 square feet.
 - Allow on-street parking within the eight-foot planting strip on the south side of Raleigh street.
- **Dedication of Right-of-Way of Raleigh Street.** The Petitioner shall reserve for dedication right-of-way for enhancements to existing Raleigh Street to provide a total right-of-way width of up to seventy-eight feet as generally depicted on Sheet RZ-01 and to allow for the improvements currently contemplated as described in Section 5 below and as generally depicted on Sheet RZ-2. In as much as the XCLT is in the design stage, it is acknowledged that the right-of-way width for Raleigh Street and the accompanying improvements may be modified to result in a reduced right-of-way width. The enhanced right-of-way for Raleigh Street and any adjustments to its width shall be determined in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT. Any reduction in the right-of-way width may occur either before or after completion of the buildings contemplated by the development. Petitioner shall provide for dedication of the enhanced Raleigh Street within a reasonable period of time after receipt of written notice of the final design/alignment of the XCLT and the resulting right-of-way of Raleigh Street.
- **South Side of Raleigh Street Setback.** An eighteen-foot setback as measured from the future back of curb of the enhanced Raleigh Street will be provided along the south side of Raleigh Street.
- **South Side of Raleigh Street Streetscape Improvements.** An eight-foot planting strip and an eight-foot sidewalk will be substantially completed on the south side of Raleigh Street prior to the first certificate of occupancy for the first new building constructed in Development Area 2 to accommodate the design and installation of the XCLT which is to be located on the north side of the enhanced Raleigh Street. Per the Optional Provision above, on-street parking may be permitted within the eight-foot planting strip.
- **North Side of Raleigh Street Setback.** A thirty-two-foot setback as measured from the future back of curb of the enhanced Raleigh Street will be provided along the north side of Raleigh Street, provided, however, in as much as the XCLT is in the design stage, it is acknowledged that the setback width for the north side of Raleigh Street and the accompanying improvements may be modified to result in a reduced setback width. Any adjustments to such setback width shall be determined in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT. Any reduction in the setback width may occur either before or after completion of the buildings contemplated by the development.
- **North Side Raleigh Street Streetscape Improvements & Enhanced Raleigh Street Installation.** As part of the current design for the XCLT, it is contemplated that a five-foot planting strip, a twelve-foot two-way cycle track, a five-foot buffer, and an eight-foot sidewalk will be installed on the north side of Raleigh Street; these improvements along with the primary

enhanced Raleigh Street improvements shall be installed prior to the first certificate of occupancy for the first new building constructed in Development Area 2. All intersection and driveway crossings will be appropriately designed to mitigate the increased risk of a two-way cycle track on a two-way street. As indicated, modifications to the enhanced Raleigh Street improvements may be made in coordination with the Planning Department, CDOT, and Engineering and Property Management in connection with the final design/alignment of the XCLT provided that such modifications shall not result in an increased right-of-way width of Raleigh Street beyond seventy-eight feet (78').

- In light of overall commitments to improvements within the right-of-way, the petitioner will not provide a four-foot transition zone between the face of the building and the sidewalk.
- **Existing Zoning and Land Use**
 - The subject property is zoned I-2 (general industrial) and currently developed with two industrial warehouse uses.
 - Properties on the east side of East Sugar Creek Road include a largely vacant retail strip mall, Tryon Mall, zoned B-1SCD (business shopping center), an existing single family neighborhood zoned R-5 (single family residential), industrial and retail uses in I-2 (general industrial, I-1 (light industrial) and B-2 (general business) zoning.
 - Properties on the west side of East Sugar Creek Road are zoned I-2 (general industrial), B-2 (general business), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional), TOD-M (transit oriented development - mixed-use) and UR-3(CD) (urban residential, conditional), and developed with a mix of industrial, retail, multi-family residential, and single family attached residential uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2017-75 rezoned 4.07 acres located on the east side of East Sugar Creek Road between Raleigh Street and Bearwood Avenue to TOD-M (transit oriented development - mixed-use) to allow all uses in the TOD-M (transit oriented development mixed-use) district.
 - Petition 2017-024 approved a UR-2(CD) (urban residential, conditional) site plan amendment for 3.68 acres located on the west side of Bingham Drive between North Tryon Street and Curtiswood Drive to allow up to 60 age-restricted multi-family dwelling units in a single building, and five townhome units, at a density of 17.66 units per acre
 - Petition 2016-111 rezoned 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road to TOD-M(CD) (transit oriented development - mixed-use, conditional) to allow transit supportive uses allowed in the TOD-M (transit oriented development - mixed-use) district.
 - Petition 2016-079 rezoned 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue to TOD-M(CD) (transit oriented development – mixed-use, conditional) to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district.
 - Petition 2016-063 rezoned 1.18 acres located on the north side of North Davidson Street between Donatella Avenue and Anderson Street to MUDD-O (mixed use development – optional) district to allow for the reuse of existing buildings for any use permitted in the MUDD (mixed use development) district. Uses allowed in the MUDD (mixed use development) district include office, residential, retail and civic uses.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented development for the site.
 - The scale and massing of new development/redevelopment should be sensitive to historic properties, the Zion Primitive Baptist Church, and the Howie Acres neighborhood scale and character.
- **TRANSPORTATION CONSIDERATIONS**
 - This site is located at the unsignalized intersection of a major thoroughfare and a local street. The site plan commits to the pedestrian elements of the Cross Charlotte Trail along the site's Raleigh Street frontage. CDOT requests that the site plan clarify and commit to the construction of the complete bike and vehicle cross sections for Raleigh Street and Sugar Creek Road.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 420 trips per day (based on 117,110 square feet of warehouse uses).
 - Entitlement: 440 trips per day (based on 124,500 square feet of warehouse uses).
 - Proposed Zoning: Too many uses to determine trip generation.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer seeking public funding for multi-family housing developments must comply with the City's Housing Policies.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The conditional district request allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has system availability for the rezoning boundary via an existing 12-inch water distribution main located along Raleigh Street and an existing eight-inch water distribution main located along East Sugar Creek Road. Sewer system availability provided via an existing eight-inch gravity sewer main located along East Sugar Creek Road and an existing 12-inch gravity sewer main along Raleigh Street.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be removed or planted in the right-of-way of East Sugar Creek Road without permission from NCDOT and the City Arborist's office. Authorization is required in order to remove trees from the right-of-way along Raleigh Street. A tree survey for all trees two inches or larger located in the right-of-way, and all trees eight inches or larger in the setback is required.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

- ~~1. The proposed zoning district has a setback measured from back of the existing or proposed future curbline and should be shown as follows:

 - ~~a. Raleigh Street—The location of future back-of-curb is 20.5 feet as measured for the street's existing centerline to accommodate a 10-foot travel lane and an eight-foot buffered bike lane. Should the petitioner desire on-street public parking along the site's frontage the above back-of-curb location will need to be increased by six-foot.~~
 - ~~b. East Sugar Creek Street—The location of future back-of-curb is 32.5 feet to accommodate two 11-foot travel lanes and an eight-foot buffered bike lane. Addressed~~~~
2. Revise the site plan and conditional note(s) to show preservation for a local commercial street connection along the west property line and construction of the sidewalk for this street on the site's side. **Addressed**
3. Add a note specifying that 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. **Addressed**
4. Amend site plan to depict and dimension the layout and typical street section along the site's Raleigh and Sugar Creek street frontage. The street sections should include elements as described above and in conditional notes including proposed building setback lines, future back-of-curb, proposed street right-of-way, XCLT, buffered bike lanes, travel lanes, planting strips and sidewalks. CDOT requests a conditional transportation note be added to the revised site plan committing the petitioner to construct the future Raleigh street section along the site's frontage as development occurs. **Addressed**
5. Show the access points for both tracts in the proposed development. **Addressed**

Site and Building Design

- ~~6. Specify whether public streets are included in proposed street network. Addressed~~
7. Amend Note 5C under "Streetscape, Landscaping, Open Space and Screening" to reflect the Cross Charlotte Trail Raleigh Street Option A (Alternate) cross section, with the caveat that all intersection and driveway crossings will be appropriately designed to mitigate the increased risk of a two-way cycle track on a two-way street. In addition, specify who is responsible for building the streetscape along the north side of Raleigh Street. **Addressed**
8. Amend Note 5D under "Streetscape, Landscaping, Open Space and Screening" to reflect an eight-foot planting strip and eight-foot sidewalk along the south side of Raleigh Street as required per the TOD (transit oriented development) district. **Addressed**

Land Use

9. ~~Delete Note 2B under "optional provisions" and ensure that all optional requests are listed under the heading.~~ Addressed
 10. ~~Eliminate the request for five-year vested rights.~~ Addressed
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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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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