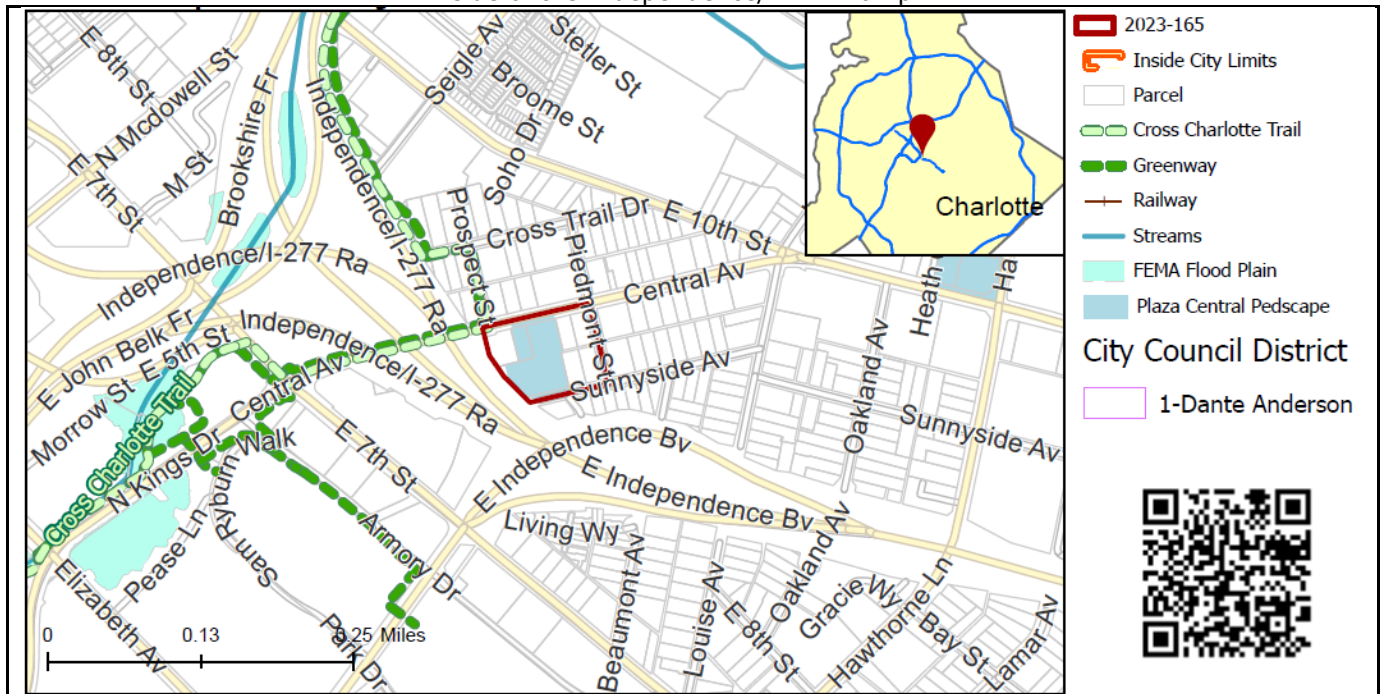


REQUEST

Current Zoning: NC (neighborhood center), N1-D (neighborhood 1 - D), and O-6(CD) (office, conditional)
Proposed Zoning: CAC-1 (EX) (community activity center 1, exception)

LOCATION

Approximately 2.839 acres bound by the south side of Central Avenue, west side of Piedmont Street, north side of Sunnyside Avenue, and east side of the Independence/I-277 Ramp.



SUMMARY OF PETITION

The petition proposes to allow the development of a multi-family residential community and retail uses on parcels developed with a building that used to be a credit union, a single family home that operated as a law office, and one single family home along Sunnyside Avenue.

PROPERTY OWNER

Charlotte Metro Federal Credit Union and Skyla Federal Credit Union

PETITIONER

Central Avenue Multifamily, LLC

AGENT/REPRESENTATIVE

Keith MacVean, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 63

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to infrastructure and land use and requested technical revisions.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Community Activity Center and **inconsistent** with the recommendation for Neighborhood 1.

Rationale for Recommendation

- Located along Central Avenue and directly on the future Silver Line, this assemblage of parcels at the edge of the Sunnyside neighborhood is at a transitional intersection that must consider existing and planned infrastructure that encourages density while also building in design standards that are mindful of single family and middle density character.

- This is an exception conditional rezoning, an EX petition, and as such the petitioner requests modifications to quantitative zoning standards in exchange for committing to public benefits as justification for the requested flexibility of the ordinance. The requested EX provisions for transparency, ground floor height, and architectural standards are in response to the specific elevation characteristics of the site as well as its location along future transit infrastructure. The other EX provision being requested is for flexibility in the height plane standards required for sites that are near the Neighborhood 1 Place Type. The base ordinance standard would limit building height to 50 feet for portions of a structure within 100 feet of Neighborhood 1 and 65 feet for portions of a structure within 200 feet of Neighborhood 1. Although this petition is proposing upwards of 85 feet in some areas that would otherwise be limited to 50 or 65 feet, these portions of the structure would not be immediately adjacent to any single family uses and the site's maximum height would be concentrated along Central Avenue and the western edge that is along the future Silver Line.
- The public benefits identified in this rezoning would help support pedestrian and transit infrastructure. The 16-foot shared-use path along the future Silver Line right-of-way could serve as a vital pedestrian connection for the community utilizing the light rail and nearby amenities along Central Avenue. This path will be properly amenitized in a way that is consistent to existing pedestrian paths along transit lines. As part of the redevelopment of the site and in anticipation of the future transit infrastructure, the petitioner also commits to relocating the existing sewer line, shifting what is typically a significant financial undertaking to the petitioner rather than the City. Separately from the EX benefits outlined in this plan, the petitioner will also utilize bonus menu provision options from Article 16 of the UDO to achieve any building height above 80 feet.
- The single family character of the Sunnyside neighborhood is recommended to stay intact as Neighborhood 1 on the *2040 Policy Map*. As a result, it is necessary for this petition to build in adequate architectural buffers to these adjacent single family homes so that the design of the future development better transitions the more intense development to the low density residences along the site's periphery. The petitioner has added several architectural standards that will create a more compatible building design with the site's surroundings. A 50-foot building height cap will be maintained along Sunnyside Avenue and the vast majority of Piedmont Street as well as a 65-foot stepdown in height that is more interior to the site between the 85-foot and 50-foot height zones of the building.
- A small portion of the site is identified as Neighborhood 1 on the *2040 Policy Map*. Although this rezoning is inconsistent with that designation, it would bring these two small parcels into alignment with the rest of the block which is recommended for Community Activity Center.
- Although generally located at the edge of a single family residential area, the majority of this site and Central Avenue more broadly is recommended for Community Activity Center which envisions mid-sized mixed-use areas along transit corridors. Densification should be encouraged in areas like these which front major arterials such as Central Avenue, and will also be along future light rail routes. This petition sufficiently balances the goals of the Community Activity Center while still maintaining sensitivity to surrounding residential properties.
- 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
 - 10: Fiscally Responsible

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 for a portion of the site to Community Activity Center.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

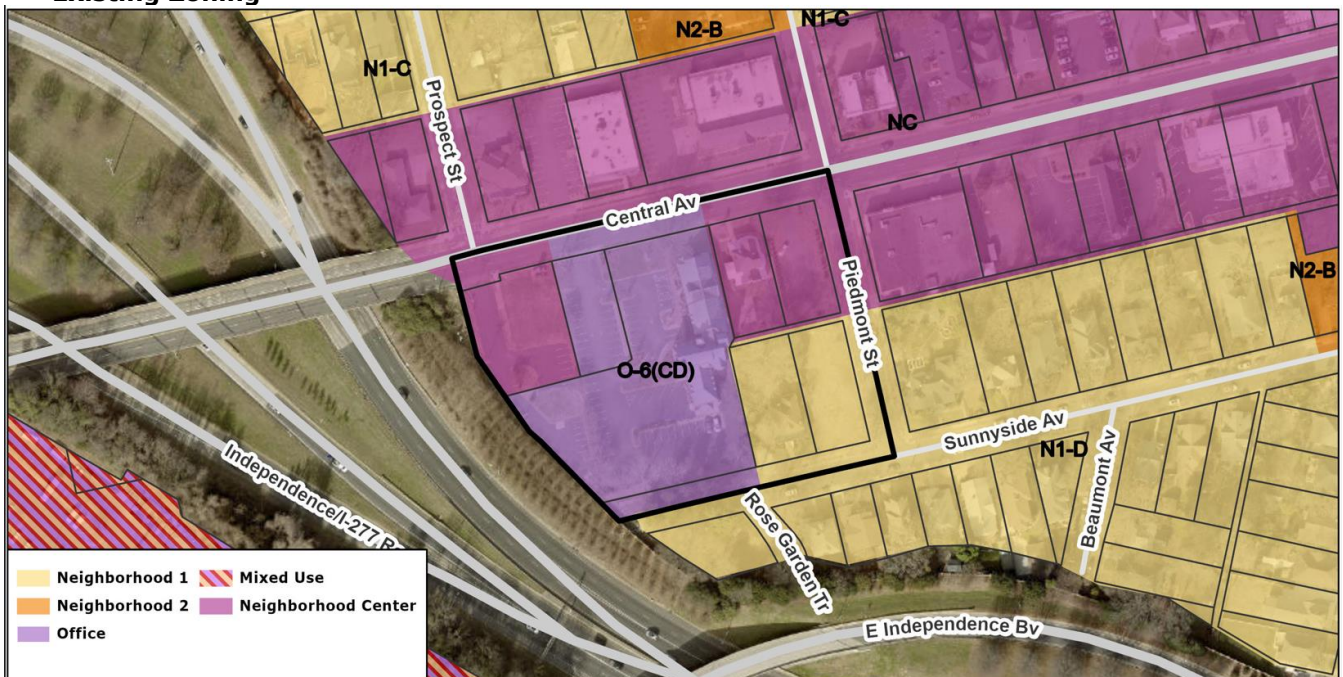
- Proposes up to 315 residential units and a minimum of 1,500, up to 5,000, square feet of non-residential uses.
- Prohibits the following uses: alternative correction facility, drug treatment clinic, and single-room occupancy.
- Specifies a maximum building height of 85’ and notes that for any building height achieved above 80’, development bonus provisions from Article 16 will have to be utilized.
- Commits to exceed the minimum parking spaces required by 20%.
- Requests EX provisions and specifies that the required public benefits for the EX request would include the following:
 - City Improvement EX Benefit Category: The petitioner commits to construct a publicly accessible shared-use path along the western property boundaries. The existing sewer line along the western edge between Central Avenue and Sunnyside Avenue would be relocated. The plan specifies reservation of ROW and an associated temporary construction easement for future acquisition by CATS for the LYNX Silver Line.
 - Public Amenity EX Benefit Category: The petitioner will create a publicly accessible improved plaza along Central Avenue at the future LYNX Silver Line and public accessibility open space area along the western property boundaries measuring at approximately 9,000 square feet in aggregate. The public plaza will be improved with hardscape areas, seating areas, landscaping, and lighting and the open space will be improved with landscaping and a 16’ shared-use path.
 - EX Provision to Article 11.3.B regarding building height standards: requests to modify the allowed building height for structures within 100’ of the Neighborhood 1 Place Type for a small portion of the site’s southwestern edge from 50’ maximum building height to 85’. Requests to modify the allowed building height for structures within 200’ of the Neighborhood 1 Place Type for the northeastern corner of the site and a portion of the site’s western boundary from 65’ maximum building height to 85’.



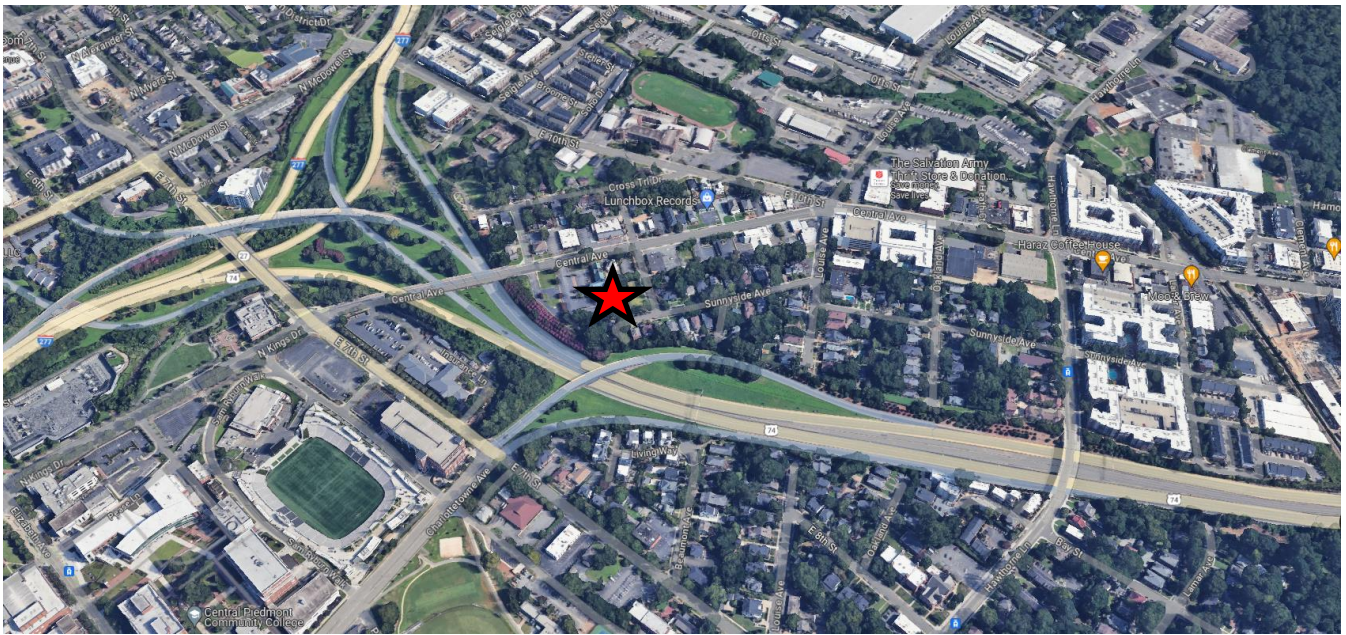
- EX Provision to Article 11.3.C regarding minimum ground floor height for mixed-use structures: requests to reduce the minimum ground floor height from 14’ to 10’ along all frontages except for areas developed with convertible non-residential space.
- EX Provision to Article 11.3.D regarding transparency: requests to reduce the minimum ground floor transparency level from 50% to 25% along Piedmont, Sunnyside, and Central Avenue frontages except for areas developed with commercial space or convertible non-residential space. Along the future Silver Line transit frontage, the 25% transparency level may be measured from 3’ to 10’ from the finished floor elevation rather than from grade to accommodate the site’s elevation changes.

- EX Provision to Article 18.3.C.9.c regarding architectural feature regulations: request to allow stoop steps within 2’ of the proposed shared-use path rather than 6’.
- Includes transportation provisions:
 - The petitioner will install a traffic signal at the Central Avenue and Piedmont Street intersection subject to CDOT approval and if the funding of the signal does not include the construction of left turn lanes.
 - The petitioner will fund up to three speed humps or equivalent traffic calming measures along Piedmont Street or Sunnyside Avenue within one-year of the site receiving a final certificate of occupancy.
 - Provides a comprehensive transportation review and notes mitigation measures.
 - Relocates the existing curb line along Central Avenue to allow for the construction of a buffered bike lane. The petitioner reserves the right to implement a 12’ shared use-path instead of a buffered bike lane if the Streets Map is amended to implement this change.
- Notes a 20’ setback along Central Avenue, a 28’ primary building setback along Sunnyside Avenue, and a 28’ primary building setback along Piedmont Street for the portion of the building south of the proposed driveway.
- Specifies an 8’ planting strip and 8’ sidewalk along Piedmont Street and Sunnyside Avenue.
- Provides a minimum of 750 square feet of improved public open space at the corner of Piedmont Street and Sunnyside Avenue.
- Provides architectural standards:
 - The building façade facing Piedmont Street between the proposed site access and Sunnyside Avenue, will be designed to include units with individual usable porches/balconies with a minimum of 6’ depth. Porches will be provided on at least three floors. Stoops may be provided for units along Piedmont Street that would allow direct street access.
 - The portion of the building façade facing Sunnyside Avenue between Piedmont Street and the edge of the Rose Garden Terrace ROW will be designed to include units with individual useable porches/balconies with a minimum depth of 6’. Porches will be provided on at least three floors. The units along the ground floor will include stoops with direct access to Sunnyside Avenue.
 - Building facades facing Piedmont Street and Sunnyside Avenue will be constructed with no less than 30% of masonry building materials on exterior facades.
 - Any portion of the parking structure that is visible above the residential portions of the building when viewed from Sunnyside Avenue or Piedmont Street that are adjacent to the site will be architecturally treated and screened.
- The petitioner reserves ROW for future acquisition by CATS for the Silver Line along the western boundary.

• **Existing Zoning**



- The site is currently zoned NC, O-6(CD), and N1-D and is in an area with NC, N1-C, N1-D, and N2-B zoning.



- The subject site is denoted with a red star and is in an area with single family residential, multi-family residential, commercial, institutional, office, and mixed-use developments.



- North of the site are various commercial and office uses.



- East of the site are several offices.



- South of the site are single family homes.



- The site's western edge is bound by ramps connecting Independence Boulevard to I-85 and I-277.

• **Rezoning History in Area**



- There have been no recent rezonings in this area.

• **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Community Activity Center and Neighborhood 1.

• **TRANSPORTATION SUMMARY**

- The site is located at the intersection of Central Avenue, a City-maintained major arterial, and Piedmont Street, a City-maintained local street. Based on the 2,136 daily trips, the petitioner will be required to satisfy Tier 3 Multimodal and Transportation Demand Management (TDM) assessments. The project has committed to construction of pedestrian and bicycle facilities along Central Avenue, a multi-use path along the future CATS Silver Line frontage, and site access exclusive to Piedmont Street.

• **Active Projects:**

- There are no active projects near the site.

• **Transportation Considerations**

- No outstanding issues.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1,967 trips per day (based on banking, office, and residential uses).

Entitlement: Too many uses to determine trip generation.

Proposed Zoning: 1,897 trips per day (based on residential and commercial uses).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** See Outstanding Issues, Note 1.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** Development allowed with the existing zoning could generate 65 students. Ballantyne Ridge High School opens in the 2024-2025 school year and will provide relief to Myers Park High School.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Eastover Elementary from 73% to 76%
 - Sedgfield Middle from 66% to 67%
 - Myers Park High remains at 123%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main along Sunnyside Ave, a 6-inch water distribution main along Piedmont St, and a 6-inch water distribution main along Central Ave. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Sunnyside Ave. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Long Range Planning:** See advisory comments at www.rezoning.org
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Infrastructure

1. Under the public amenity EX benefits regarding sewer line relocation add the following text, "The relocated sanitary sewer shall not be placed within 10' of the edge of the CATS Silver Line infrastructure (as shown on rezoning plan) or within 10' of any permanent structure and will be encased per CLT Water guidelines. Design work for the relocated sewer line will be coordinated and reviewed with Charlotte Water and CATS."

Land Use

2. Clarify that the minimum of 1,500 square feet of non-residential uses will be for retail uses unrelated to the multi-family development.

REQUESTED TECHNICAL REVISIONS PRIOR TO PUBLIC HEARING

Site and Building Design

3. Clarify in the conditional notes and building height inset map that the height exceptions requested include a very small piece of the building within the 100' to N1 height plane zone as requesting 85' rather than 50' at the southwestern edge of the site. There are a total of three height exceptions being requested, one for where the site is within a 100' of N1 on the southwestern corner of the site, one for where the site is within 200' of N1 along the western edge of the site, and one for where the site is within 200' of N1 at the northeastern corner of the site.

Transportation

4. Revise the site plan to clearly show the limits of Silver Line ROW. The legend indicates that this should be shown in blue but it is not appearing on the plan. Refer to CAD files from CATS to show the limits of this area.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Holly Cramer (704) 353-1902