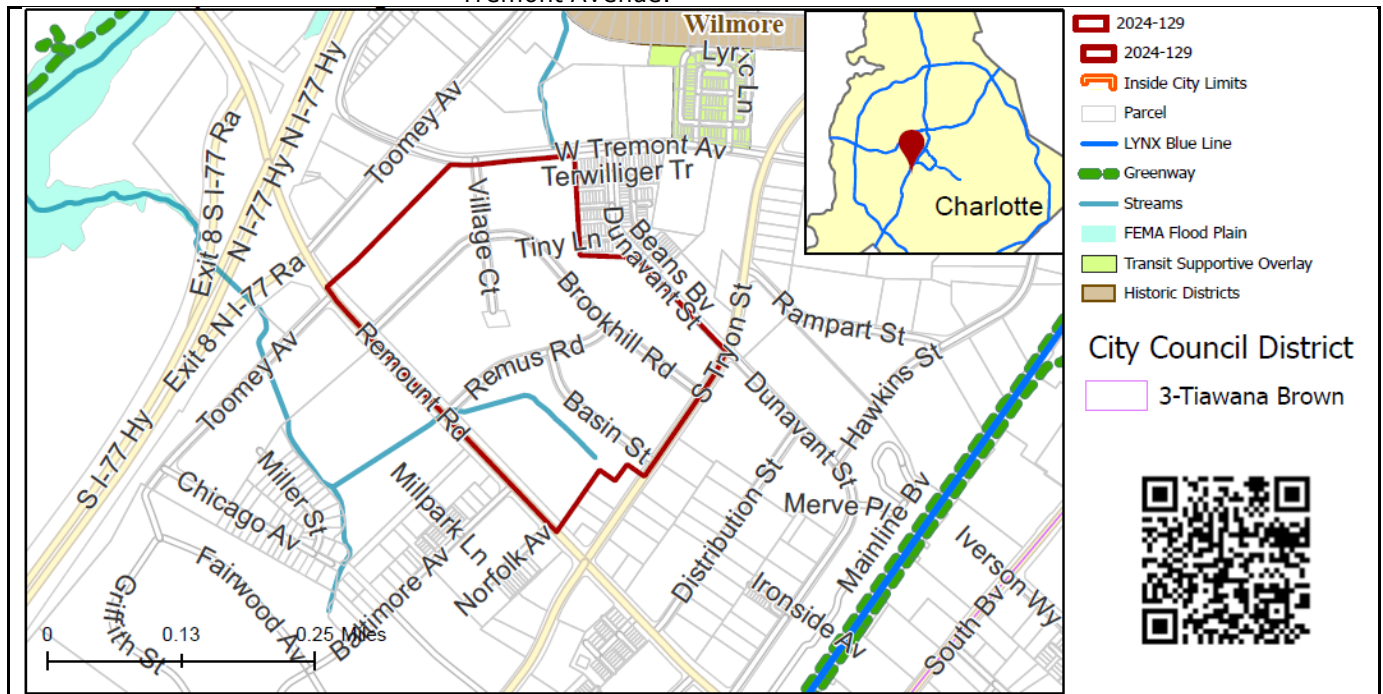


REQUEST

Current Zoning: N2-B (Neighborhood 2-B)
Proposed Zoning: N2-B BVO (Neighborhood 2-B, Brookhill Village Overlay), CAC-1 BVO (Community Activity Center 1, Brookhill Village Overlay)

LOCATION

Approximately 42.47 acres located on the west side of South Tryon Street, north side of Remount Road, east of Toomey Avenue, and south of Tremont Avenue.



SUMMARY OF PETITION

The petition proposes to rezone the former Brookhill Apartments site near the Wilmore and South End communities to establish the Brookhill Village Overlay. A 15.23 acre portion of the site would maintain an underlying zoning district of N2-B (Neighborhood 2-B) while the remaining 27.24 acres would be rezoned to the CAC-1 (Community Activity Center-1) district.

PROPERTY OWNER

Brookhill Land LLC

PETITIONER

Brookhill Investments, LLC

AGENT/REPRESENTATIVE

Collin Brown & Brittany Lins, Alexander Ricks PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 6.

STAFF RECOMMENDATION

Staff does not recommend approval of this petition in its current form.

Plan Consistency

The petition is mostly **inconsistent** with the *2040 Policy Map* recommendation for the Neighborhood 2 Place Type. The portion of the site currently zoned N2-B is **consistent** while the portion proposed for CAC-1(BVO) Community Activity Center, Brookhill Village Overlay) is **inconsistent**.

Rationale for Recommendation

- The 42-acre Brookhill Village site was originally developed in 1950 with several hundred affordable multi-family dwelling units and is subject to a

99-year land lease denoting that the land cannot be sold, though the structures on the site can. During the tenure of the lease, tenants may develop on the site, but such investments turn back to the property owners at the end of the lease. In its current state, the site is underutilized as much of the land is now vacant. Brookhill Village is located at the edge of South End's core where redevelopment has successfully transitioned industrial and older commercial areas to transit supportive development anchored by the LYNX Blue Line and large mixed-use projects.

- There is a desire to activate the Brookhill Village site but there are several unique constraints that make development scenarios difficult to pursue under the Unified Development Ordinance's existing regulations and tools. Article 14 of the UDO allows for the creation of new overlay districts and this avenue is being pursued as all other options have been adequately exhausted and ruled out for feasibility. The application of an overlay district to the area provides necessary flexibility to contend with the site's varied needs and challenges. The creation of new overlay districts should be reserved for highly unusual and unique scenarios like this which cannot be resolved through other means in the ordinance such as application of a new zoning district, an exception rezoning request, alternative compliance review board request, or other mechanisms.
- The petition presents substantial outstanding issues that must be resolved including use regulations, streetscape, and subdivision requirements. The existing infrastructure is substandard and must be upgraded to support the uses envisioned for the site. Staff requests resolution to outstanding issues regarding infrastructure commitments and use clarifications to ensure minimum requirements are being met. The petitioner is requesting exemption from street network requirements and they are dependent upon receiving City funding to construct a portion of Dunavant Street as well as two key internal pedestrian connections. There is no commitment at this time that would ensure these proposed improvements are completed.
- The petition would facilitate activation of a site that is vacant and subject to a land lease that expires October 31, 2049. Following this date, City Council action would be required to extend or renew the termination date. No new permits could be issued after October 31, 2049.
- The proposed CAC-1 (Community Activity Center 1) portion of the site would allow a mix of uses including retail, residential, and a range of outdoor and temporary uses.
- The petition commits to providing 100 residential units onsite that are income restricted to households earning 80% or less of the Area Median Income (AMI) for the duration of the land lease that expires October 31, 2049.
- The request for CAC-1 (Community Activity Center 1) for a portion of the site meets preferred criteria for acreage, place type adjacencies, and location. The petition site is more than 20 acres, adjacent to Neighborhood 2, Neighborhood Center, Commercial, and Regional Activity Center Place Types, and is within ½ mile of the LYNX Blue Line New Bern Station. The site is also served by CATS Bus Route 2 along Remount Road and CATS Bus Route 16 along South Tryon Street.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 3: Housing Access for All

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, for a portion of the site from the Neighborhood 2 Place Type to the Community Activity Center Place Type.

PLANNING STAFF REVIEW

- **Background**

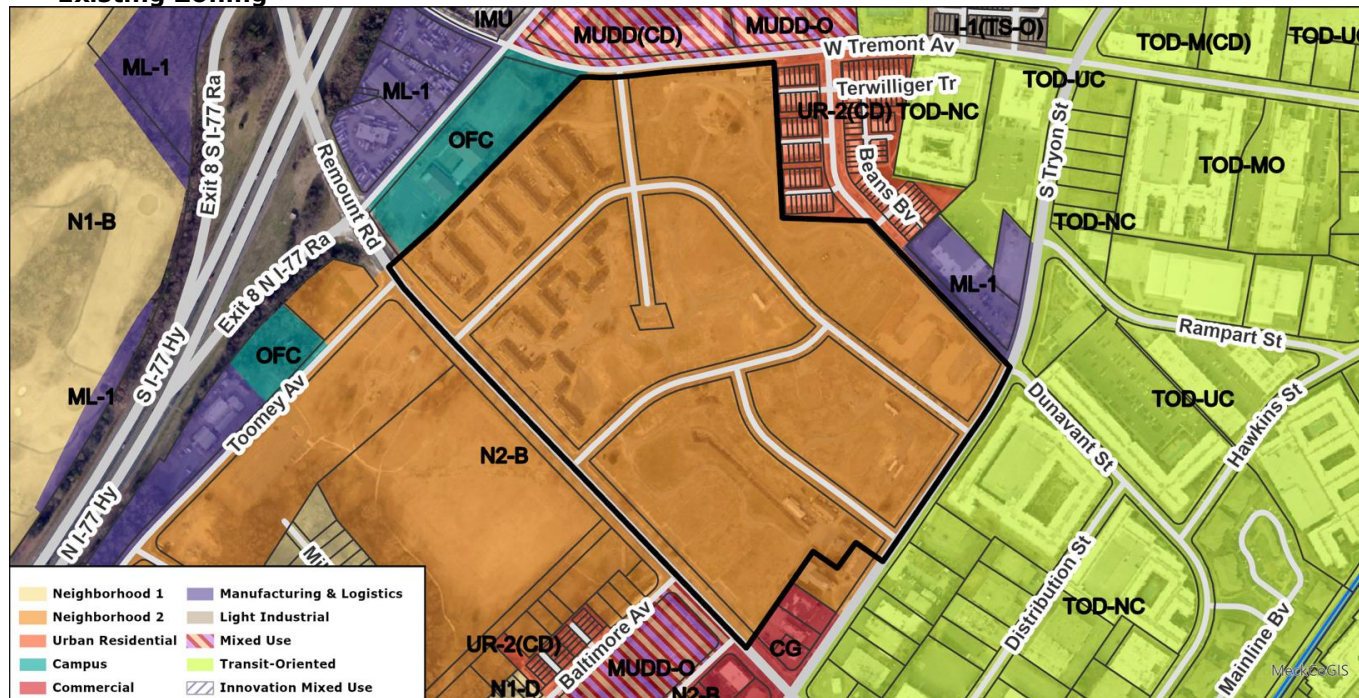
- The petition site, former location of the Brookhill Village Apartments, is subject to a land lease that expires October 31, 2049.

- **Proposed Request Details**

The development standards accompanying this petition contain the following provisions:

- Establishes the Brookhill Village Overlay (BVO) district across the 42.47-acre site in conjunction with a rezoning of a 27.24 acre portion of the site to the CAC-1 (Community Activity Center 1) zoning district. The remaining 15.23 acres of the site would keep its existing N2-B (Neighborhood 2-B) zoning.
- States that no building permits, site development permits, or other development approvals associated with the Brookhill Village Overlay shall be issued after October 31, 2049, unless City Council adopts an ordinance to extend or renew the termination date.
- Allows all uses permitted in the CAC-1 (Community Activity Center 1) zoning district on the larger portion of the site.
- Allows ~~amphitheater and~~ rideshare terminal uses by right and amusement facility, outdoor with prescribed conditions
- Allows the temporary uses of ~~outdoor seasonal sales,~~ temporary outdoor sales and temporary **outdoor entertainment recreational vehicle park.**
- Allows two establishments with an accessory drive-through along either the South Tryon Street or Remount Road frontages.
- Commits to providing 100 residential units onsite that are income restricted to households earning 80% or less of the Area Median Income (AMI) for the duration of the land lease that expires October 31, 2049.
- Limits building height to 48' and blank wall area to 40'.
- Commits to a minimum of 25% ground floor transparency.
- Limits surface parking lots to 35% of site.
- Exempts the site from UDO subdivision and streetscape requirements.
- ~~States that the maximum block length on Brookhill Drive shall be 1,350 feet and 900 feet for all other internal streets.~~
- **Reserves right-of-way for the Dunavant Street extension and, subject to City funding, agrees to construct a portion of Dunavant Street as well as provide pedestrian connections between Brookhill Road and Dunavant Street and between Remus Road and Village Court.**
- Exempts the site from tree save requirements and internal planting requirements including landscape yards between uses within the site.
- Commits to providing 15% of the site as open space and provides a menu of possible enhancements.
- Establishes on-street parking dimensions for internal streets.

- Existing Zoning



- The site and property to the south across Remount Road are zoned N2-B (Neighborhood 2-B). Zoning districts abutting the site include CG (General Commercial), TOD-NC (Transit Oriented Development-Neighborhood Center), ML-1 (Manufacturing & Logistics 1), UR-2(CD) (Urban Residential 2, Conditional), MUDD(CD) (Mixed-Use Development District, Conditional), and OFC (Office Flex Campus).



The site, marked by a red star, is mostly vacant. Several buildings from the former Brookhill Village Apartments remain on the western portion of the site and are planned for renovation and reuse. The site is surrounded by multi-family stacked and multi-family attached dwellings to the north, commercial and multi-family uses to the east, commercial, multi-family attached residential, and recreational uses to the south, and commercial and institutional uses to the west.



Street view of multi-family attached residential dwellings on the site under renovation. These dwellings are planned for reuse as affordable units.



Street view of multi-family stacked and multi-family attached residential uses to the north of the site along Tremont Avenue.



Street view of multi-family stacked residential and commercial uses to the east of the site along South Tryon Street.

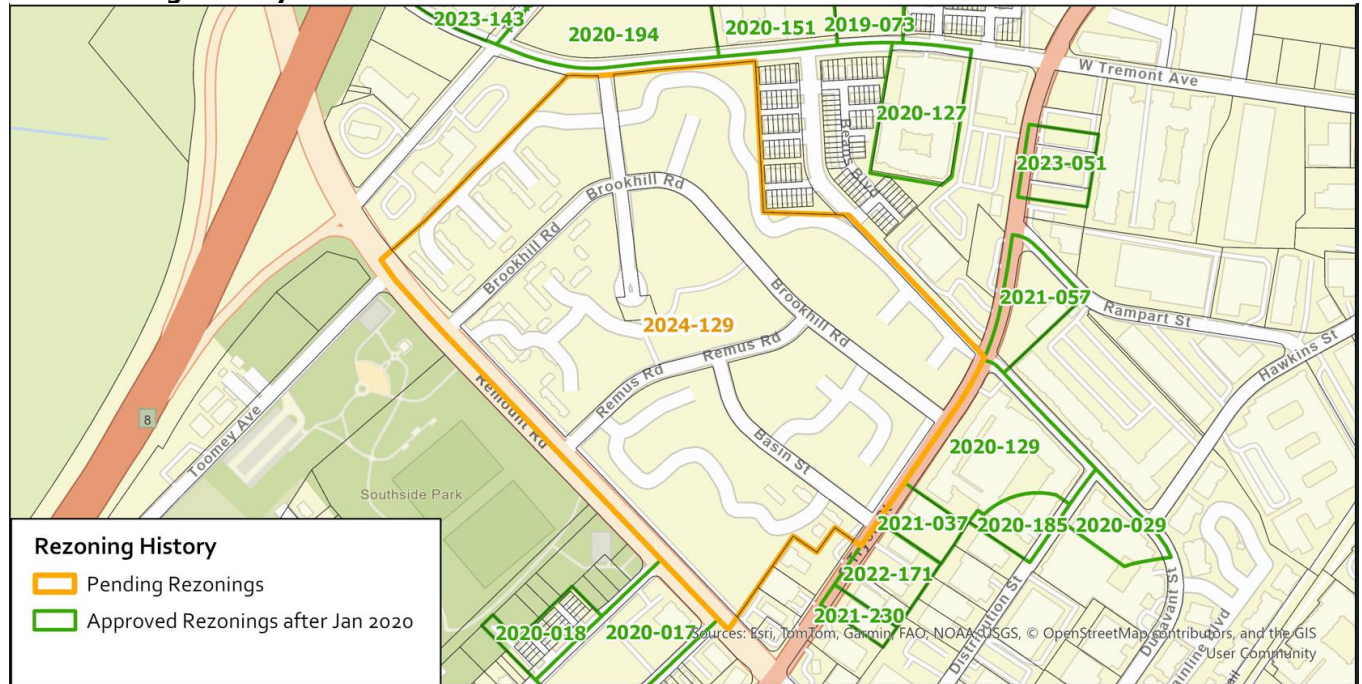


Street view of multi-family stacked residential and recreational uses to the south of the site across Remount Road.



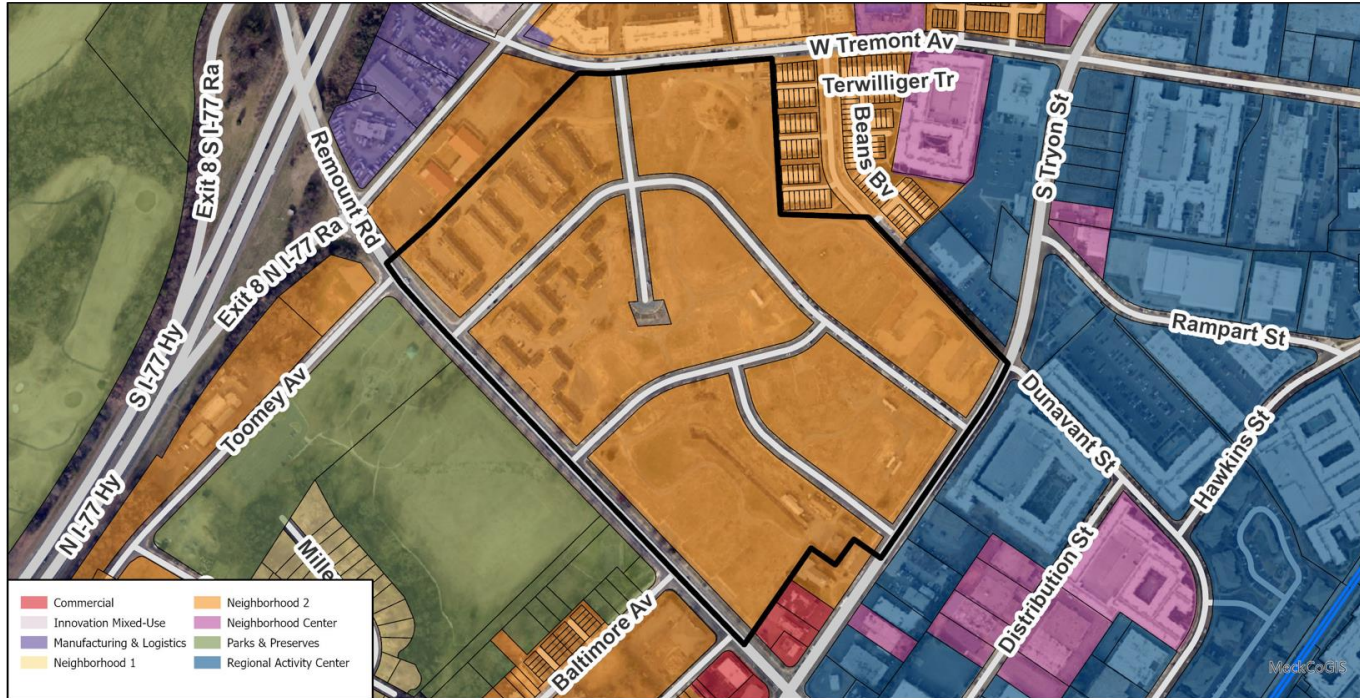
Street view of commercial and institutional uses to the west of the site along Toomey Avenue.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2023-141	Request to rezone 6.6 acres to the IMU (Innovation Mixed-Use) district.	Approved
2023-051	Request to rezone 1.1 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2022-171	Request to rezone 1.26 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2021-230	Request to rezone 0.4 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2021-057	Request to rezone 1.13 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2021-037	Request to rezone 0.76 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2020-194	Request to rezone 8.8 acres to the MUDD(CD) (Mixed-Use Development District, Conditional) district to allow 325 residential units and 61,000 square feet of non-residential uses.	Approved
2020-185	Request to rezone 0.81 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2020-151	Request to rezone 3.46 acres to the MUDD-O (Mixed-Use Development District-Optional) district to allow 300 residential uses and 5,000 square feet of non-residential uses.	Approved
2020-129	Request to rezone 3.26 acres to the TOD-UC (Transit Oriented Development-Urban Center) district.	Approved
2020-127	Request to rezone 2.6 acres to the TOD-NC (Transit Oriented Development-Neighborhood Center) district.	Approved
2020-029	Request to rezone 1 acre to the TOD-NC (Transit Oriented Development-Neighborhood Center) district.	Approved
2020-018	Request to rezone 0.92 acres to the UR-2(CD) (Urban Residential, Conditional) district to allow 20 single family attached units.	Approved
2020-017	Request to rezone 2.75 acres to the MUDD(CD) (Mixed-Use Development District, Conditional) to allow 274 multifamily residential units.	Approved
2019-073	Request to rezone 1.91 acres to the TOD-NC (Transit Oriented Development-Neighborhood Center) district.	Approved

- **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type.

- **TRANSPORTATION SUMMARY**

- The site is located adjacent to Remount Road, a City-maintained major arterial, west of Tryon Street, a State-maintained major arterial. A TIS will be required based on the 562,000 SF of commercial space but a further breakdown of the uses could assist with the TIS determination. Update Brookhill Village Overlay District Notes to remove transportation related exceptions to the UDO including notes I.3.a, I.3.b, I.4.d, and I.8.b, close frontage road adjacent to Remount Road and install streetscape along Remount frontage, close frontage road adjacent to South Tryon Street and install Streetsmap required infrastructure, or shared use path along South Tryon frontage, install minimum 8-ft sidewalk along all internal public streets and provide further detail on density for TIS determination. Further details are listed below.

- **Active Projects:**

- I-77 South Corridor Improvements (I-5718A)
 - Widen existing freeway to ten lanes by constructing four managed lanes (two in each direction), reconstruct I-77/I-277 (Belk Frwy) interchange, and install ramp meters.
 - 2045 Estimated Completion

- **Transportation Considerations**

- See Outstanding Issues, Notes 5-8.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 1,480 trips per day (based on 320 multifamily stacked dwelling units).

Proposed Zoning: The overlay district would allow for a range of uses and without further clarification via a traffic impact study or use conditions, the trip generation cannot be calculated.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte-Douglas International Airport:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.

- **Charlotte-Mecklenburg Schools:** The 100 affordable housing units listed in the petition are existing and would not result in additional students attending nearby schools. The CAC-1 (Community Activity Center) district allows a variety of uses; therefore, the impact on local schools cannot be determined.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Dilworth Elementary at 142%
 - Sedgefield Middle at 60%
 - Myers Park High at 108%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main along Brookhill Rd and an existing 6-inch water distribution main along Remus Rd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Brookhill Rd and an existing 8-inch gravity sewer main located along Village Ct. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **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 outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Notes 11 and 12.

OUTSTANDING ISSUES PRIOR TO PUBLIC HEARING

Land Use

1. ~~Remove proposed amphitheater use and replace with temporary outdoor entertainment.~~ **ADDRESSED**
2. Provide time limitations for outdoor seasonal sales, temporary outdoor sales, and temporary outdoor entertainment. Provide duration of permitted use and number of permits per calendar year. – *Zoning Administrator reviewing revised language.*
3. ~~Remove proposed temporary recreational vehicle park use.~~ **ADDRESSED**
4. Confirm when the affordable housing component will be provided. Are all dwelling units existing? **Add information provided in the comment response to overlay standards document. OUTSTANDING**
5. List all parcels included in the Brookhill Village Overlay and whether they are to remain N2-B (Neighborhood 2-B) or be rezoned to CAC-1 (Community Activity Center 1). **List parcels in purpose section of the overlay standards document. Add map to the end of the text document PDF. OUTSTANDING**
6. ~~List total acreage of Brookhill Village Overlay.~~ **ADDRESSED**

Transportation

7. Remove Notes I.3.a, ~~I.3.b~~, I.4.d, I.8.b. **Parking standards will follow current CLDSM standards and all events will be coordinated with CDOT events team for any event and/or road closures. OUTSTANDING**
8. Revise site plan and conditional notes to close frontage roads adjacent to Remount Road. Install streetscape per Charlotte Streets Map including 8-foot planting strip and 8-foot sidewalk. Revise intersection of Remount Road & Brookhill Road and Remount Road & Remus Road as-needed in coordination with the frontage road closure and streetscape improvements. **OUTSTANDING**
9. Revise site plan and conditional notes to close frontage roads adjacent to South Tryon Street. Install on-street parking, buffered/separated bike lane, and streetscape per Charlotte Streets Map (8-foot planting strip and 8-foot sidewalk) or install a 12-foot shared use path along the South Tryon Street frontage. Revise intersection of South Tryon Street & Brookhill Road and South Tryon Street & Basin Street as-needed in coordination with the frontage road closure, street improvements, and streetscape improvements. **OUTSTANDING**
10. Revise site plan and conditional notes to commit to install minimum 8-foot wide sidewalk along all internal public streets. **OUTSTANDING**

Site and Building Design

11. Remove exemption from Article 20.17D regarding internal plantings. **OUTSTANDING**
12. Remove note 6.a. regarding exemption from Article 20.15.E.4 for green area proximity to existing buildings. **OUTSTANDING**
13. ~~Quantify open space improvements including "enhanced plantings" and "decorative lighting elements".~~ **ADDRESSED**
14. Provide a time bound commitment for completing open space improvements. **Add timing commitment language from comment response to overlay standards document. OUTSTANDING**

-
- ~~15. Remove all I.4 conditional notes regarding block and network design standards.~~ ADDRESSED
 - ~~16. Add conditional notes committing to the completion of Dunavant Street and the extension of Remus Road to the Dunavant Street extension.~~ ADDRESSED
 - ~~17. Clarify whether rideshare terminal is included in the 35% limitation for parking lots.~~ OUTSTANDING
-

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

Planner: Joe Mangum (704) 353-1908