

REQUEST	Current Zoning: CC (commercial center) and UR-C(CD) (urban residential - commercial, conditional) Proposed Zoning: UR-C(CD) and UR-C(CD)SPA (urban residential - commercial, conditional and urban residential - commercial, conditional, site plan amendment) with 5-year vested rights.
LOCATION	Approximately 23.3 acres located along the south side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to amend the existing development rights on an undeveloped parcel located across North Tryon Street from the Settlements and Withrow Downs neighborhoods. The request proposes to retain the 275 multi-family dwelling units, at a density of 11.8 units per acre, and eliminate the nonresidential uses permitted via previously approved rezoning petitions 2016-107 and 2010-47, to amend the site layout.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Trevi Partners, LLC Trevi Partners, LLC ColeJenest & Stone, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to environment and technical issues related to site and building design. <u>Plan Consistency</u> The 15.5-acre portion of the petition proposing multi-family residential dwellings is consistent with the <i>Northeast Area Plan</i> as amended by rezoning petition 2016-107, which allowed residential dwellings at a density of up to 22 units per acre. The remaining acreage is inconsistent with the <i>Northeast Area Plan</i>, as amended by rezoning petition 2010-047, which recommends institutional uses for approximately 0.80 acres of the site adjacent to the single family neighborhood and a mix of residential, office, and retail uses for the remaining approximately 6.5 acres of the site closest to the wastewater treatment facility. <u>Rationale for Recommendation</u> • The proposed multi-family use, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan. • Development density will be 11.8 units per acre, which is less than the 17.3 units per acre per the previously approved plan for petition 2016-107. • This site provides internal pedestrian connections between the sidewalk, street, and multi-family structures, and also to the greenway and abutting properties, which will enhance pedestrian connectivity for the larger area when fully implemented. • The proposed greenway, buffers, and large tree save areas provide a transition to the existing single family neighborhood to the west. • The site plan provides usable open space, preservation of natural features, and a greenway easement to be dedicated to Mecklenburg County. It also provides a trailhead and parking for
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future greenway connection, which is also part of Cross Charlotte Trail.
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PLANNING STAFF REVIEW**• Background**

- In 2010, Trevi Partners, LLC rezoned the subject property to CC SPA (commercial center, site plan amendment), and UR-C(CD) (urban residential, conditional) with five year vested rights as part of a larger mixed use development that included independent and dependent living, office, and retail uses. The site plan associated with the 2010 rezoning separated the property into eight development tracts.
- In 2016, Trevi Partners, LLC rezoned 15.86 acres of the subject property to UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights to amend the zoning standards and uses for Tract 3A, Tract 4, and portions of Tract 1A, 1B, and 3B. In addition, the proposal moved the westernmost public street to the east, where the road to the treatment plant is currently located. A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 17.34 dwelling units per acre were permitted.
- The proposed zoning will rezone 23.3 acres to retain the 275 multi-family dwelling units, at a density of 11.8 units per acre, and eliminate the nonresidential uses permitted via previously approved rezoning petitions 2016-107 and 2010-47, to amend the site layout.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 11.8 dwelling units per acre.
- Building height limited to four stories.
- A minimum 30 percent of a building façade abutting a public or private street will be comprised of brick, natural stone or equivalent or better material approved by the Planning Director. Vinyl is prohibited as an exterior building material except for soffits and trim.
- Building placement and site design will focus on and enhance the pedestrian environment through the following standards:
 - Buildings will be arranged and oriented to front network required public and private streets, and will provide a minimum of 50 percent of the total street frontage on the site.
 - Driveways for private residential garages and/or parking will be prohibited on network required streets.
- Building massing will be designed to break up long monolithic building forms by including modulations of the building massing/façade plan for buildings exceeding 120 feet in length, and limiting building height to four stories, excluding architectural features such as spires, mansards, domes, roof top mechanical equipment, and screening devices for roof top equipment/structures.
- Architectural elevations will be designed to create visual interest and roof form/roof lines will be designed to avoid the appearance of a large monolithic roof structure.
- Site access will be off US Highway 29 via a proposed private driveway and a public road.
- A ten-foot wide multi-use path will be provided along the site's frontage on US Highway 29.
- A 37.5-foot wide "Class C" buffer will be provided abutting R-3 (single family residential) zoning.
- 6.24 acres will be dedicated tree save area.
- A 10-foot greenway shall be located in a 40-foot wide easement. The public access easement will be dedicated to Mecklenburg County for future greenway maintenance.
- Petitioner will provide two 10-foot wide shared use paths between Public Street "A" and the proposed greenway, which will be located in public access easements to be dedicated to the City of Charlotte.
- Pending adjacent property owner approval, the petitioner will provide a 10-foot wide shared use path between the western property boundary and proposed greenway, which will be located in public access easement to be dedicated to the City of Charlotte.
- Public greenway improvements will be approved and constructed prior to the issuance of the first certificate of occupancy for the first new building completed on the site. Petitioner will be responsible for constructing a private driveway connection to Highway 29 to the edge of the proposed curb return. Petitioner will also be responsible for grading a pad for the future trailhead parking lot and structures. Mecklenburg County Parks and Recreation will be responsible for permitting and constructing the paved parking surface, required utility infrastructure, and any structures. Final pad location will be determined during construction documents and permitting of the greenway.

• Existing Zoning and Land Use

- In 2010, Trevi Partners, LLC rezoned the subject property as part of a larger mixed use

- development that included independent and dependent living, office, and retail uses. The site plan associated with the 2010 rezoning separated the property into eight development tracts.
- Petition 2016-107 rezoned 15.86 acres of the subject property from CC (commercial center) and UR-C(CD) (urban residential commercial, conditional) to UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights to amend the existing development rights on an undeveloped parcel located across North Tryon Street from the Settlements and Withrow Downs neighborhoods to allow up to 275 multi-family dwelling units, at a density of 17.3 units per acre.
 - The 23.3-acre subject property was included in both rezonings and is identified as Tract 4, Tract 3A, Tract 1B and Tract 1C. Uses permitted on Tracts 1A, 1B, and 3B that are part of this rezoning included retail, adult day care, wellness/medical office, hotel, dependent and independent multi-family residential.
 - The subject property is currently vacant.
 - Surrounding properties located on the southeast side of North Tryon Street are zoned R-3 (single family residential), UR-C(CD) (urban residential - commercial, conditional), CC (commercial center), B-1 (neighborhood business), and NS (neighborhood services) and are mainly undeveloped except for several retail uses and an eating/drinking/entertainment establishment fronting North Tryon Street, a Charlotte water treatment plant, and scattered single family detached and duplex dwellings.
 - Two office buildings in B-1 (neighborhood business) zoning, and a religious institution and single family detached dwellings in R-3 (single family residential) zoning, exist on the northwest side of North Tryon Street.
 - See "Rezoning Map" for existing zoning in the area. See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The *Northeast Area Plan* (2000), as amended by rezoning petition 2016-107, recommends multi-family residential at a density of up to 17.3 dwelling units per acre for approximately 15.5 acres of the site adjacent to US Highway 29.
 - The *Northeast Area Plan* (2000), as amended by rezoning petition 2010-047, recommends institutional uses for approximately 0.80 acres of the site adjacent to the single family neighborhood and a mix of residential, office, and retail uses for the remaining approximately 6.5 acres of the site closest to the wastewater treatment facility.
 - The plan recommends a greenway within this vicinity and the *Mecklenburg County Greenway Master Plan* (2008) recognizes the future extension of the Mallard Creek Greenway through this area.
 - **TRANSPORTATION CONSIDERATIONS**
 - This site is located along a major thoroughfare and was evaluated under rezoning 2016-107. This current petition adds a greenway trailhead site as requested by Mecklenburg County Parks and Recreation to connect to the Cross Charlotte Trail. The current site plan substantially incorporates CDOT's requests for greenway connections to adjacent sites and multi-use path along US 29/North Tryon Street. CDOT will continue to work with the petitioner through permitting to increase the path width and separation from travel lanes across the pinch point along North Tryon to create a more comfortable path for bicycles and pedestrians.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: N/A trips per day (based on vacant land).
 - Entitlement: 1,790 trips per day (based on 275 multi-family dwellings).
 - Proposed Zoning: 1,790 trips per day (based on 275 multi-family dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developers 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 development allowed under the existing zoning would generate 101 students, while the development allowed under the proposed zoning will produce 101 students. Therefore, the net change in the number of students generated from existing zoning to

proposed zoning is zero students.

- The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
 - Stoney Creek Elementary from 119% to 127%;
 - James Martin Middle remains at 83%; and
 - Vance High from 109% to 110%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 16-inch water transmission main located along Highway 29, and sewer system availability via an existing eight-inch gravity sewer main located along Highway 29 and within the rezoning boundary.
- **Engineering and Property Management:**
 - **Arborist:** No trees can be planted in the right of way of all state maintained streets (Highway 29) without permission of NC Department of Transportation and the City Arborist's office.
 - **Erosion Control:** No issues.
 - **Land Development:** See Outstanding Issues, Note 1.
 - **Storm Water Services:** See Outstanding Issues, Note 2.
 - **Urban Forestry:** Site must comply with Tree Ordinance. NCDOT maintained streets (Highway 29) require NCDOT planting permit for Tree Ordinance required trees planted in ROW. Allowable planting distance from lane of travel is dictated by NCDOT Guidelines.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Environment

1. Add the following note under the ENVIRONMENTAL FEATURES heading: "Development or disturbance within the PCSO or SWIM Stream Buffer shall be coordinated with Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."
2. Check and confirm potential water quality buffer widths and locations. 200-foot Post Construction Stormwater buffers are not located in this watershed.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

3. Delete existing Note 1(d) in its entirety, and replace with the following: Future amendments to the rezoning plan may be applied for in accordance with Chapter 6 of the zoning ordinance. Alterations to the zoning plan are subject to Section 6.207 of the ordinance.
4. Amend Note 1(b) by deleting the following: Subject to the optional provisions set out below, the regulations established under the ordinance for the UR-C(CD) zoning district classification shall govern development taking place on the site.
5. Provide the maximum building height in feet in addition to the number of stories already indicated.
6. Amend Note 4(c)(i) and (iii) to replace "network required streets (public or private) with "public street on the site,".
7. Clearly delineate and label the two existing zoning districts on the site plan.

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 Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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