

REQUEST	Current Zoning: O-1 (office) Proposed Zoning: MUDD(CD) (mixed use development district, conditional), with five-year vested rights
LOCATION	Approximately 1.6 acres located on the west side of Suttle Avenue between Wilkinson Boulevard and Isom Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up to 26 townhouse units on an infill site in the Bryant Park area located north of Wilkinson Boulevard and west of Interstate 77.
PROPERTY OWNER	The Blumenthal Foundation
PETITIONER	Saussy Burbank, LLC
AGENT/REPRESENTATIVE	Collin Brown and Bailey Patrick, Jr., K&L Gates LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6
STATEMENT OF CONSISTENCY	- The Zoning Committee found this petition to be inconsistent with the <i>Bryant Park Land Use & Streetscape Plan</i>, based on information from the staff analysis and the public hearing, and because: - The plan recommends office uses for the site as amended by rezoning petition 2013-045. - However, 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: - The Bryant Park Land Use & Streetscape Plan originally recommended a mix of residential, office, and retail for the area where the site is located, which is the former Radiator Specialty industrial site; and - The office land use recommendation was a result of rezoning petition 2013-045 which allowed for all uses in the O-1 (office) district on this site and on abutting property; and - The proposed development of townhomes on this site will support the creation of a district with a mix of residential, office and retail and will complement the County owned office building across Suttle Avenue and the charter school located north of the site; and - The proposed development is also designed to support walkability in the new multi-use district, with the residential units located near the public sidewalk and directly accessible from the sidewalk; By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by McClung).

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: - Petitioner revised the site plan to show two curb ramps at the southeast corner of Suttle Avenue and Isom Street and a receiving curb ramp directly across Suttle Avenue and the existing marked crosswalks to be removed. - Petitioner added language stating if installed, gates shall include adequate turn around design. - Added the following note: "Usable porches and stoops shall form a predominate feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and be at least six feet deep. Stoops and entry-level
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	porches may be covered but should not be enclosed.”
4.	Reduced the maximum building height to 50 feet.
5.	Site Development Data now specifies that proposed zoning is MUDD (CD), with five-year vested rights.
6.	Amended the site plan to label an existing curb cut to be removed on the west side of Suttle Avenue.
7.	Revised site plan to note development lies in a corridor, not a center as previously indicated.
8.	The petitioner will revise 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. CDOT requests right-of-way set at two feet behind the back of sidewalk.
9.	The petitioner will revise the site plan to add a note specifying 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.
10.	Committed to buildings fronting a minimum of 50% of the total public street frontage on the site.
11.	Proposes building elevations facing streets will not have horizontal expanses of blank walls greater than 15 feet on any floor.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting outstanding issues remaining pertaining to transportation and design. The Committee suspended the rules to allow the agent to address the outstanding items. Collin Brown stated that the transportation issues will be addressed, but that the architectural designs for the townhouse product are not yet complete. The blank wall provision that staff requested was added except 15 feet is used instead of 10 feet. In addition, the site plan commits to buildings fronting a minimum of 50% of the total public street frontage on the site, instead of the requested 75%. There was no further discussion of this request.

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

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 26 townhouse units at a density of 16.25 dwelling units per acre.
- Maximum building height of three stories and 50 feet.
- Provides two points of access onto Isom Street.
- Notes that gates may be installed to control vehicular access to the site, but there will be no restrictions to pedestrian movements through the site.
- Commits to a minimum of 20% of building façade facing network required public or private street to be constructed with brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, or other material approved by the Planning Director.
- Prohibits use of vinyl siding (but not vinyl hand rails, windows or door trim) and concrete masonry that is not architecturally finished.
- Commits to providing a building front or side façade to all network required streets.
- Commits to have buildings fronting a minimum of 50% of the total public street frontage on the site.

- Prohibits location of parking lots between any building and any public street.
- Provides for design of building elevations with recognizable architectural vertical bays or articulated architectural façade features.
- Prohibits horizontal expanses of blank walls greater than 15 feet on any floor.
- Proposes to satisfy tree save requirements through off-site mitigation or payment in lieu.
- **Public Plans and Policies**
 - The *Bryant Park Land Use & Streetscape Plan*, as amended by rezoning petition 2013-045, recommends office use for the subject property.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located at the unsignalized intersection of local streets. The current site plan commits to streetscape improvements, preservation of the existing on-street accessible parking space, and installation of curb ramps to improve the pedestrian connections and crossings.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips (vacant; tax record)
 - Entitlement: 330 trips (16,000 square feet of office)
 - Proposed Zoning: 200 (26 townhomes; current site plan)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte-Douglas International Airport:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0 students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over current utilization:
 - Ashley Park PreK-8 to remain at 132%; and
 - West Charlotte High to remain at 96%.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water main located along Isom Street and an existing eight-inch water main located along Suttle Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Bryant Park Drive, Isom Street, and Suttle Avenue.
 - **City Arborist:** No trees can be removed from or planted in the right-of-way of Suttle Avenue and Isom Street without permission of the City Arborist's office. The petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight-inches or larger in the setback.
 - **Engineering and Property Management:** Development must comply with tree ordinance.
 - **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 mix of office, residential and retail 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, by ordinance, 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

- 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-Douglas International Airport 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

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