

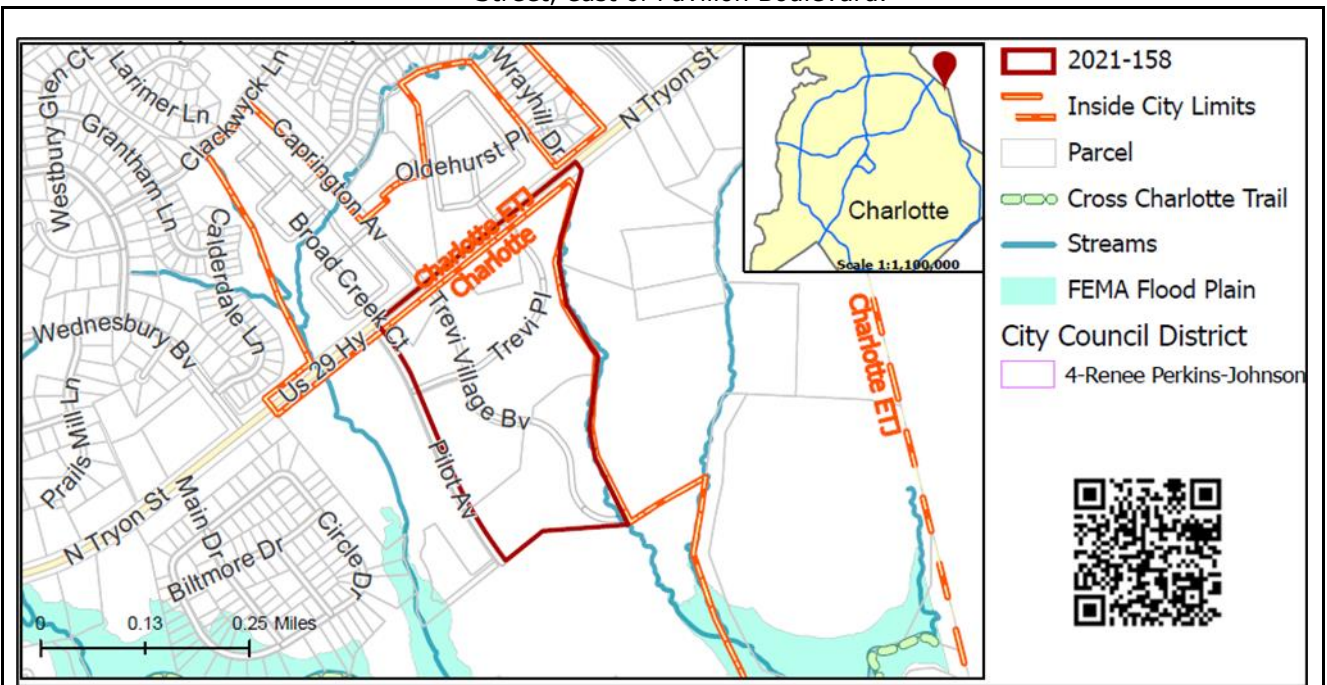
REQUEST

Current Zoning: CC SPA (commercial center, site plan amendment) and UR-C(CD) SPA (urban residential-commercial, conditional, site plan amendment)

Proposed Zoning: CC SPA (commercial center, site plan amendment) and UR-C(CD) SPA (urban residential-commercial, conditional, site plan amendment, with 5-year vested rights)

LOCATION

Approximately 45.31 acres located on the southeast side of N. Tryon Street, east of Pavilion Boulevard.



SUMMARY OF PETITION

The petition proposes a site plan amendment to an approved development to allow additional uses, clarify architectural standards, and adjust layout.

PROPERTY OWNER

Trevi Partners, LLC

PETITIONER

Trevi Partners, LLC

AGENT/REPRESENTATIVE

Colin Jenest/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 the petition.

Plan Consistency

The petition is **consistent** with the *Northeast Area Plan's* (2000) recommendation for institutional and residential/office/retail uses as amended by rezoning petition 2010-047.

Rationale for Recommendation

- The adopted future land use for this site was amended by rezoning petition 2010-047.

- The proposal to allow additional uses, increase in height, and clarify architectural standards not drastically alter the intent of the previous approved rezoning.
- The petition furthers the Northeast Area Plan's goal to establish "a balanced land use pattern that includes a mixture of housing, shopping, employment and civic uses".

PLANNING STAFF REVIEW

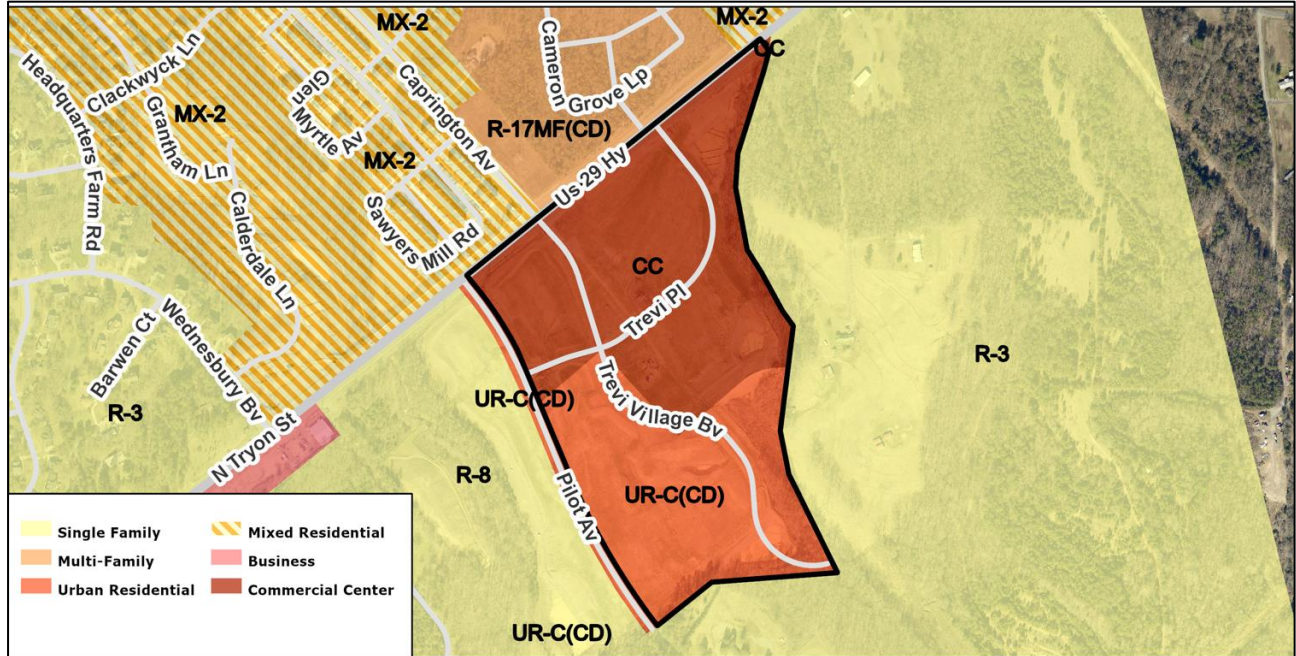
• Proposed Request Details

The site plan amendment contains the following changes:

- Maintains 204 multi-family residential units ~~restricted to persons 55 and older~~.
- Maintains the following residential type uses:
 - 109 independent living/dependent living/flex units (CCRC; currently under construction)
 - 79 independent living/dependent living/flex units ("elderly")
 - 52 skilled nursing units ("elderly")
- Maintains the 110,000 square feet of allowable commercial/retail/restaurant uses.
- Modifies medical office to allow medical office/office while maintaining allowable 70,000 square feet.
- Maintains the number of hotel rooms at 170 and 125,000 square feet.
- Adds 14,000 square foot automotive service station. Adds language stating that the automotive service station will be for only minor adjustments and repairs allowed per CC district. Major engine work is prohibited.
- Remove 25,000 square foot wellness center.
- Remove 14,000 square foot adult care center.
- Proposes to add the following uses to permitted uses on site: dry cleaning and laundry establishments limited to 4,500 square feet; indoor recreation; kitchen, commercial; nurseries and greenhouses; pet services indoor; EDEE (Type 1 and 2); retail establishments, shopping centers, and business, personal recreation services permitted in the B-1 district.
- EDEE Type 1 and 2 (drive-in/drive-through) will be located in Tract 3. Minimum 50 seat indoor seating required for a drive-in/drive-through use. EDEE must comply with Zoning Ordinance Section 12.546.
- Modifies proposed 70-foot maximum building height to read "Per ordinance" maximum building height to retain maximum 70-foot building height for all uses except to allow an increase in building height to 90 feet for approved hotel and approved continuing care facility.
- Removes parking ratios for individual uses and replace with "minimum and maximum parking requirements shall be per the ordinance". Required minimum parking and maximum parking allowed per ordinance.
- Retains streetscape and landscaping language regarding 8-foot planting strip and 8-foot sidewalk; adherence to the Charlotte Urban Street Design Guidelines.
- Modifies streetscape and landscaping language to read vegetative screening shall be provided in accordance with the City of Charlotte ~~Land Development Standards~~ Zoning Ordinance.
- Retains transportation improvements language pertaining to traffic signal installation; dedication in fee simple; driveway connections; public and private streets; and, provision of a CATS bus shelter and waiting pad.
- Adds the following transportation improvements language:
 - Dedication and fee simple conveyance of all right-of-way to the City is required before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way be set at 2 feet behind back of sidewalk where feasible.
 - All transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements for Trevi Place and St. Margarets Way so long as these private streets are approved and constructed prior to the issuance of the first building certificate of occupancy for any building located within Tract 3C.
 - All public roadway improvements will be subject to the standards and criteria of CDOT and NCDOT, as applicable, to the roadway improvements within their respective road system authority. It is understood that such improvements may be undertaken by the petitioner on its own or in conjunction with other development or roadway projects taking place within the broad north eastern Mecklenburg area, by way of a private/public partnership effort or other public sector project support.
- Retains development language pertaining to overhead pedestrian bridge encroachments.
- Retains architectural standards language pertaining to composition of building exteriors; large expanses of solid walls.

- Modifies the following architectural standards language:
 - No vinyl siding ~~or EIFS~~ shall be used in the construction of the units. *Removed "...or EIFS.."*
 - Added "EIFS or similar synthetic siding materials shall be allowed on stories above the ground floor only (2nd floor and above)."
- Retains environmental features language pertaining to PCCO treatment and buffers; compliance with tree ordinance and tree save; and payment in lieu.

• **Existing Zoning and Land Use**



- A portion of the site is currently under construction and is surrounded by single family residential neighborhoods, apartments, vacant land, office, and retail uses on parcels zoned R-3, R-8, R-17MF(CD), and MX-2.
- The site is part of 68.9 acres rezoned via 2006-045 allowing 480 "for sale" residential units, 110,000 square feet of commercial uses, 30,000 square feet of office uses, and a 90-room hotel.
- The site was rezoned again via petition 2010-047 to maintain the 110,000 square feet of retail allowed by the existing CC zoning while increasing the allowable office from 30,000 to 70,000 square feet, and the number of hotel rooms from 90 to 170. The plan also proposes to add a 25,000 square foot wellness center, a 14,000 square foot adult care center, 275 multi-family units (independent and dependent living units), a minimum of 79 multi-family (elderly) units, 100 skilled nursing beds, while eliminating the previously approved 480 "for sale" residential units.
- The western 16 acres was rezoned via petition 2016-107 to allow up to 275 multi-family residential units at a density of 17.3 units per acre. Rezoning petition 2017-088 rezoned the western 23.3 acres (including the aforementioned 16 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 2010-047.
- There have been subsequent administrative amendments to petition 2010-047 to allow a modification a tree ordinance note (March 2021), and a modification to the multi-family units and to the site layout (April 2021).



The site is vacant and being cleared and graded for construction. A Duke Energy transmission traverses the site.



North across N. Tryon Street are apartments, vacant land, and land being cleared for development (above and below pics)



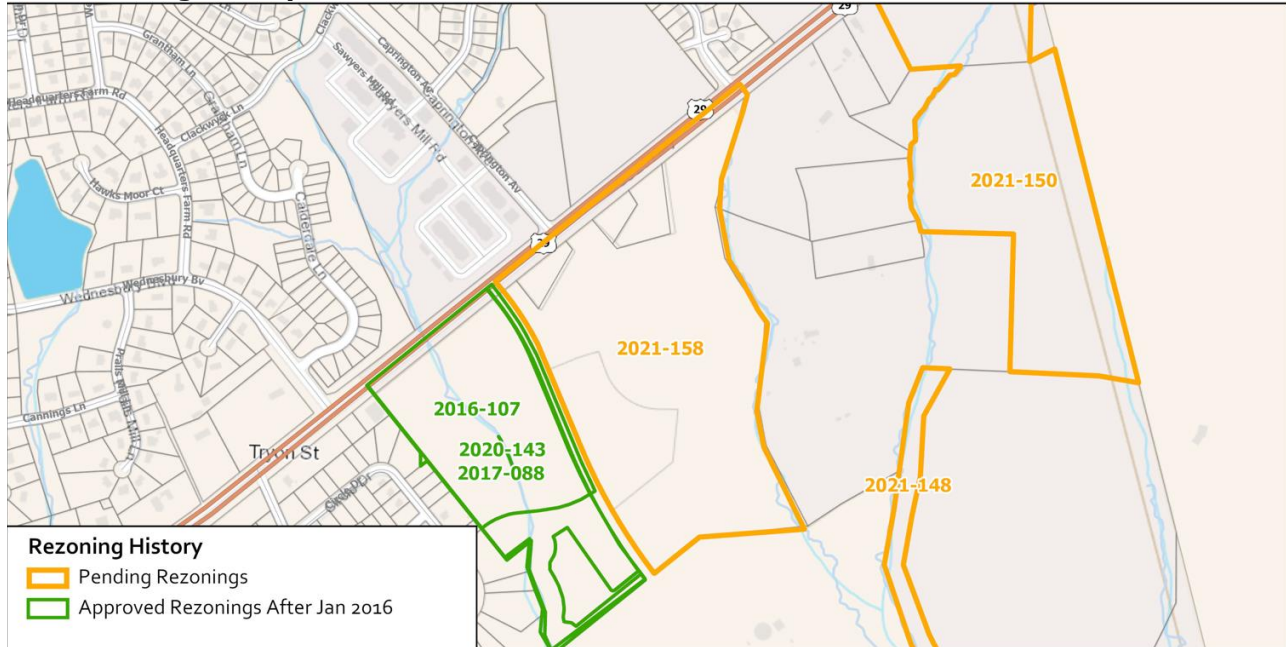


East along N. Tryon Street are office and retail uses.



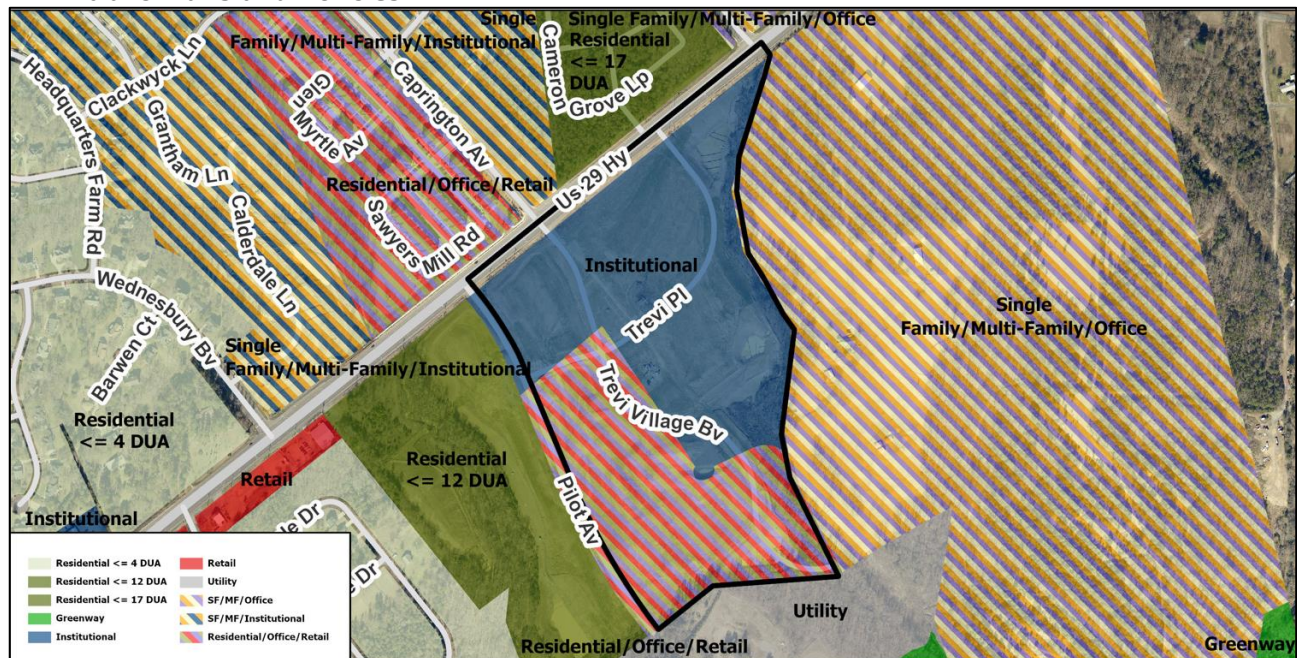
West along N. Tryon Street are single family residential neighborhoods, commercial uses, and vacant land.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2021-150	Rezone 37.14 acres from R-3 to R-12MF(CD) to allow apartments.	Pending
2021-148	Rezone 114.46 acres from R-3 to R-4 to allow all uses in R-4.	Pending
2020-143	Rezoned 21.34 acres from UR-C(CD) to R-8.	Approved
2017-088	Rezoned from CC and UR-C(CD) to UR-C(CD) and UR-C(CD) SPA with 5-year vested rights to amend existing development rights, retain the 275 multi-family dwelling units, and eliminate the nonresidential uses via previously approved petitions 2016-107 and 2010-047.	Approved
2016-107	2016-107 to allow up to 275 multi-family residential units at a density of 17.3 units per acre	Approved

• Public Plans and Policies



- The *Northeast Area Plan* recommends institutional and residential/office/retail uses for this site.

- **TRANSPORTATION SUMMARY**

- The site petition is located adjacent to US 29 Highway, a State-maintained major thoroughfare, and Wrayhill Drive, a City-maintained local street. This petition is a site plan amendment to the previously approved Rezoning 2010-047. Proposed site changes include the addition of an automotive service station, reducing the number of multifamily units and extending internal private streets to property line to line up with future connections. This petition is still subject to all previously committed to transportation and streetscape improvements per the approved traffic study and Rezoning 2010-047. The proposed trip generation for this plan amendment does not trigger any new traffic improvements, as the previous traffic accounts for these additional vehicle trips. All CDOT items have been addressed.

- **Active Projects:**

- Cross-Charlotte Trail Segment 11 (Pavilion Blvd. to Cabarrus County), phases 1 and 2
 - Scope: Construct multi-use path generally following Mallard Creek
 - PM: Carlos Alzate
 - Funded for advanced planning (phases 1 and 2), design (phase 1 only – Pavilion Blvd. to Kempsford Dr.)

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 12,310 trips per day (based on 70,000 sq ft medical/dental office; 110,000 sq ft retail; 170 hotel rooms; 454 senior housing units; petition 2010-047).

Proposed Zoning: 11,975 trips per day (based on 170 hotel rooms; 70,000 sq ft medical/dental office; 9,500 sq ft sit down restaurant; 100,500 sq ft retail; auto service center; 444 senior housing units; site plan 06/23/2021).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 75 students, while the development allowed under the proposed zoning may produce 55 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 0.
 - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
 - Stoney Creek Elementary from 110% to 115%
 - James Martin Middle from 65% to 67%
 - Julius L. Chambers High from 126% to 127%.
 - See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable due to units being age-restricted.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel.
- Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 16-inch water distribution main located along N Tryon St.
- Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The closest water distribution main is approximately 600 feet west of the rezoning boundary along N Tryon St. A developer donated project will be required in cases there is not direct service. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding access to water system connections. See advisory comments at www.rezoning.org
- **City Arborist:** No comments submitted.
- **Erosion Control:** No outstanding issues.
- **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:** No comments submitted.

OUTSTANDING ISSUES

Land Use

1. ~~Dry cleaning and laundry establishments are limited to 4,500 square feet. Please note on plan or remove the use.~~ Addressed
2. ~~Commercial kitchens are not permitted in the CC (B-1) zoning district. Please remove from site plan.~~ Rescinded
3. ~~The proposed EDEE cannot have a drive through and must comply with Section 12.546. Please note on the site plan.~~ Addressed
4. ~~Please confirm if the 204 multi-family residential units are age restricted.~~ Rescinded
5. ~~Please place the Development Summary Table on the plan, as previously provided on the approved plan.~~ Addressed

Site and Building Design

6. ~~Remove note stating height will be per ordinance and add original development table with heights and uses back to the plans.~~ Addressed. Modified to retain maximum 70' building height for all uses except hotel and CCRC and increase to 90 feet.
7. ~~Under Rezoning Summary note existing zoning is CC SPA and UR C(CD) SPA.~~ Addressed
8. ~~Add note stating maximum parking requirements will be per ordinance.~~ Addressed
9. ~~Notes 1F and 1G contain asterisks without explanation. Please provide explanation or remove.~~ Addressed
10. ~~The development notes reference a pedestrian bridge connection not clearly shown on the site plan. Show where this will be per "generally depicted".~~ Addressed.
11. ~~New Outstanding: Add a note clarifying that the automotive service station would only be able to do minor adjustments and repairs per CC.~~ Addressed

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org





Planner: Claire Lyte-Graham (704) 336-3782










Goals Relevant to Rezoning Determinations

Rezoning Petition # 2021-158

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	Goal 1: 10- Minute Neighborhoods All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	Goal 2: Neighborhood Diversity & Inclusion Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	X
	Goal 3: Housing Access for All Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	X
	Goal 4: Trail & Transit Oriented Development (2-TOD) Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	N/A

	<p>Goal 5: Safe & Equitable Mobility</p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p>Goal 6: Healthy, Safe & Active Communities</p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p>Goal 7: Integrated Natural & Built Environments</p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	
	<p>Goal 8: Diverse & Resilient Economic Opportunity</p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p>Goal 9: Retain Our Identity & Charm</p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p>Goal 10: Fiscally Responsible</p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>