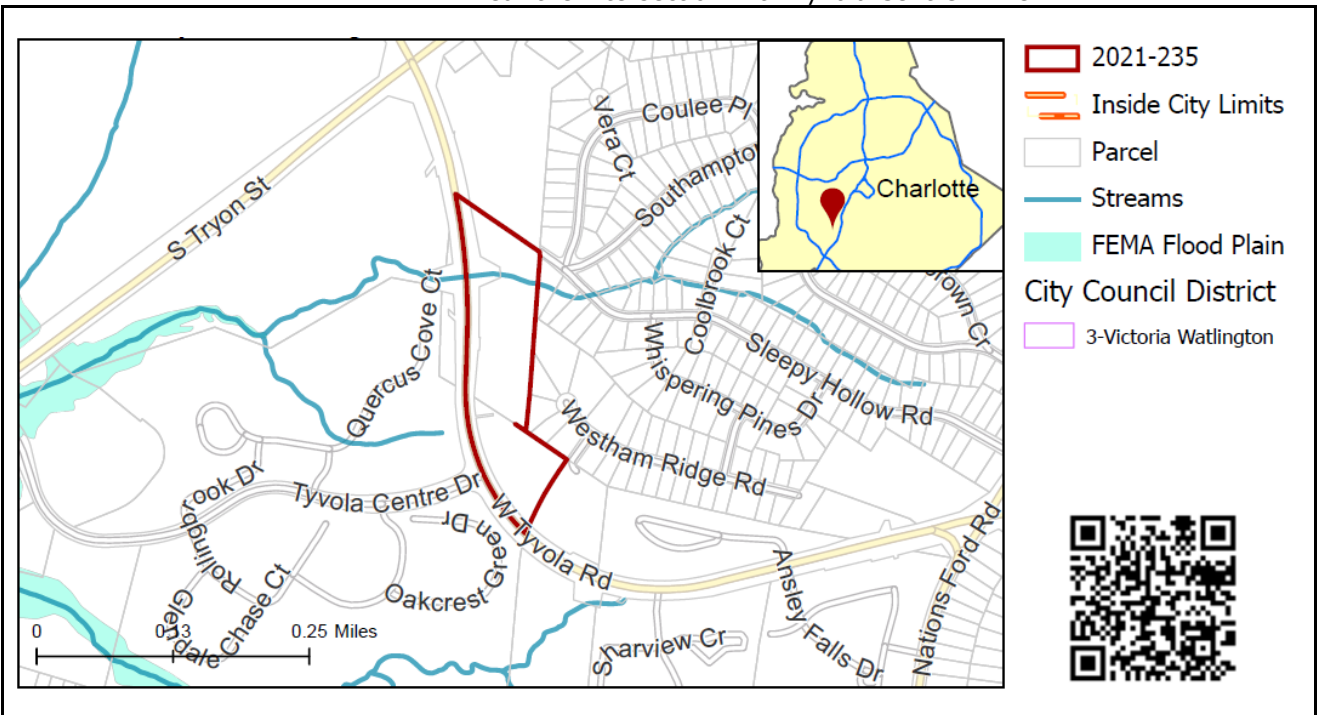


## REQUEST

Current Zoning: R-4 (single family residential)  
Proposed Zoning: R-17MF(CD) (multifamily residential, conditional)  
with five years vested rights

## LOCATION

Approximately 8.6 acres located on the east side of Tyvola Road near the intersection with Tyvola Centre Drive.



## SUMMARY OF PETITION

The petition proposes to develop a vacant wooded parcel near Renaissance Park with up to 146 multifamily residential units at a density of 16.94 dwelling units per acre (DUA).

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

WGG Building LLC, Alson L. Goode Jr.  
NC Steadfast Ventures, LLC  
Colin M Jenest

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 7.

## STAFF RECOMMENDATION

Staff does not recommend approval of this petition in its current form. Staff could support the petition if density is reduced to a maximum of 12 DUA.

### Plan Consistency

The petition is **inconsistent** with the single family up to 4 dwellings per acre land use recommendation for this site, as per the *Southwest District Plan*. The petition also does not meet the *General Development Policy* recommendations for 17 DUA.

### Rationale for Recommendation

- The proposed site plan is inconsistent with the single-family recommendation for this site.

- The proposed site plan does not meet the *General Development Policy* recommendations for a consideration of increased density to 17 DUA as proposed by this petition.
- While inconsistent with the adopted future land use for the site, multifamily development would be consistent with the development pattern along this segment of Tyvola Road, where there are several other multifamily complexes.
- The site is adjacent to and will have a direct connection to Yorkmont Park.
- The petition commits to several transportation improvements including the construction of left turn lanes, a 12' multi-use path, and relocated pedestrian crossing of Tyvola Road.

The approval of this petition will revise the adopted future land use as specified by the *Southwest District Plan*, from current recommended single family up to 4 DUA to multi-family up to 17 DUA for the site.

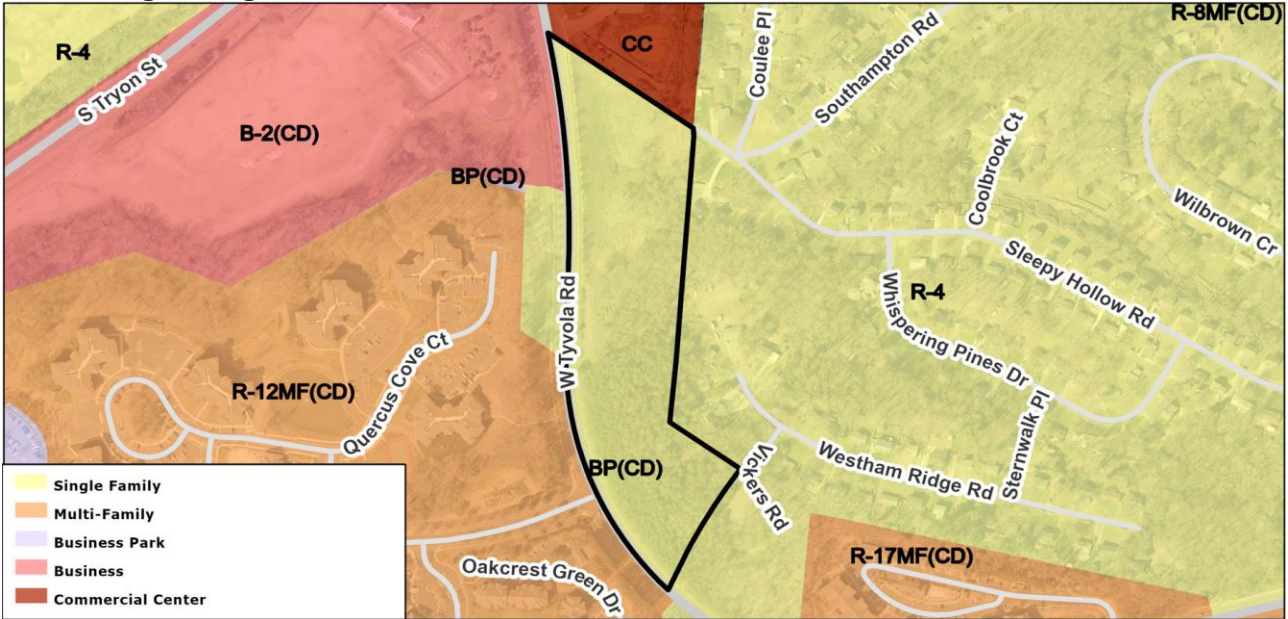
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

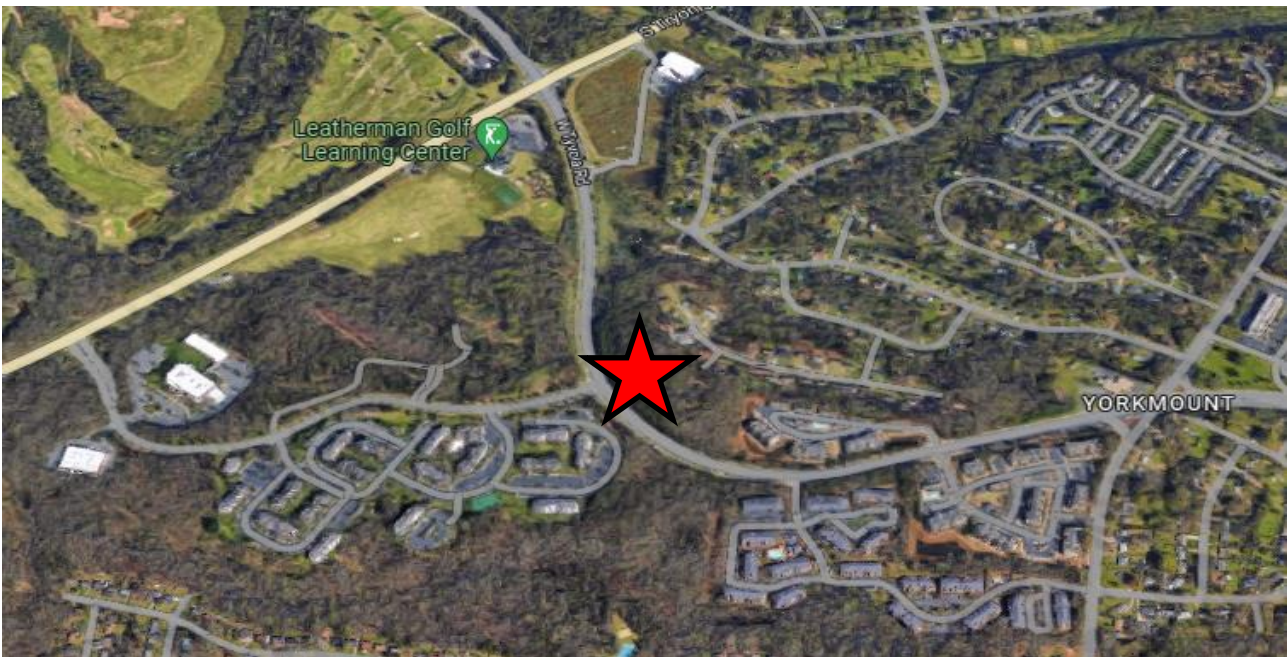
The site plan accompanying this petition contains the following provisions:

- Allows up to 146 multifamily residential units at a density of 16.94 dwelling units per acre.
- Limits building height to 65'.
- Proposes a 30' setback from the future right of way of Tyvola Road.
- Proposes an 8' pedestrian/bicycle trail connection between the site and the adjacent Yorkmont Park, to be coordinated with Mecklenburg County Park & Recreation.
- Commits to the following transportation improvements:
  - Dedication of Tyvola Road right of way at 66' from centerline.
  - Construction of 8' planting strip and 12' shared use path along the site's Tyvola Road frontage, placed relative to the future back of curb.
  - Restriping of the Tyvola Road median to provide eastbound left turn lanes at each driveway with 100' of storage.
  - Improved CATS bus stop.
  - Relocation of existing pedestrian crossing in coordination with CDOT during permitting.
- Commits to the following architectural standards:
  - A minimum of 30% of façade facing Tyvola Road shall consist of brick, natural stone, or stucco.
  - Limits blank wall expanses to 20' for elevations facing Tyvola Road.
  - Requires modulation of building façade plane on buildings exceeding 120' in length to be a minimum of 10' wide and a minimum of 6' in recession or projection.
- Requires new lighting, excluding decorative lighting, to be fully shielded, downwardly directed, and a maximum of 21' in height.

- Existing Zoning and Land Use



The site, marked by a red star, is surrounded by a mix of uses including multifamily residential, single family residential, and commercial uses.



The properties to the north of the site are partially developed with commercial uses.





The properties to the east of the site are developed with single family homes.



The property to the south of the site is developed as Yorkmont Park.



The properties to the west of the site across Tyvola Road are developed with multifamily dwellings, which are setback from Tyvola Road behind berms and mature trees.

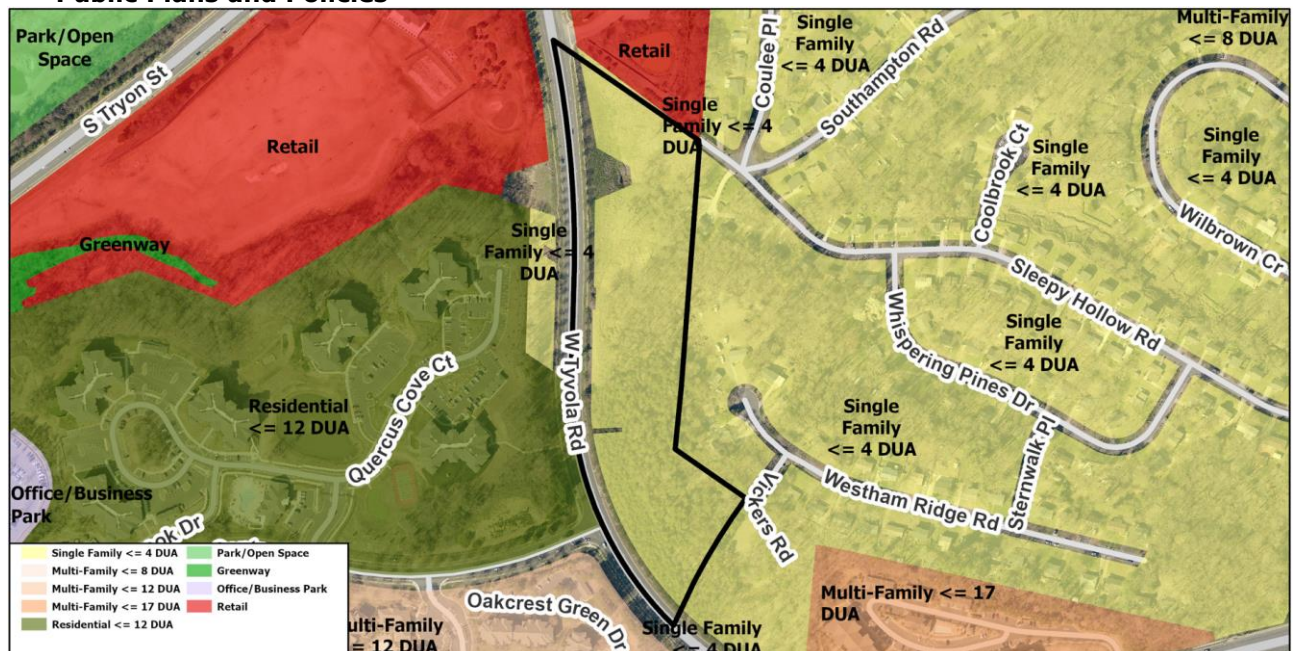


### • Rezoning History in Area



Petition Number	Summary of Petition	Status
2019-001	Request to amend a previously approved site plan to allow for the development of a hotel.	Approved
2018-093	Request to rezone to R-12MF (CD) to allow for the development of the development of 17 townhomes at a density of 11.89 DUA.	Approved
2008-145	Request to combine the subject parcel with the adjacent City Crossing mixed use development to allow for construction of a stormwater detention facility on the site.	Pending

### • Public Plans and Policies



- The Southwest District Plan recommends single family up to 4 DUA for this site.

- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the General Development Policies locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 17 DUA
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	4
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 13 for 17 DUA</b>	<b>Total Points: 12</b>

- TRANSPORTATION SUMMARY**

- This site is located on Tyvola Road, a City-maintained major thoroughfare, at the intersection of Tyvola Centre Drive, a City-maintained collector street. A Traffic Impact Study (TIS) is not needed for this site due to the site's generation of less than 2,500 daily trips. In accordance with City Ordinances and Charlotte WALKS and BIKES Policies, the petitioner has committed to provide a 12-foot shared-use path along the site's frontage of Tyvola Road. Additionally, the petitioner has committed to improve the existing pedestrian crossing along the site's frontage of Tyvola Road. Lastly, the petitioner has committed to restripe the existing striped-median on Tyvola Road to provide left-turn lanes on Tyvola Road at each proposed vehicular access point. CDOT has no outstanding items.

- Active Projects:**

- N/A

- Transportation Considerations**

- No outstanding issues.

- Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 375 trips per day (based on 34 single family dwellings ).

Proposed Zoning: 795 trips per day (based on 146 multifamily dwelling units).

**DEPARTMENT COMMENTS** (see full department reports online)

- Charlotte Area Transit System:** No outstanding issues.
- Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- Charlotte Department of Solid Waste Services:** No comments submitted.
- Charlotte-Douglas International Airport:** No comments submitted.
- Charlotte Fire Department:** No comments submitted.
- Charlotte-Mecklenburg Historic Landmarks:** No comments submitted.
- Charlotte-Mecklenburg Police Department:** No comments submitted.
- Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 15 students, while the development allowed under the proposed zoning may produce 48 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 33.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Pinewood Elementary from 101% to 107%
    - Alexander Graham Middle from 112% to 114%
    - Harding University High from 129% to 130%.
- Charlotte Water:** Charlotte Water currently does not have water system accessible for the rezoning boundary under review. The development will need to donate pipeline infrastructure to CLTWATER to serve this parcel. The applicant should contact Charlotte Water's New Services at (704) 432-2854 for more information regarding access to water system connections. Sewer is accessible for this rezoning boundary. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- Erosion Control:** No comments submitted.

- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://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:** No outstanding issues, notes 3-4.

**OUTSTANDING ISSUES**Land Use

1. Reduce density to no more than 12 DUA. Policy does not support 17 DUA.
2. Remove request for 5 years vested rights.

Site and Building Design

3. Remove parking spaces from the setback.

Environment

4. Provide a minimum of 15% protected tree save. Areas with large amounts of kudzu cannot be accepted as tree save.
5. A tree survey is required to identify all trees of eight-inch diameter or greater and all planted trees two-inch caliper or greater and six feet in height that grow partially or wholly within the city right of way

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Joe Mangum (704) 353-1908







## Goals Relevant to Rezoning Determinations Petition 2021-235

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 (February 2022) and when the **Policy Map** is effective (adopted March 28, 2022).

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

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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
	<b>Goal 3: Housing Access for All</b> 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
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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><b>Goal 5: Safe &amp; Equitable Mobility</b></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>N/A</p>
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></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>✓</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></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>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></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><b>Goal 9: Retain Our Identity &amp; Charm</b></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><b>Goal 10: Fiscally Responsible</b></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>X</p>

