



Zoning Committee Recommendation

Rezoning Petition 2022-132

March 7, 2023

REQUEST

Current Zoning: RE-2 (research district)
Proposed Zoning: R-17MF(CD) (multi-family residential, conditional district)

LOCATION

Approximately 17.95 acres located on the south side of IBM Drive, East of University Pointe Boulevard, and west of I-85. (Council District 4 - Johnson)

PETITIONER

Fall Line Development, Inc.

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **consistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* (2022) recommends the Community Activity Center Place Type.

We find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- This petition is appropriate and compatible with the Community Activity Center Place Type as it increases the mix of uses in the area by adding housing within a 15-minute walk of employment, schools, religious institutions, and retail.
- Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing Research zoning district.
- The proposal includes architectural and site design standards such as limiting the buildings to a mid-rise, not more than 80 feet in height, provides articulation of the façades through projections, recesses, bays, a variety of materials, etc., features prominent entrances with direct connections to the public sidewalk, prohibits

parking between the building and adjacent street frontages, and limits blank walls.

- The proposal provides a 60-foot easement to be dedicated to Mecklenburg County Park and Recreation for a portion of the future Doby Creek Greenway that will cross the site.
- The petition commits to construct a minimum 12-foot multi-use path with an 8-foot planting strip along the frontage of IBM Drive.
- The site is served by the CATS number 50 and 54, local buses providing transit access to the Mallard Creek Park and Ride and Concord Mills, respectively. The site is within a 15-minute walk of Ikea Blvd with access to the number 11 local bus providing service to Uptown.
- The petition could facilitate the following 2040 Comprehensive Plan Goals:
 - 1: 10 Minute Neighborhoods
 - 4: Transit and Trail Oriented Development
 - 5: Safe & Equitable Mobility
 - 8: Diverse & Resilient Economic Opportunity

Motion/Second: Lansdell / Harvey

Yeas: Gussman, Harvey, Lansdell, Rhodes, Welton

Nays: None

Absent: Gaston, Russell

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the *2040 Policy Map*.

Commissioner Lansdell asked about the two outstanding issues related to transportation mentioned in staff's presentation. Staff stated they the issues were minor and dealt with a note regarding stacking for the proposed left turn lane and some wording dealing with ensuring that all transposition improvements are completed prior to the issuance of the first building certificate of occupancy.

Commissioner Lansdell asked if there were any concerns with the SWIM buffer, steep topography, and electrical transmission line right-of-way on the site. Staff stated that there is a Duke Energy right-of-way on the property and that an easement would be dedicated to Mecklenburg County Park and Recreation for a greenway that may fall within the SWIM buffer. Staff also noted that none of the proposed buildings or parking envelopes fell within the SWIM buffer and that specific SWIM buffer requirements would be reviewed during the Land Development process.

Commissioner Welton asked about the electrical transmission lines over the proposed surface parking area. Staff stated that

Duke Energy is typically fine with parking within their rights-of-way but that Duke Energy have their own review processes.

Commissioner Lansdell remarked about the steep topography within the proposed parking envelope. Staff stated that retaining wall may be necessary and that they would be reviewed during the Land Development Process.

There was no further discussion of this petition.

PLANNER

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