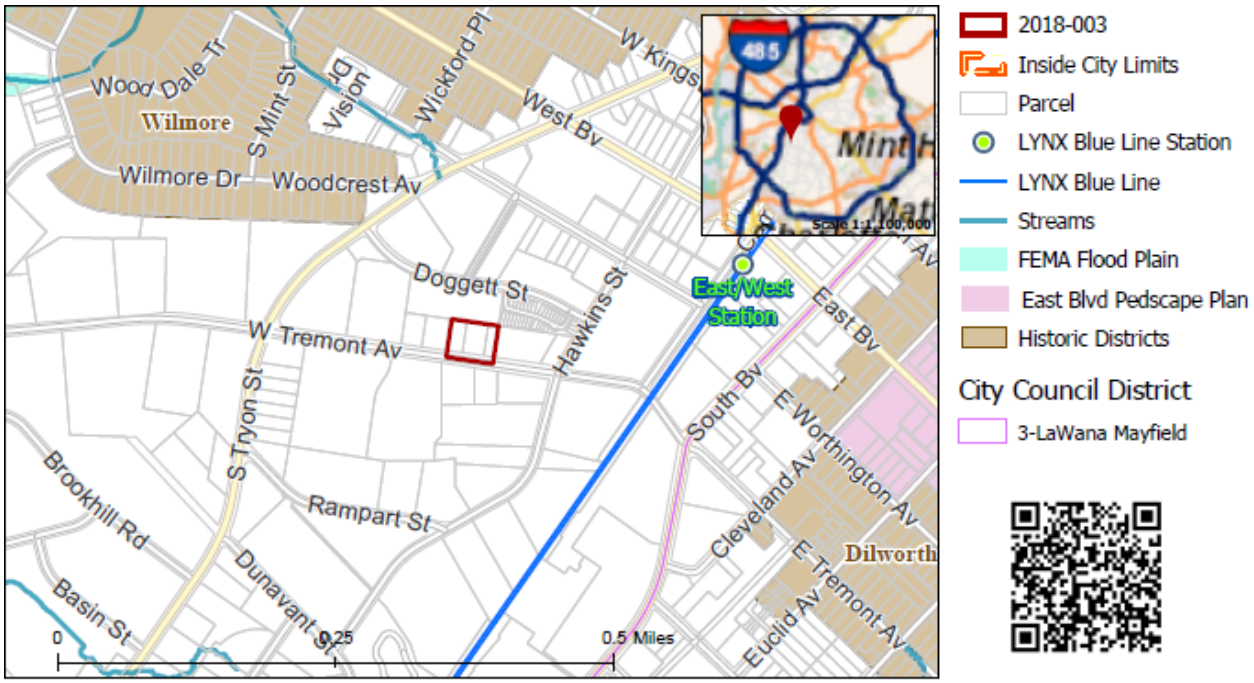
CHARLOTTE.
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2018-003
Pre-Hearing Staff Analysis
September 17, 2018

REQUEST	Current Zoning: TOD-RO (transit oriented development - residential, optional) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)
LOCATION	Approximately 0.74 acres located on the north side of West Tremont Avenue between South Tryon Street and Hawkins Street. (Council District 3 - Mayfield)



SUMMARY OF PETITION	The petition proposes to allow the reuse of the existing building or allow the development of a new building for non-residential uses in the TOD-M (transit oriented development – mixed-use) district.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Barringer Capital, LLC. Boulevard Real Estate Advisors, LLC John Carmichael, Robinson Bradshaw & Hinson, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2

STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues related to site design, requested optional provisions, and requested technical revisions. Plan Consistency The petition is consistent with the *South End Transit Station Area Plan* recommendation for residential transit supportive development. Rationale for Recommendation • The subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line.

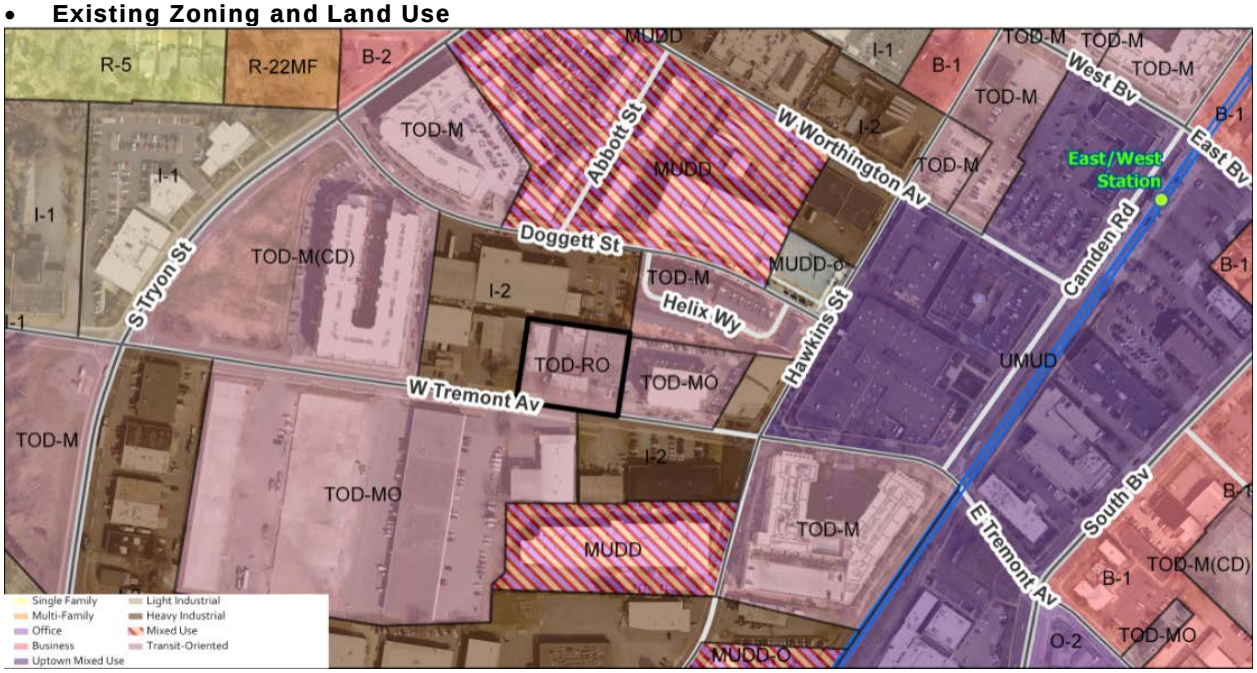
- The site was previously approved for transit orientated development and the current request proposes to amend the permitted uses.
- The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project.
- The site plan supports increased connectivity by providing a new north/south street between Tremont Avenue and the site's northern boundary upon new construction.
- This petition will help support the transition of the area to a more walkable transit district.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  Development Scenario Page RZ-1
  - The proposed development of a new building to allow all non-residential uses in the TOD-M district.
  - A new Public Street to provide a vehicular connection to the north of the site.
  - 16-foot setback along West Tremont Avenue and new proposed Public Street.
  - Eight-foot planting strip and eight-foot sidewalk along West Tremont Avenue.
  - Eight-foot planting strip and five-foot sidewalk along one side of the proposed Public Street adjacent to the new development.
  - Six-foot tall screening fence along the northern property line.
  - Prohibition of residential uses on the site.
  - Optional Provisions for the following:
    - Site shall not be required to meet the minimum parking requirements for eating/drinking/entertainment establishments (Type 1 and Type 2). The Ordinance requires one space per 150 square feet with 800 feet of a residentially zoned property.
    - To allow no more than 40 percent of the site's frontage along West Tremont Avenue to have surface parking located to the side and rear of the structure. The Ordinance allows for a maximum of 35 percent along street frontage.
    - To allow no more than 50 percent of the site's frontage along the new Public Street to have surface parking located to the side and rear of the structure. The Ordinance allows for a maximum of 35 percent parking along street frontages.
    - Parking areas will not be required to meet the screening requirements in Chapter 9. Off-street parking is required to be screened by the use of a wall or shrubs.

  Development Scenario: Page RZ-2
  - Allows the reuse of the existing buildings on site for all non-residential uses in the TOD-M district.
  - 16-foot setback along West Tremont Avenue.
  - Eight-foot planting strip and sidewalk along West Tremont Avenue.
  - Six-foot tall screening fence along the northern property line.
  - Optional provisions for the following:
    - Site shall not be required to meet the minimum floor area ratio requirements in the TOD-M district. The Ordinance requires a minimum 0.75 floor area ratio for development.
    - Site shall not be required to meet the minimum parking requirements for eating and drinking establishments (Type 1 and Type 2). The Ordinance requires one space per 150 square feet with 800 feet of a residentially zoned property.
  - To allow no more than 40 percent of the site's frontage along West Tremont Avenue to have surface parking to the side and rear of the structure. The Ordinance allows for a maximum of 35% parking along street frontages.
    - Parking areas will not be required to meet the screen requirements in Chapter 9. Off-street parking is required to be screened by the use of a wall or shrubs.
    - Parking spaces on the site may be located immediately adjacent to the existing building on the site.
    - Up to 50 percent of the parking spaces on the site may be compact parking. The Ordinance allows for the site to provide a maximum of 25 percent of compact spaces.
    - The existing buildings located on the site shall not be required to meet the urban design standards of the TOD-M district.
    - Portions of the required sidewalk along West Tremont may remain in the current form. The Ordinance requires that the sidewalk meet the adopted streetscape plan.

- **Existing Zoning and Land Use**



The subject property is zoned TOD-RO (transit oriented development - residential, optional) and is developed with a warehouse use. It was rezoned under petition 2016-146 to allow the development of 18 residential for-sale townhomes.



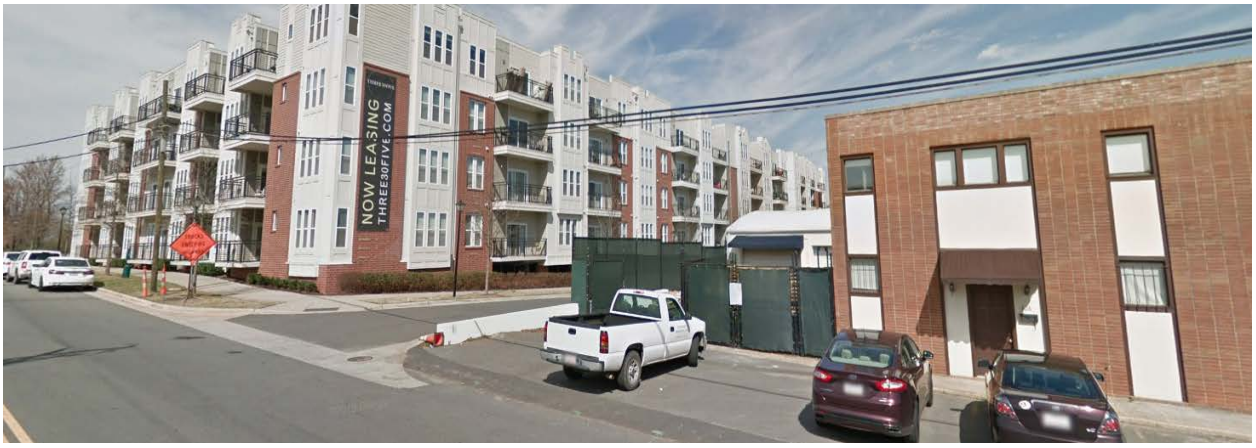
The subject property is developed with a warehouse use.



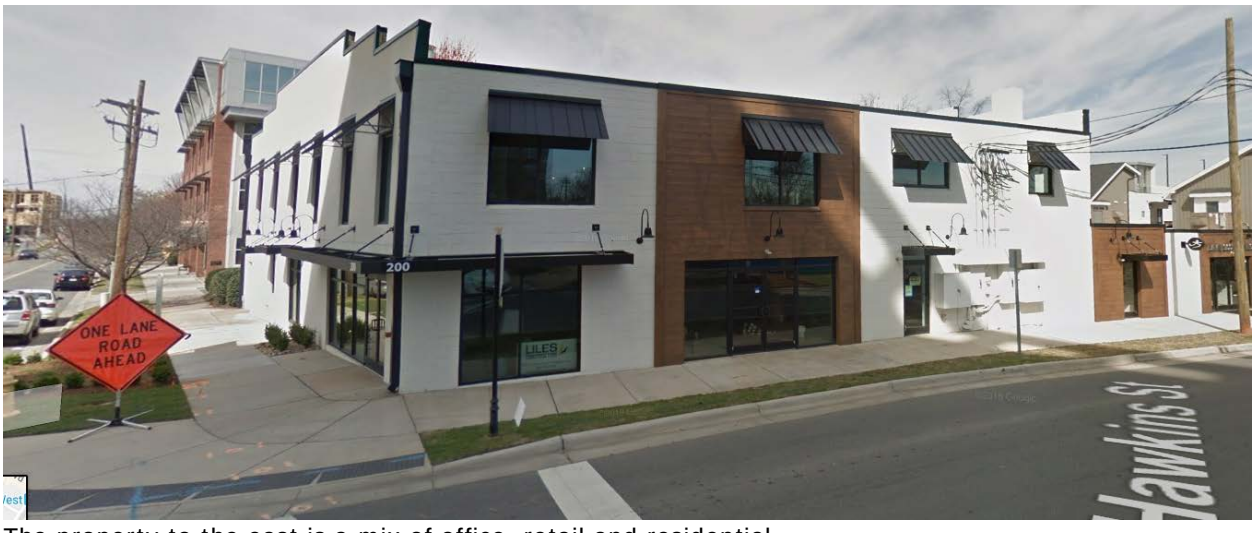
The property to the south is a mix of restaurants, warehouse, office and residential uses.



The property to the north is a mix of residential and office uses.

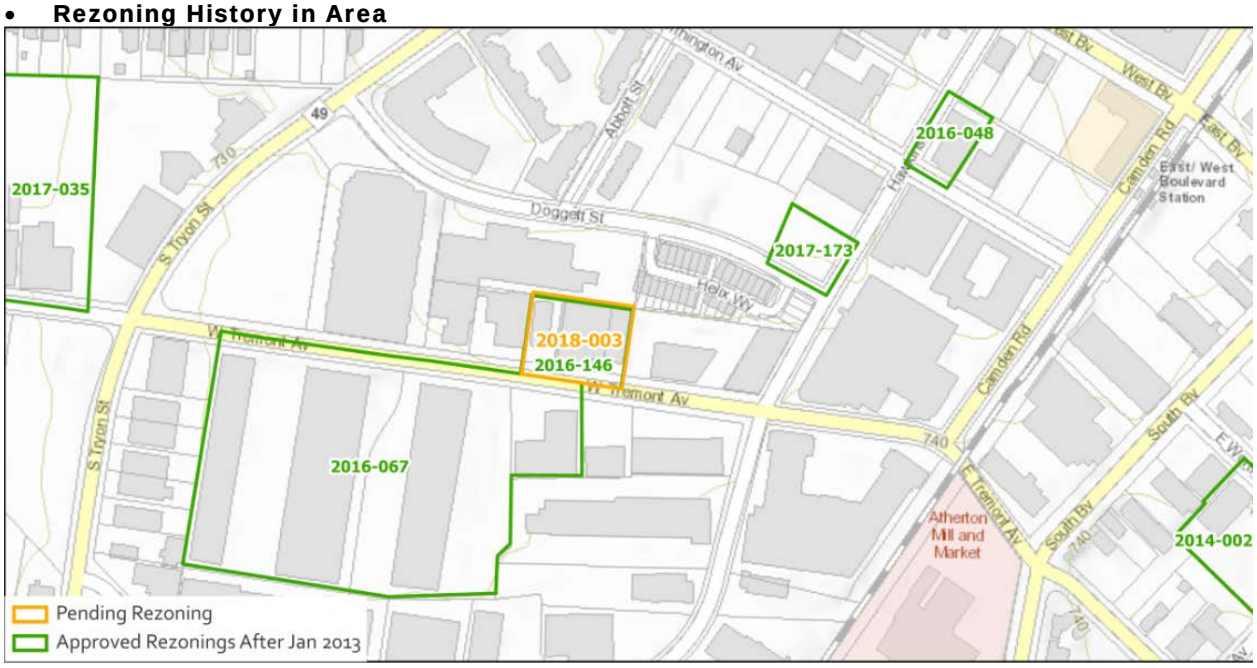


The property to the west is a mix of residential and office uses.



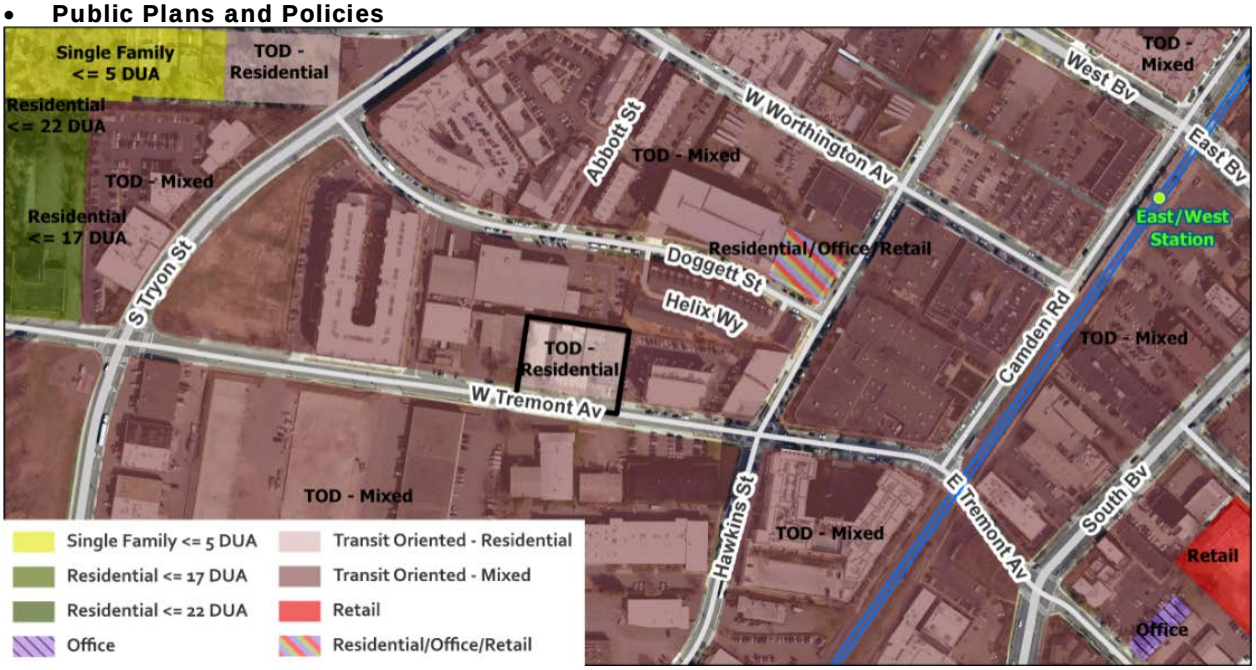
The property to the east is a mix of office, retail and residential.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-173	Rezoned 0.36 acres to MUDD-O (mixed use development district, optional) to allow the development of 11,000 square feet of non-residential uses and 95 residential units.	Approved
2017-035	Rezoned 4.39 acres to I-1 TS-O (light industrial, transit supportive overlay, optional) with 5-year vested rights to allow the development of 74 residential units.	Approved
2016-067	Rezoned 8.36 acres to TOD-MO (transit oriented development – mixed-use, optional) to allow the development of 402 multi-family units, and reuse of the existing buildings for non-residential uses.	Approved
2016-048	Rezoned 0.29 acres to TOD-M for all uses allowed in the district.	Approved
2014-002	Rezoned 1.14 acres to TOD-MO (transit oriented development – mixed-use) optional to allow a 130-room hotel.	Approved

- **Public Plans and Policies**



  - The *South End Transit Station Area Plan* (2005) recommends mixed-use transit supportive development for the subject site and surrounding properties.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is along a major collector street, approximately 1,000 feet from a major thoroughfare to the west and CATS' Blue Line to the east. The previously approved site plan for Rezoning 2016-146 committed to multiple transportation improvements. CDOT requests that the current petitioner commit to the same improvements as in the previously approved plan. These improvements support the vision of the area plan to provide a more dense transportation network to support the overall intensification of the area as envisioned by the area plan.
  - See Outstanding Issues, Note 10.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 100 trips per day (based on 27,170 square feet of warehouse uses).
    Entitlement: 130 trips per day (based on 16 dwelling units).
    Proposed Zoning: Allows for a wide range of uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not affect school capacity.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing twelve-inch water distribution main located along Tremont Avenue and sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Tremont Avenue.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from the public right-of-way of any existing city maintained street without explicit authorization from the City Arborist or his designee. No trees can be planted in the right-of-way of any existing City maintained street (W. Tremont Ave.) without explicit permission of the City Arborist's office. See Outstanding Issues, Note 12.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.

- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. Delete optional "A" for development option 1 in regards to not meeting the required parking for EDEE type 1 and type 2.
2. Delete optional provisions "B" and "C" for development option 1 in regards to amount of parking located to the side of the primary structure.
3. Modify optional request "D" for development option 1 to read that site will meet the screening requirements through the use of a green screen as depicted on the site plan.
4. Delete optional request "B" for development option 2 in regards to not meeting the required parking for EDEE type 1 and type 2.
5. Delete optional request "E" for development option 2 in regards to existing parking that may remain.
6. Delete optional request "G" for development option 2 that buildings do not have to meet the urban design standards.
7. Delete optional request "H" for development option 2 in regards to sidewalk and planting along the existing building.
8. Modify optional request "D" for development option 2 to read that site will meet the screening requirements through the use of a green screen as depicted on the site plan.
9. Show, label and dimension the future back-of-curb and centerline along West Tremont Avenue for both development options.
10. Provide an example and detail of the proposed green screen for each development option.

Transportation

11. Revise the site plan and conditional note(s) to commit to development access to the new street and no access from West Tremont.

Environment

12. Submit a tree survey for all trees two-inches in diameter at breast height (DBH) or larger located in the public right-of-way. In addition, the survey shall include all trees eight-inches (DBH) or larger in the setback. Tree survey may be completed by landscape architect, surveyor, or other land development professional.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

Planner: Solomon Fortune (704) 336-8326