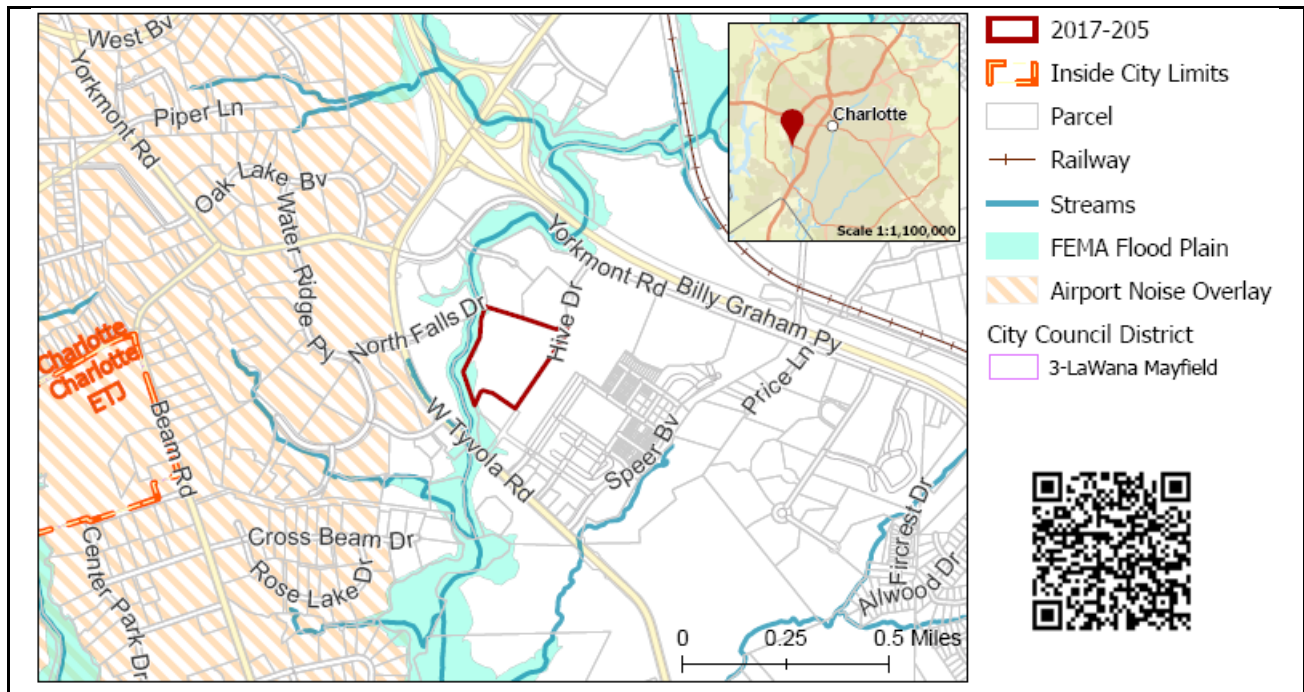


**REQUEST**

Current Zoning: MUDD-O (mixed use development district, optional)  
 Proposed Zoning: MUDD-O SPA (mixed use development district, optional, site plan amendment) with five-year vesting rights

**LOCATION**

Approximately 23.38 acres located on the north side of West Tyvola Road, south of Yorkmont Road.  
 (Council District 3 - Mayfield)



**SUMMARY OF PETITION**

The petition proposes to modify a previously approved site plan to allow a townhouse project or single family residential on vacant land within the City Park mixed use development.

**PROPERTY OWNER**

P & L Coliseum, LP

**PETITIONER**

Pope & Land Enterprises, Inc.

**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: 2

**STAFF  
 RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *Southwest District Plan* recommendation for residential/office/retail uses, as amended by rezoning petition 2007-082.

Rationale for Recommendation

- The current zoning for the overall City Park development allows for a mixture of multi-family residential, office, and retail.
- The proposed site plan amendment will allow 260 townhouse units or single family residential in an area originally proposed for office and multi-family residential uses.
- When incorporated with the rest of the City Park development, the request adds to the continuation of a mix of uses envisioned by the original rezoning.
- The proposed townhouse development, along with existing single family attached and apartments in City Park, provide for a variety

of housing types, and are located in close proximity to employment centers located in the Billy Graham Parkway area as well as the airport.

## PLANNING STAFF REVIEW

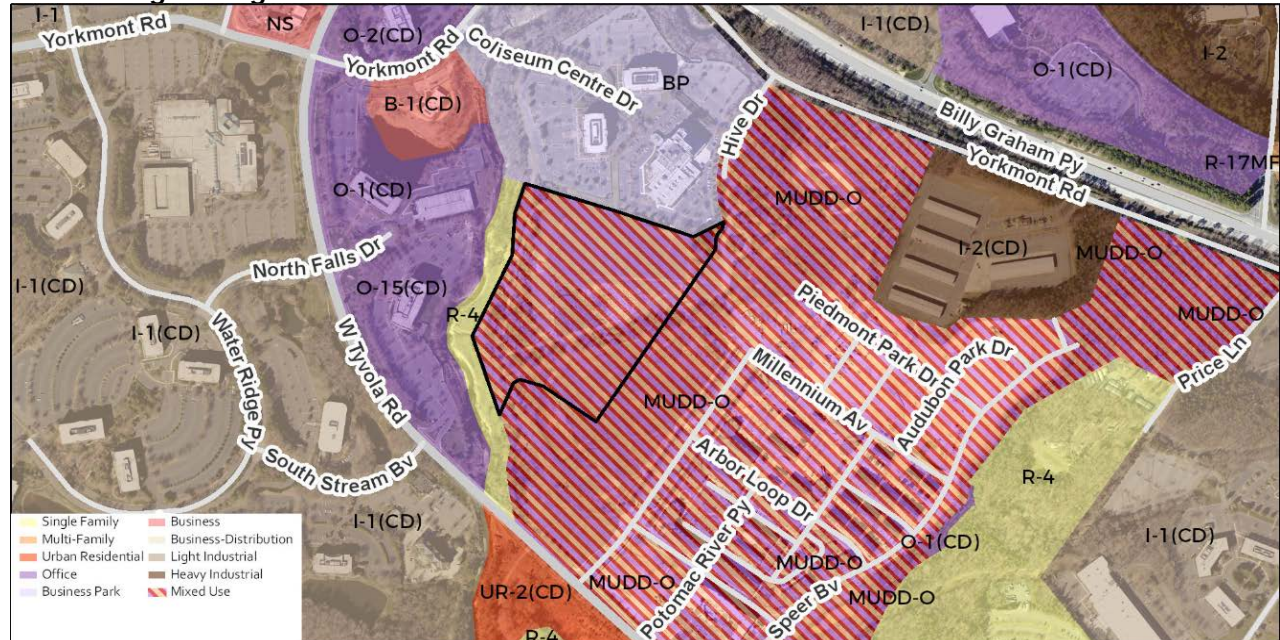
### • **Proposed Request Details**

The site plan amendment contains the following changes:

- Amends the site plan for an area originally approved for mostly office and a small amount of multi-family to allow up to 260 townhouse units (alley loaded) at 11.12 units per acre in two phases.
- Adds note that states alley-loaded townhomes may be replaced with alley-loaded or front-loaded single family detached homes within the parameters of the rezoning plan
- Proposes a maximum building height of ~~120~~ 60 feet ~~for overall City Park mixed use development.~~ within the rezoning area depicted on the rezoning plan.
- Proposes an internal network of public streets with access to West Tyvola Road, Hive Drive and future Memorial Parkway, and to the abutting office/hotel development to the north.
- Notes that prior to the issuance of the first certificate of occupancy within the Phase B Townhomes, the petitioner agrees to connect the existing Hive Drive to Memorial Parkway. As part of making this connection, the petitioner reserves the right to retain, remove, or replace the existing traffic circle on Hive Drive at their sole discretion, depending on the detailed roadway design.
- ~~Petitioner agrees as part of this petition to hold future discussions about a potential right-of-way dedication for the intersections of Speer Boulevard, Billy Graham Parkway, Yorkmont Road, and Price Lane if such road realignment is part of a city-funded road improvement project to connect directly onto Billy Graham Parkway.~~
- Add notes that states prior to the issuance of the 131<sup>st</sup> certificate of occupancy within this area, the petitioner agrees to connect the existing Hive Drive to Memorial Parkway and reserves the right to retain, remove, or replace the existing traffic circle on Hive Drive.
- Commits to architectural standards with respect to residential entrances; pitched roofs; usable porches and stoops; corner/end units facing public or private streets; garage doors; walkways; and, limiting townhouse buildings to five individual units or fewer.
- Proposes the following optional provision:
  - Limits the size of ground mounted project/tenant identification sign at the intersection of Tyvola and Memorial Parkway to eight-feet in height and 100 square feet in signage area.
- Proposes to handle waste management via rollout containers with service provided by the homeowners association, and also identifies possible dumpster location.



### • Existing Zoning and Land Use



- The site is currently vacant and lies within the City Park mixed use development. The site lies south of Coliseum Centre and abuts Sugar Creek to the west. The site is surrounded by townhomes, apartments, offices, retail, hotels, warehouse/distribution uses, and vacant land.



The subject property is vacant.



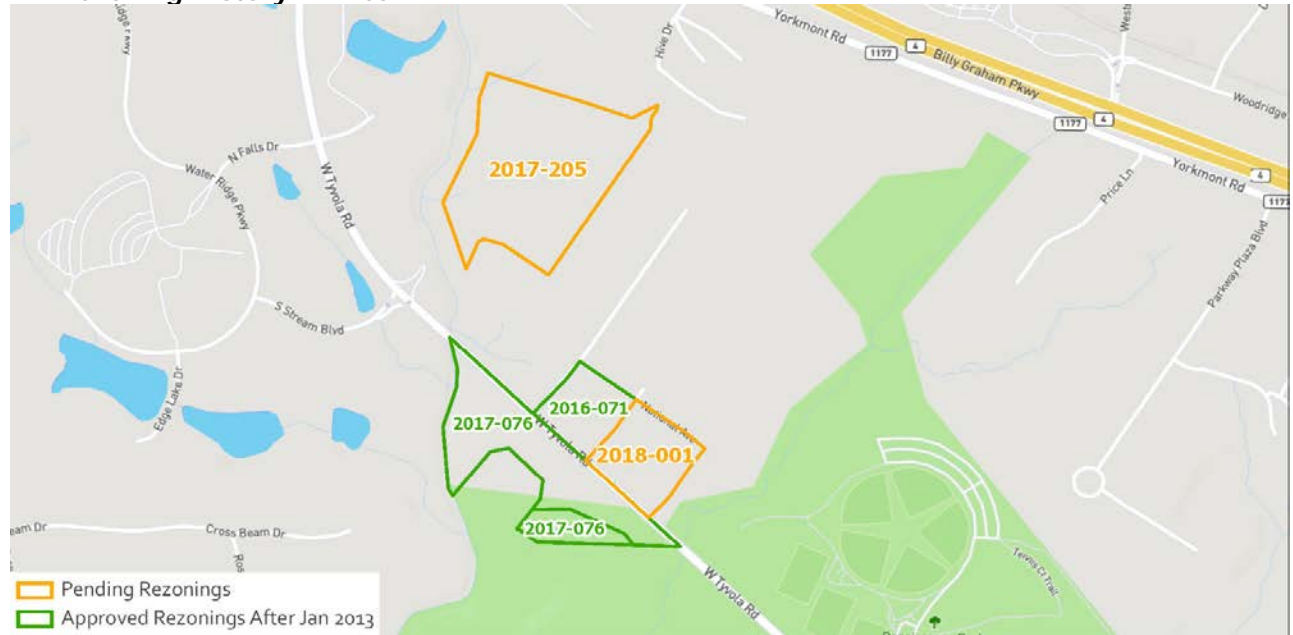
The Coliseum Centre office park is to the north.





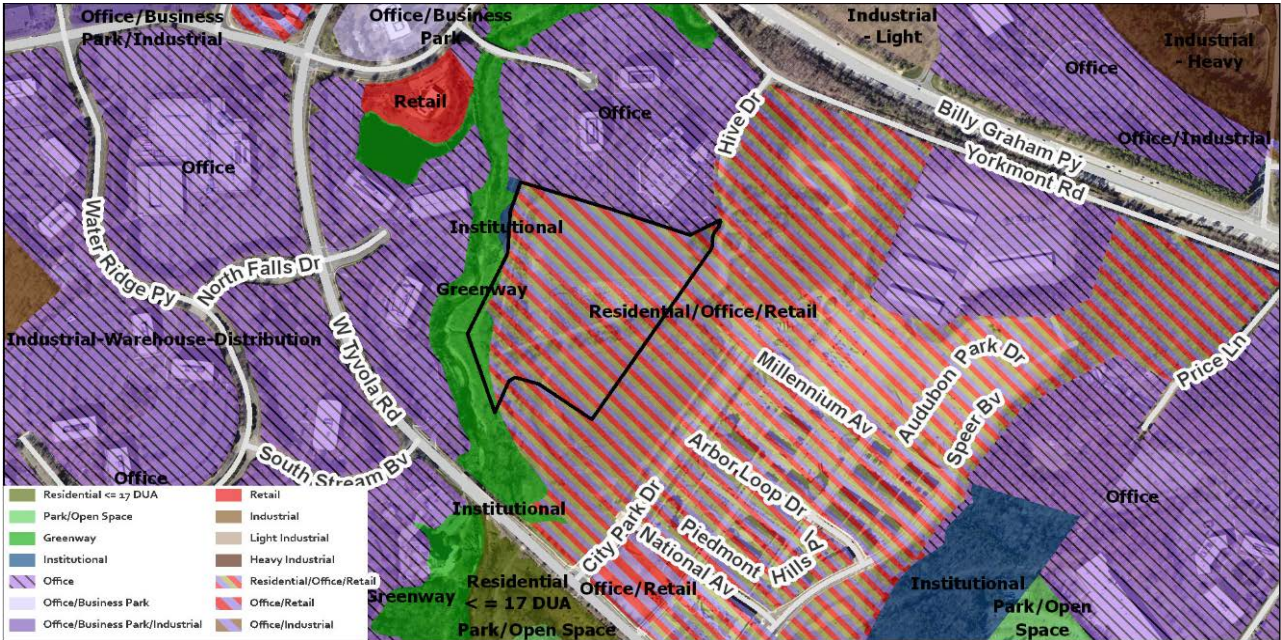
The City Park mixed-use development is to the south and east.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-001	MUDD-O (mixed use development, optional) site plan amendment to revise the previously approved site plan to allow 12,000 square feet of commercial development on a vacant site in City Park.	Pending
2017-076	Rezone approximately 14.56 acres to allow 200 multi-family residential units of which up to 80 units will be age-restricted.	Approved
2016-071	MUDD-O (mixed use development, optional) site plan amendment to revise the previously approved site plan to allow up to 20,000 square feet of commercial uses on a vacant site located in City Park.	Approved

## • Public Plans and Policies



- The *Southwest District Plan* (1991) as amended by rezoning petition 2007-082 recommends residential/office/retail land uses for this site.
- The site used to be the city-owned coliseum, and was rezoned in 2007 to allow for a mixed use development.

## • TRANSPORTATION CONSIDERATIONS

This site plan amendment removes street network connections that were included in the prior rezoning (2007-082): extending Arbor Loop Drive; dedicating right-of-way for a future connection to the intersection of Tyvola Road and South Stream Boulevard. CDOT continues to request the site plan commit to fulfilling transportation commitments in the prior rezoning through the dedication of right-of-way for the remaining traffic mitigations outlined in the prior rezoning (2007-082). These connections must be preserved to provide the adequate street network and connectivity for the site entitlements as envisioned by the approved in Rezoning 2007-082.

See Outstanding Issues, Note 4.

### • Vehicle Trip Generation:

Current Zoning:

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

Entitlement: 3,770 trips per day (based on 400,000 square feet of office).

Proposed Zoning: 1,480 trips per day (based on 260 townhomes).

## 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:** The development allowed under the existing zoning would generate 260 students, while the development allowed under the proposed zoning will produce 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 222 students.
  - The proposed development is projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Pinewood Elementary from 97% to 100%
    - Sedgfield Middle from 93% to 94%
    - Harding University High from 135% to 136%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 16-inch water transmission main located along Tyvola Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing eight-inch gravity sewer main located along the southern portion of the rezoning boundary.



- **Engineering and Property Management:**
  - **Arborist:** The location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the City to remove any City trees located in street right-of-way (Hive Drive); City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee. No trees can be planted in the right-of-way of any existing or created city maintained street without explicit authorization from the City Arborist or his designee. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way on a City of Charlotte maintained street; species must be approved before planting. See ~~Outstanding Issues, Note 8.~~
  - **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:** Development of this site may require submission of an asbestos Notice of Demolition and Renovation to MCAQ due to possible removal of demolition debris.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

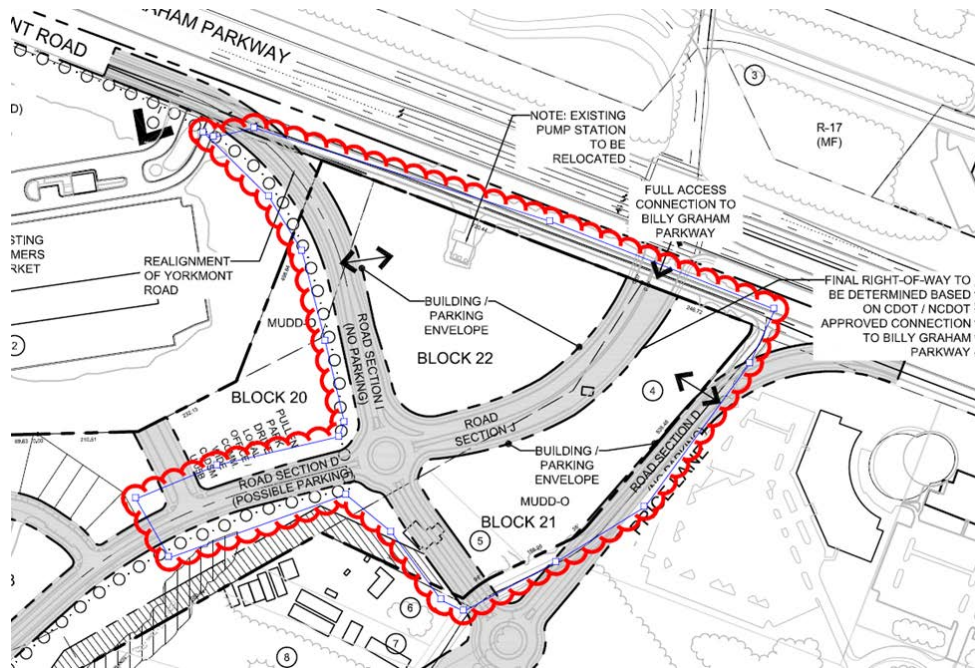
## OUTSTANDING ISSUES

### Land Use

1. ~~Prior to this petition going to the Zoning Committee, file an Administrative Amendment for the original rezoning request for the City Park Development (petition 2007-082). The amendment should add a note that regardless of any subsequent rezonings, all of the properties in the original rezoning are considered part of the development and will be included in the development calculations upon which the transportation and infrastructure improvements are based. The administrative amendment has been submitted; staff continues to work with the petitioner to resolve any issues prior to City Council decision.~~
2. ~~Provide a tracking mechanism for development rights that includes a map. Such tracking information is to be submitted to the City as part of the permitting process, for each building(s) submitted. The administrative amendment has been submitted; staff continues to work with the petitioner to resolve any issues prior to City Council decision.~~
3. ~~Provide information on the current status for the overall City Park development with regard to land use and trip generation prior to this petition going before the Zoning Committee. The administrative amendment has been submitted; staff continues to work with the petitioner to resolve any issues prior to City Council decision.~~

### Transportation

4. ~~After evaluating the changes proposed in this site plan amendment and the effect it has on existing and future transportation infrastructure, CDOT requests the petitioner revise the site plan to commit to the following before the next request for certificate of occupancy:~~ Addressed
  - a. ~~the construction of Hive Drive connecting to City Park Drive and Millennium Avenue as part of the townhome development proposed in the site plan amendment.~~
  - b. ~~dedication of right-of-way, fee simple, for the future connection of Speer Boulevard to Billy Graham Pkwy, the realignment of Yorkmont Road to connect to the future Speer Boulevard and Price Lane as part of the townhome development proposed in the site plan amendment. The right-of-way location should be shown on the plan as depicted in the approved 2007-082 rezoning shown below.~~



#### Site and Building Design

5. Clarify the possible dumpster location as it appears to conflict with a proposed connection. **Not Addressed**
6. Clarify the "Development Data table" as it refers to the proposed townhomes and associated density but it also notes a maximum height of 120 feet which should be reduced to a maximum of 60 feet. **Addressed**
7. An administrative amendment should be submitted prior to the Zoning Committee Work Session to reduce the entitlements for the remainder of the site and to address transportation issues. **The administrative amendment has been submitted; staff continues to work with the petitioner to resolve any issues prior to City Council decision.**

#### Environment

8. The petitioner shall 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. **To be submitted at permitting.**

#### **Attachments Online at [www.rezoning.org](http://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-Mecklenburg Schools Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review