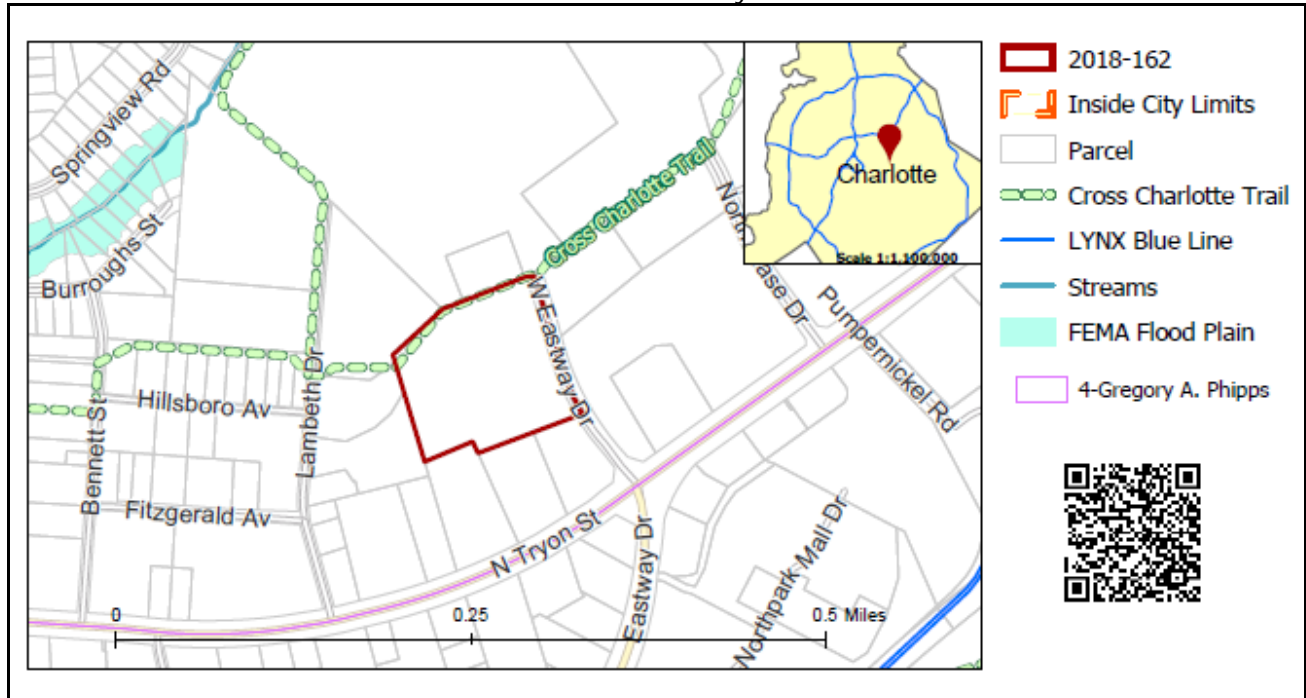


**REQUEST**

Current Zoning: B-2(CD) (general business, conditional)  
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

**LOCATION**

Approximately 6.63 acres located at the intersection of N. Tryon Street and W. Eastway Drive



**SUMMARY OF PETITION**

The petition proposes to rezone the property to allow a multi-family development with a maximum of 200 dwelling units for families earning on average 60% of the area median income.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

The estate of Nancy Abernathy  
NRP Properties, LLC (C/O) Jason Mochizuki  
John Carmichael, Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 14

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is **inconsistent** with the *Blue Line Extension Transit Station Area Plan* (2013) that recommends Office/Retail uses for the site.

Rationale for Recommendation

- The proposed land use is within the context of the overall area that has a mix of residential and retail/office zoning and/or uses with non-residential being concentrated along the North Tryon Street frontages.
- The proposed multi-family would provide a transition from office/retail uses along North Tryon to the school site and adjacent residential uses in the area.

- The proposal does not include the entire parcel that is recommended for office/retail and provides an opportunity for those uses to still be developed per the plan while providing transition in uses compatible with the school site and adjacent residential.
- The proposed project is committed to providing all units to maintain monthly rents that are income restricted to households earning on average 60% of the area median income for a period of not less than 15 years from the date of the issuance of the first certificate of occupancy for a new building constructed on the Site which facilitates goals of the City's affordable housing initiatives.
- The proposed development would provide a section of the Cross Charlotte Trail within the project boundary which provides a public benefit.

The approval of this petition will revise the adopted future land use as specified by the *Blue Line Extension Transit Station Area Plan (2013)*, from Office/Retail uses to Residential uses greater than 22 dwelling units per acre (DUA) for the site.

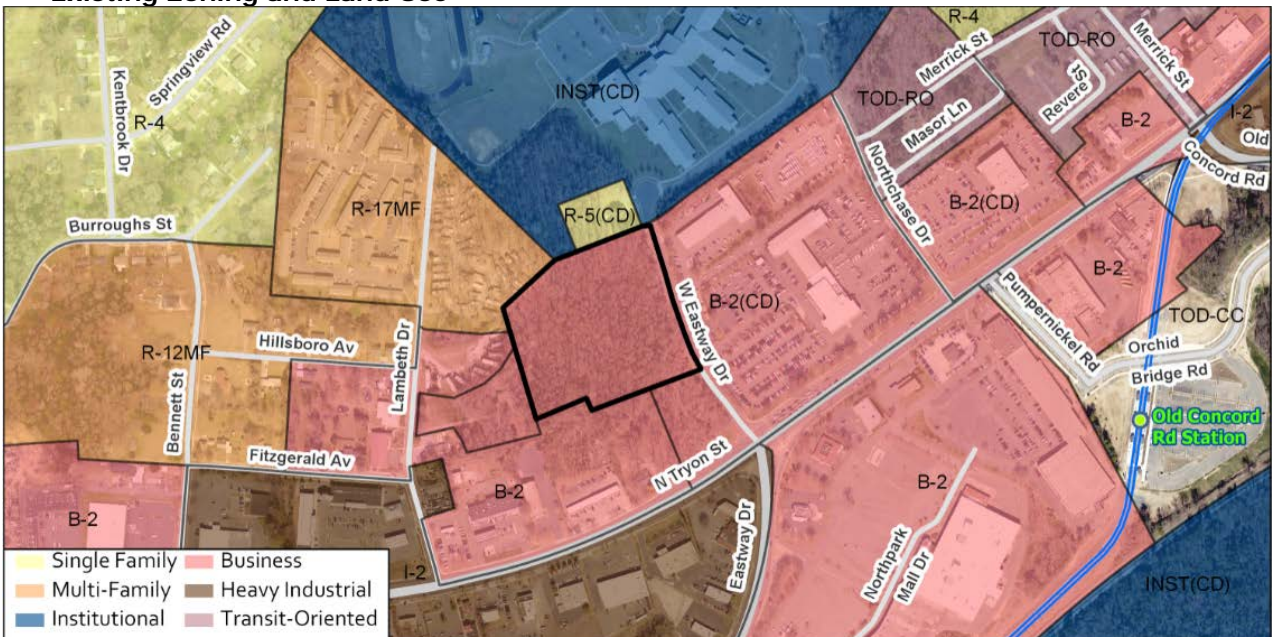
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows up to 200 multifamily units that are income restricted to households earning on average of 60% of the area median income for a period of at least 15 years from the date of the issuance of the first certificate of occupancy.
- Constructs a new public street to be located along the southern boundary line of the site.
- Limits the building height to 4 stories.
- Provides architectural design standards that are related to building materials, building massing, elevation design, and building placement.
- Provides 8-foot planting strips and sidewalks along the site's frontage on Eastway Drive.
- Provides 8-foot planting strips and sidewalks along Public Road A and a 10-foot wide multi-path that could connect to the Cross-Charlotte Trail.
- Provides a minimum 27-foot wide landscape area that is planted to Class C buffer standards with a 6-foot tall wooden privacy fence.
- Provides the following amenities on site: a clubhouse with a fitness center, covered picnic areas with grills, a playground/tot lot and 3 outdoor seating areas.

### • Existing Zoning and Land Use





- The site was previously rezoned in the 1980s and then amended in 1998 to B-2(CD) to allow for commercial development. Surrounding zoning is primarily commercial, and multi-family. The institutional zoning adjacent to the subject property supports Martin Luther King Jr. Middle School.

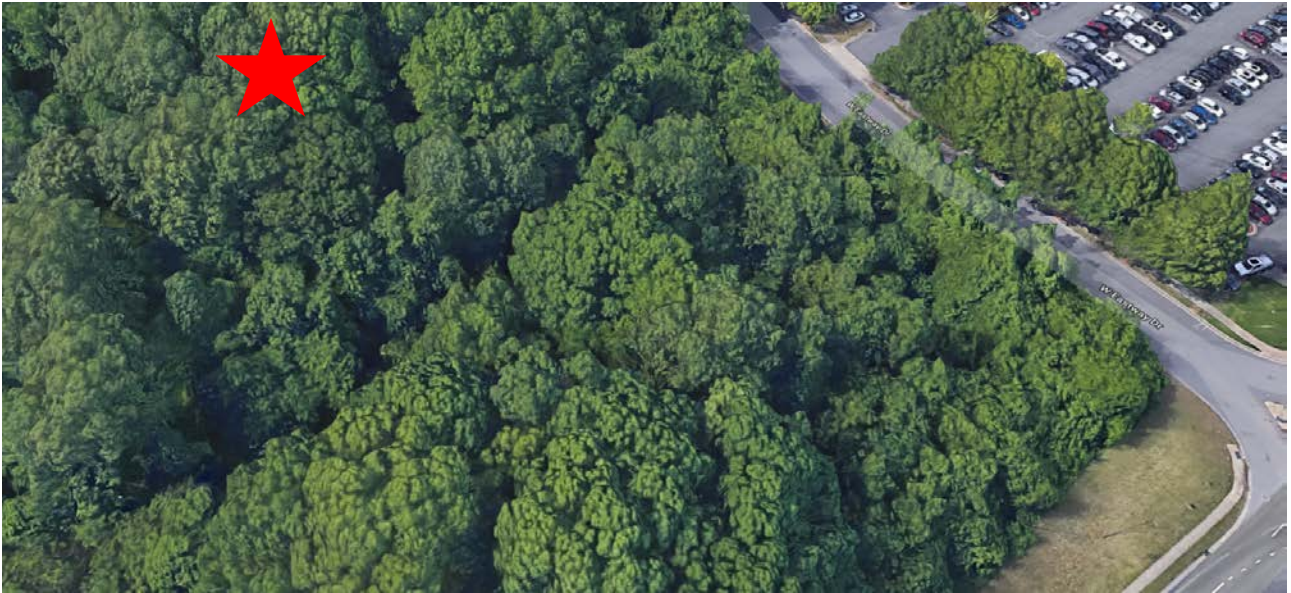


- The subject property is vacant wooded land.



- The property to the east is an automobile dealership.

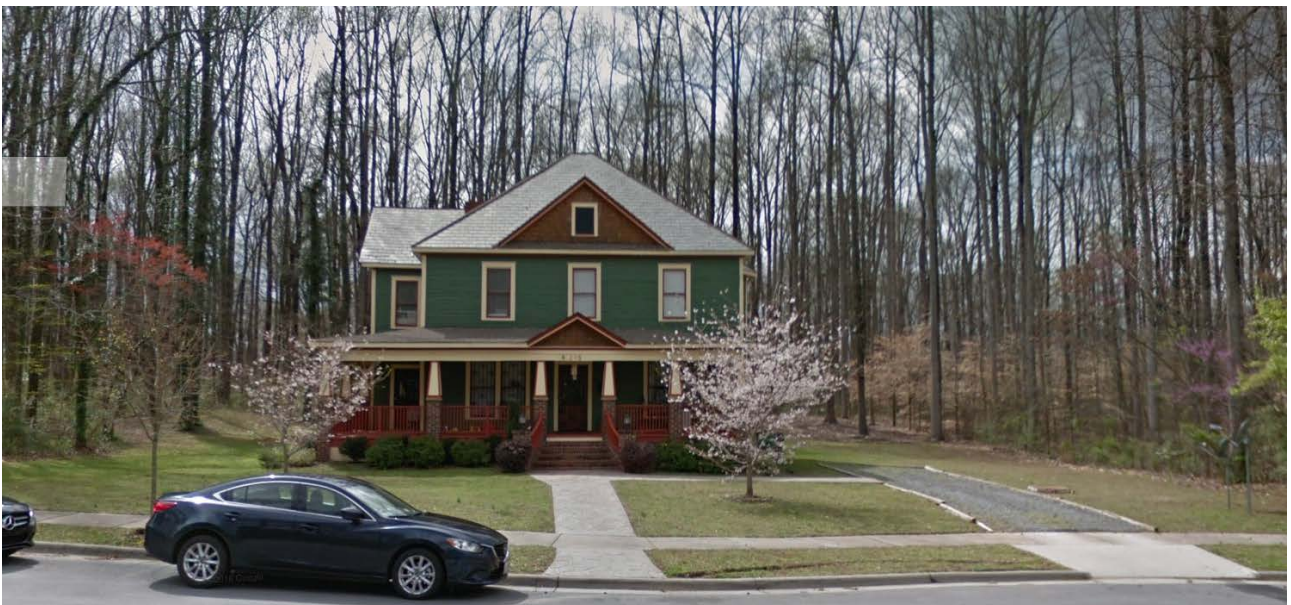




The property to the south is undeveloped vacant land. The subject property is marked with a red star.



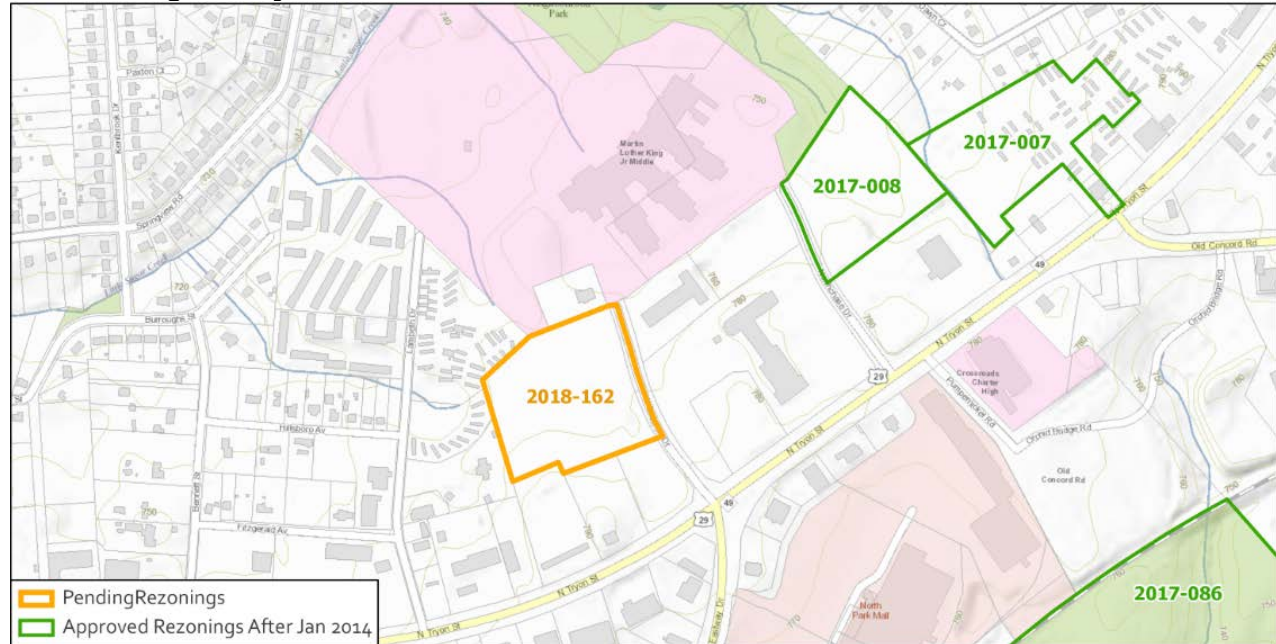
The properties to the west is developed with a mobile home park and single family residential.



The properties to the north are developed with a single family home and a school.

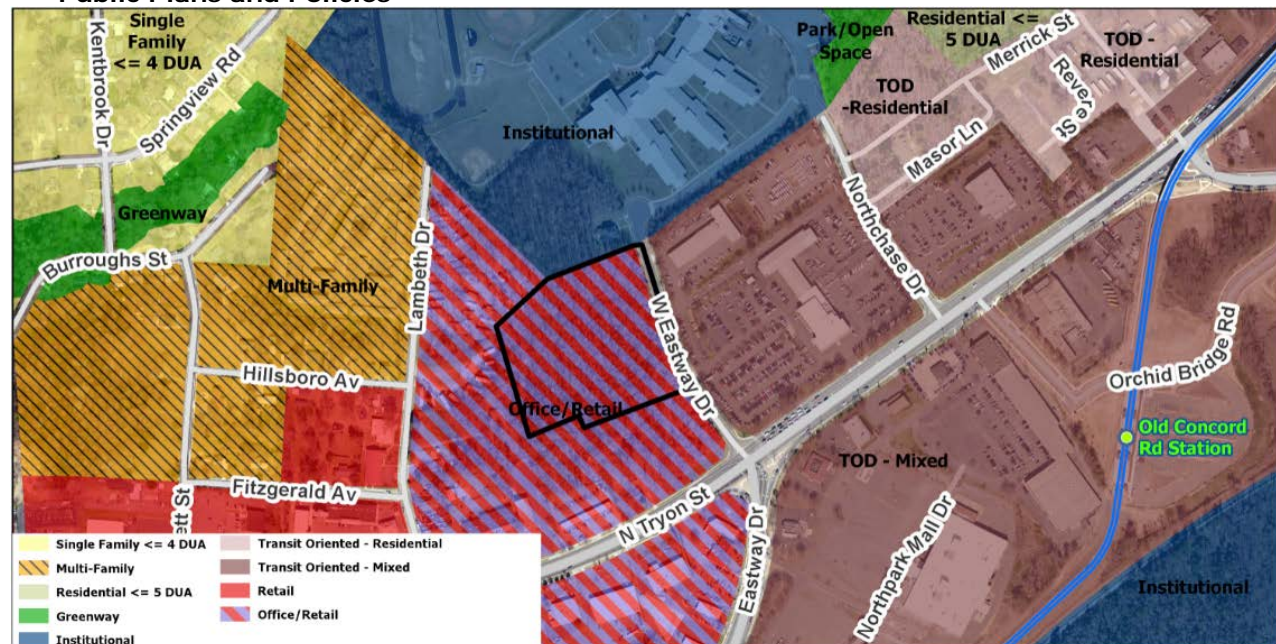


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-007	The petition rezoned site to TOD-RO (transit oriented development – residential, optional) to allow up to 90 multi-family units with 50% of the units will have a monthly rent of 60% or less of the area median income (AMI)	Approved
2017-008	The petition rezoned site to TOD-RO to allow up to 120 multi-family dwellings with 50% of the units will have a monthly rent of 60% or less of the area median income (AMI)	Approved

- Public Plans and Policies**



- The *Blue Line Extension Transit Station Area Plan (2013)* recommends office/retail land uses.

- **TRANSPORTATION CONSIDERATIONS**

- The petitioner has committed to the construction of a local residential public road along the site's southern property line. The petitioner has also committed to implement the following offsite and/or streetscape improvements: adding an 8' sidewalk along Eastway Dr. to provide a pedestrian connection to an existing CATS bus stop and providing 16' right-of-way along the site's northern property line for others to construct this portion of the Cross-Charlotte Trail. In addition, the petitioner is providing a new public street for future connectivity. CDOT is requesting an additional 5' permanent easement on each side of the 16' multi-use path for maintenance purposes.
- See Requested Technical Revisions, ~~Notes 1-4~~ **Note 5**.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 0 trips per day (based on vacant land).  
Entitlement: 6,420 trips per day (based on 110,000 SF Retail).  
Proposed Zoning: 1,470 trips per day (based on 200 dwellings).

**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 Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Police Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:**
  - No comments submitted.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along West Eastway Drive. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 450 feet south of the rezoning boundary on North Tryon Street. A developer donated project will be required in cases there is not direct service. A Willingness to Serve application has been received and is currently under review. Correspondence will be maintained with the applicant. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **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 outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**REQUESTED TECHNICAL REVISIONS**

Transportation

- ~~1. CDOT recognizes the petitioner's commitment to construct Public Road A. Due to the proposed alignment of The Cross-Charlotte Trail CDOT is requesting the Public Road A be constructed along the site's northern property line to provide a future possible connection to Hillsboro Avenue, to the west. This alignment should include a Cross-Charlotte Trail. Minimum 16-foot width and additional right of way for the Cross-Charlotte trail (see below Public St. "A" Typical Section, XCT's minimum width and Public Street A and XCT alignment).~~ **Addressed**
- ~~2. Revise the site plan and conditional note(s) to commit to implement 8-foot planting strips and 8-foot sidewalks along the site's adjacent public street frontages. Existing conditional note 5.A. needs to be revised to provide 8-foot wide public street sidewalks due to the development's land-use density (i.e. over 12DUA).~~ **Addressed**
- ~~3. Revise the site plan and conditional Transportation 3.E. to specifically state the dedication in fee simple 74 feet to accommodate the proposed new east/west local Public Street "A" including 8-foot planting strips, one 8-foot sidewalk, 16-foot XCLT and 5-foot XCLT buffer. Please note one 5-foot XCT buffer and one 8-foot sidewalk on the new east/west street will be omitted since the two facilities will be implemented side-by-side.~~ **Addressed**
- ~~4. Revise the site plan to add note(s) specifying dedication and fee simple conveyance of all rights-~~

~~of way to the City before the site's first building certificate of occupancy is issued. CDOT requests right of way set at 2' behind back of sidewalk where feasible.~~ Addressed

5. CDOT is requesting the petitioner to provide an additional 5-foot permanent easement on each side of trail for maintenance purposes.
- 

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

**Planner:** Lisa Arnold (704) 336-5967