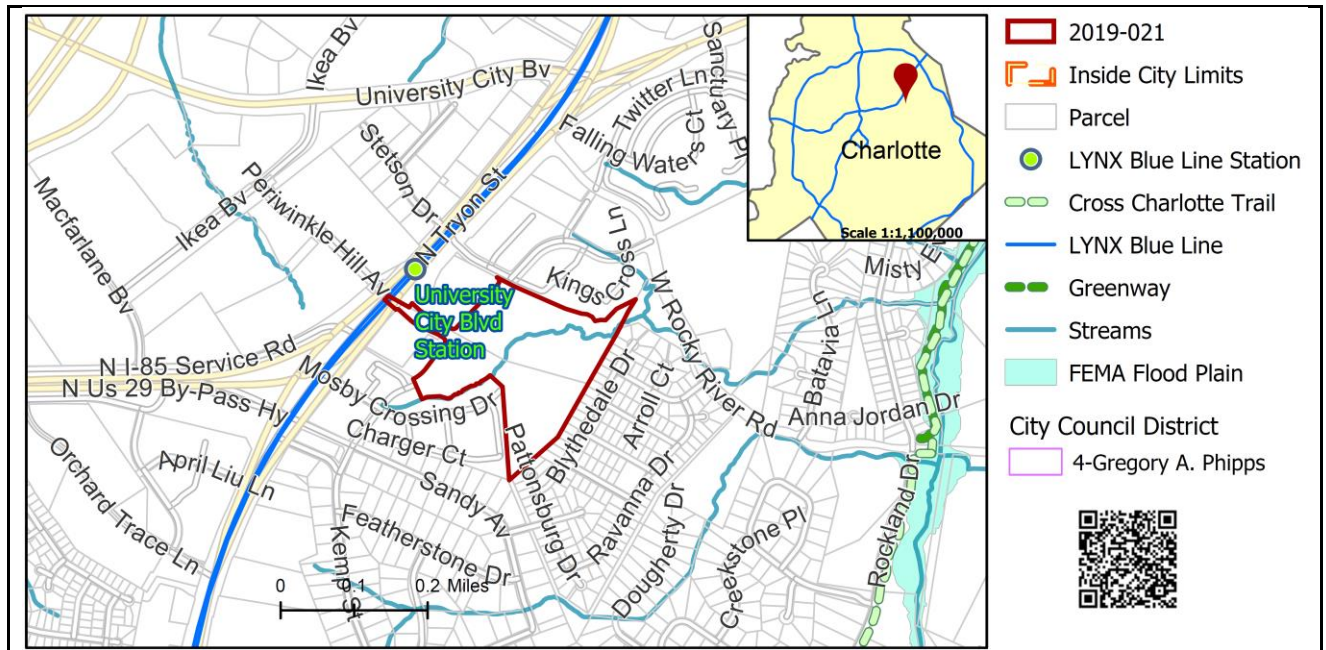


## REQUEST

Current Zoning: B-2(CD) (general business, conditional)  
Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)

## LOCATION

Approximately 23.2 acres located on the southeast intersection of North Tryon Street and Libby Way.



## SUMMARY OF PETITION

The petition proposes to rezone the vacant property abutting the Newell South neighborhood to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

McKinney Holdings NC II, LLC  
McKinney Holdings NC II, LLC  
Joel L. Madden (Merrick & Company)

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 3

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **consistent** with the *University City Area Plan*, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development.

### Rationale for Recommendation

- The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension.
- The *University City Area Plan* recommends transit oriented development for the site. A mix of residential and office uses

are appropriate and retail could be considered within a vertically mixed use building.

- The TOD-M (transit oriented – mixed-use) zoning will allow these uses.
- The *University City Area Plan* also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new “Avenue” and “Local” streets parallel to North Tryon Street.
- These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity.
- The request shows the recommended street network and commits to dedicate the streets as public right-of-way.

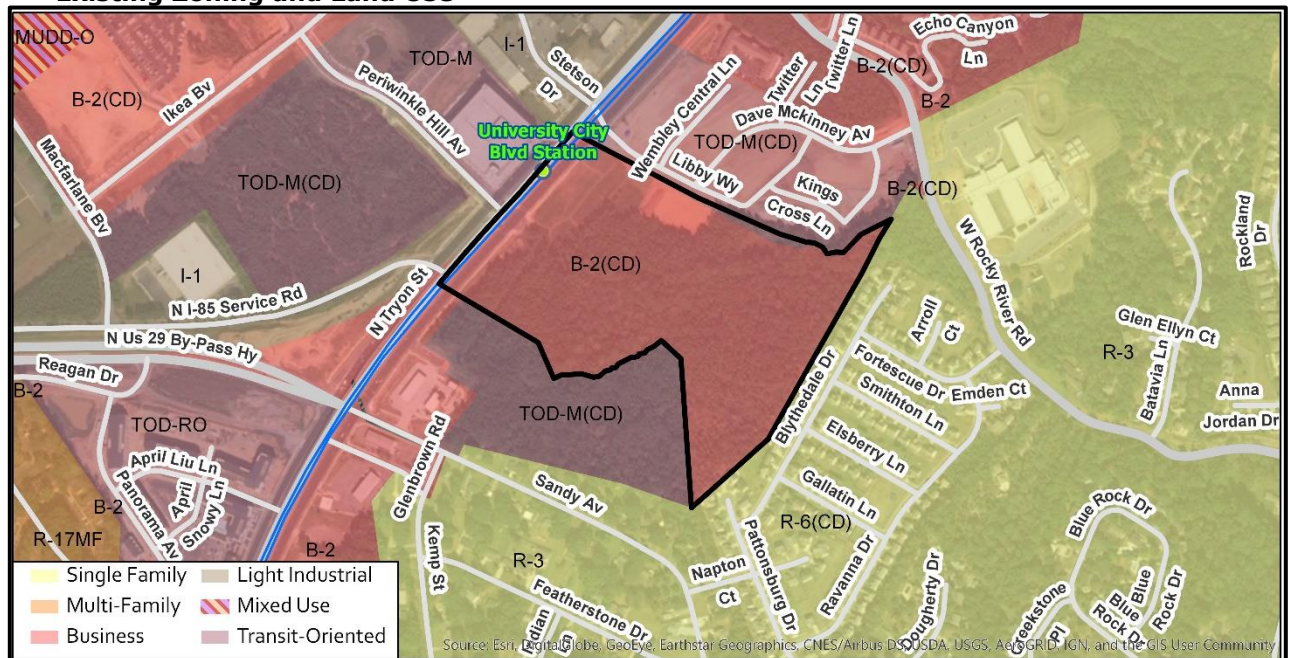
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- The proposed roadway configuration and the creek bisecting the property create three tracts identified as Tracts 1, 2 and 3 that may be sold and/or redeveloped simultaneously or individually in any order.
- Connection Point A: one connection to proposed Dave McKinney Avenue;
- Connection Point B: one connection to N. Tryon Street directly opposite existing University City Station Boulevard matching the previously constructed driveway curb returns;
- Connection Point C: one connection to proposed Dave McKinney Avenue; and
- Connection Point D: one connection to the proposed public access easement.
- A continuous public roadway will be created between Connection Point A and Connection Point C, which will be the completion of Dave McKinney Avenue connecting the road stubs shown on previously approved petitions 2016-74 and 2017-79.
- A public roadway will be constructed from Connection Point B to intersect with the Avenue at Intersection E, continue through the site with a terminus at or near the connection with the public access easement at Connection Point D. A variable cross-section for this roadway will be determined through the development plan process,
- All new proposed roadways will be dedicated as public roads

### • Existing Zoning and Land Use



- Petition 1989-41C rezoned the subject property as part of a larger petition for 105 acres to B-2(CD) (general business, conditional) to allow B-2 uses, with the exception of the following uses:



auction sales	room renting	trailer and overnight camping
outdoor commercial amusement	armories	exterminators
fabric assembly	fence retail sales	fertilizer retail sales
frozen foodlockers	marinas	mobile home sales
motorcycle sales and repair	commercial parking lots/structures	pawn shops
sign painting	trailers and overnight camping	truck sales and repair
drive-in restaurants	automobile sales except as part of a new car dealership	outdoor advertising signs
massage parlors	adult bookstores	flea markets



The subject property is vacant.

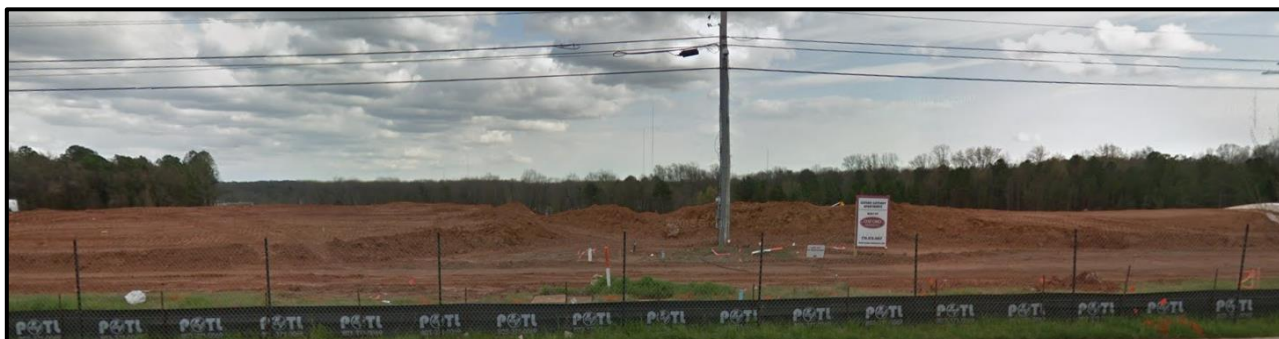


The property to the west along North Tryon Street is developed by the Blue Line University City Station.

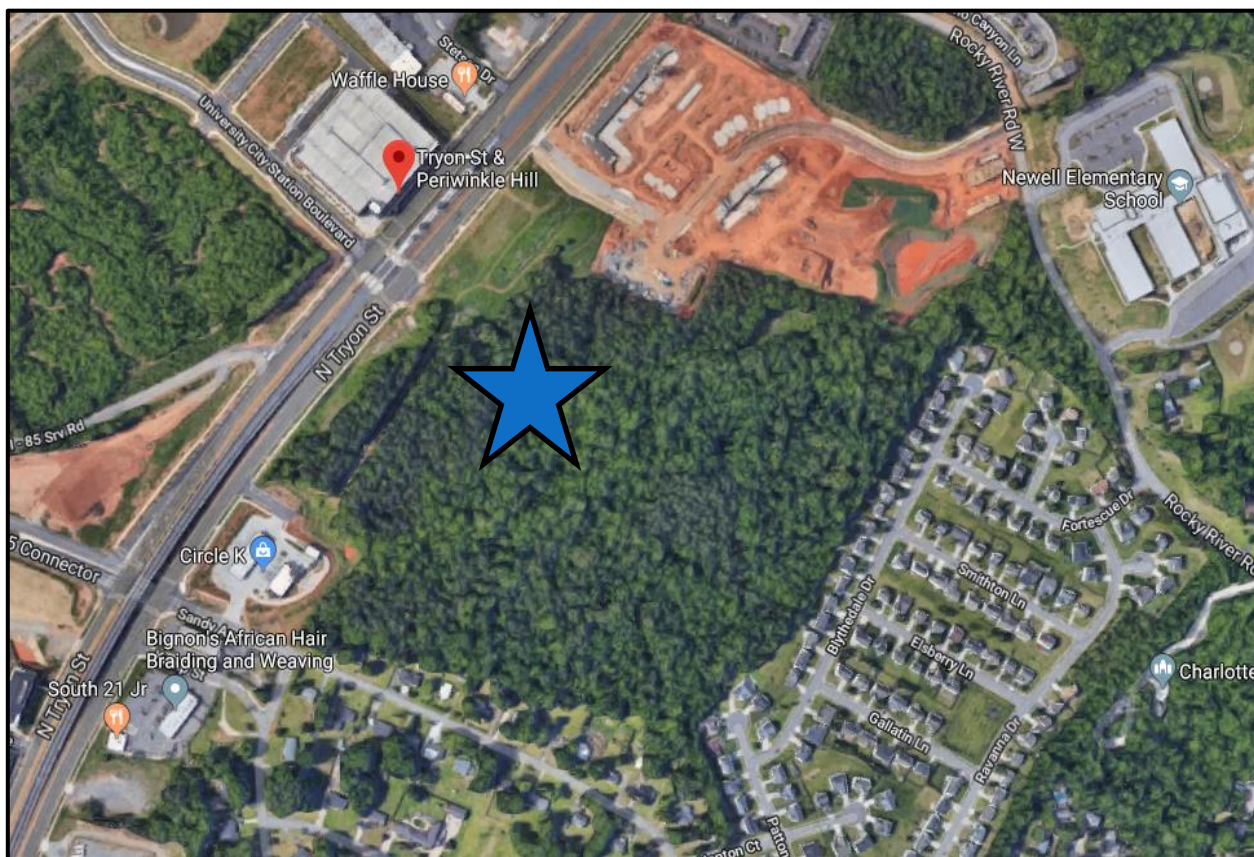


The property to the east along Blythedale Drive is developed with single family residential.



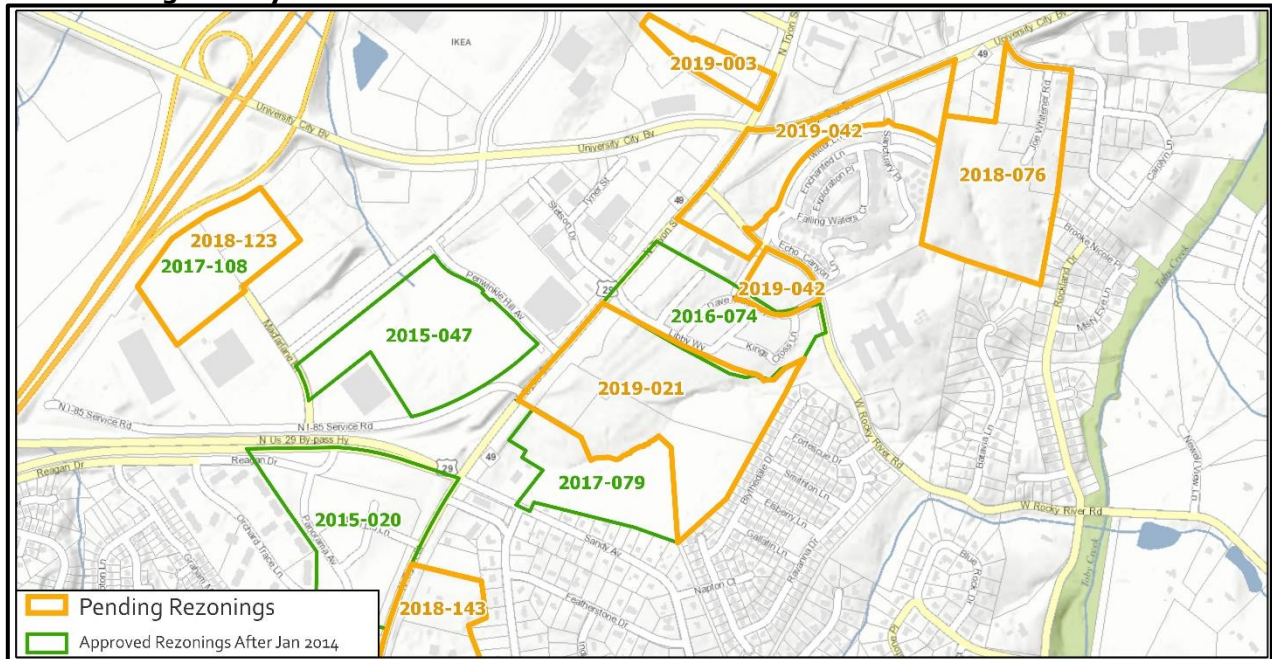


The property to the north along North Tryon Street is under construction. It is an approved rezoning 2016-074 for transit oriented development, mixed-use development.



The subject property is denoted by the blue star.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-042	Rezoned 12.52 acres to TOD-CC and TOD-TR to allow all uses permitted in the district.	Pending
2019-003	Rezoned 4.03 acres to TOD-CC to allow all uses permitted in the district.	Pending
2018-143	Rezoned 8.5 acres to TOD-M(CD) to allow up to 275 multifamily dwelling units, at a density of 32 dwelling units per acre.	Approved
2018-123	Rezoned 14.2 acres to MUDD-O SPA to allow two additional ground mounted signs not exceeding a total of 3,000 square feet in area and 30 feet in height, associated with an approved eating/drinking/entertainment establishment (EDEE), while retaining the existing development entitlements.	Approved
2018-076	Sought to rezone 25.47 acres to UR-2(CD) to allow up to 258 residential dwelling units.	Withdrawn
2017-108	Sought to rezone 14.2 acres to MUDD-O to allow an 80,000 square foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses.	Denied
2017-079	Rezoned 14 acres to TOD-M(CD) to allow all uses in the TOD-M district.	Approved
2016-074	Rezoned 15 acres to TOD-M(CD) to allow all uses in the TOD-M district.	Approved
2015-047	Rezoned 22 acres to TOD-M(CD) to allow all uses permitted in the TOD-M district.	Approved
2015-020	Rezoned 15.43 acres to TOD-RO to allow 380 multi-family dwelling units.	Approved



- **Public Plans and Policies**



- The *University City Area Plan* (2015) recommends transit oriented development for this site, located within a ½ mile walk distance from the University City Boulevard Transit Station on the LYNX Blue Line Extension.
- Specific mobility policies for this site include:
  - Policy 1a (11): Provide a new street parallel to North Tryon Street (between Interstate 85 connector and Rocky River Road West). This street provides parallel connectivity along the North Tryon Street corridor and supports new development opportunities. It should be designed as an “Avenue” and should include bike lanes, wide sidewalks and on-street parking where warranted by adjacent land uses.
  - Policy 1a (12): Provide an additional new street parallel to North Tryon Street between Periwinkle Hill Avenue and Rocky River Road West as an extension of Twitter Lane. It should be designed as a “Local” street including wide sidewalks and on-street parking where warranted by adjacent land uses.
  - Policy 1a (13): Develop an interconnected network of local streets, with typical block lengths of 400 feet to supplement the new streets described above.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located along a Major Thoroughfare, across the University City Boulevard Light Rail Station. The site commits to extending several public streets to provide better street network within the area, as well as extending Periwinkle Hill avenue across North Tryon Street. Periwinkle Hill Avenue extension will provide direct access for to the light rail station. CDOT is requesting the transportation notes be updated to more clearly state commitment to the "Proposed Lane Configuration" cross-section of the road connection at North Tryon Street as shown on the site plan. Also, CDOT requests the petitioner to construct a 3-lane section on the Eastern leg at intersection "E" to accommodate a left-turn lane.
- ~~See Requested Technical Revisions, Notes 1-2.~~ Addressed
- **Vehicle Trip Generation:**
  - Current Zoning: B-2(CD)
    - Existing Use: 0 trips per day (based on a vacant property).
    - Entitlement: 28,810 trips per day (based on 1,001,880 square feet of retail uses).
  - Proposed Zoning: Too many uses to determine (based on 23.1 acres of TOD-M(CD) 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 Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** The district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water.** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Sandy Avenue, and sewer system availability via an existing eight-inch gravity sewer main located within the rezoning boundary.
- **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:** Site must comply with the Tree Ordinance.
- **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. ~~Revise the site plan to add a note 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.~~ - Addressed
2. ~~Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes.~~ - Addressed

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

**Planner:** Dave Pettine (704) 336-4566