

Rezoning Petition 2019-102 Final Staff Analysis November 18, 2019

SUMMARY OF PETITION

The purpose of the petition is to build on the foundation of adopted City policies and implement station area plan recommendations through the Zoning Ordinance. The petition proposes to rezone parcels under a range of zoning districts to one of four transit oriented development (TOD) districts.

REQUEST

Current Zoning: B-1, B-1 HD-O, B-1 TS, B-1(CD), B-1SCD, B-2, B-2 HD-O, B-2 TS HD-O, B-2(CD), CC, NS, BP, B-D, B-D(CD), I-1, I-1 HD-O, I-1 TS, I-1 TS HD-O, I-1(CD), I-2, I-2 TS, I-2(CD), O-1, O-1(CD), O-2, O-2 HD-O, O-15(CD), INST, MUDD, TOD-CC, TOD-CC HD-O, R-17MF, R-22MF, R-22MF HD-O, R-43MF, R-3, R-4, R-5, R-8

Proposed Zoning: TOD Urban Center (TOD-UC), TOD Neighborhood Center (TOD-NC), TOD Community Center (TOD-CC), or TOD Transitional (TOD-TR)

LOCATION

Approximately 1771.18 1,783 acres generally located along South Boulevard, North Davidson Street and North Tryon Street, generally within a half mile of the JW Clay Boulevard, McCullough, University City Boulevard, Tom Hunter, Old Concord Road, Sugar Creek, 36th Street, 25th Street, Parkwood, Carson, Bland Street, East/West, New Bern, Scaleybark, Woodlawn, Tyvola, Archdale, Arrowood, Sharon Road West and I-485/South Boulevard LYNX Blue Line transit stations, between I-485 to the south, and UNC - Charlotte campus to the north, excluding areas within I-277 Loop.

See Attached Rezoning Area Maps

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

Various (see application at www.rezoning.org) City of Charlotte Planning Staff

COMMUNITY MEETING

Meeting is not required for conventional rezonings. Prior to filing the rezoning, the Planning, Design & Development Department held four informational drop-in meetings in May and June for owners of property proposed to be rezoned, plus an initial public informational drop-in meeting in July and a second public informational meeting in September. The meetings were held in various locations along the LYNX Blue Line corridor to try to make it as convenient as possible for the public to attend. Fourteen presentations were made by staff during the 18 hours that comprised these six drop-in informational meetings. In total, approximately 125 individuals attended these meetings.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the following adopted land use plans along the LYNX Blue Line corridor: *University City Area Plan, Blue Line Extension (BLE) Transit Station Area Plans, South End Vision Plan, South End Station Area Plan, New Bern Station Area Plan, Scaleybark Station Area Plan, Woodlawn Station Area Plan, Tyvola & Archdale Station Area Plan, Arrowood Station Area Plan, Sharon & I-485 Station Area Plan recommendations for transit oriented development.*

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Rationale for Recommendation

- The transit station area plans identify parcels recommended for transit oriented development.
- The alignment rezoning will implement the recommendation of the area plans by applying the appropriate TOD zoning district to the properties included in the petition.
- A market demand allocation analysis was conducted by Noell Consulting Group in 2018. This study identified six station areas as likely to support high intensity development in the near term. These are the station areas closest to Uptown. The other station areas along the corridor are expected to develop at more moderate intensities in the near term. The highest intensity TOD district, TOD-UC, along with its companion transition district, TOD-NC, are generally recommended for use in the six high intensity station areas, while the less intense TOD-CC and its companion transition district TOD-TR are generally recommended to be used in the moderate intensity station areas.
- The recently adopted TOD zoning district text amendment provides standards and regulations to create the desired form and intensity of transit oriented development for development along the transit corridor.
- This rezoning is consistent with the goals of the 2025 Integrated Transit and Land Use Plan and the subsequent CATS 2030 Corridor System Plan by providing property owners with zoning districts that will allow higher density mixed-use development near transit stations to support the community's investment in light rail rapid transit.

PLANNING STAFF REVIEW

Background

- Over 1,500 parcels on the LYNX Blue Line corridor have a recommended future land use of transit oriented development in an adopted transit station area plan. The goal is to rezone most of these parcels to the TOD district identified as being most appropriate for each parcel, either TOD-UC, TOD-NC, TOD-CC or TOD-TR.
 - TOD-UC (urban center): appropriate for parcels near high-intensity transit stations. Permits the greatest building heights, demands the uppermost level of site and architectural design, permits the least amount parking, and requires the most urban form of streetscape and public realm. Should be used at sites closest to transit stations where highest density and most intense uses are envisioned.
 - TOD-NC (neighborhood center): intended for use in high-intensity transit stations to transition from a higher intensity TOD-UC district to adjacent existing neighborhoods, or where the rehabilitation and reuse of existing structures is important to preserving the character of established neighborhoods. Maintains the high level of design standards associated with the TOD-UC district, but is preferred over the TOD-UC district where less intensity is more appropriate, such as adjacent to single-family neighborhoods, or where adopted policy recommends a lower maximum building height.
 - TOD-CC (community center): appropriate for parcels near moderate-intensity transit stations. Its lower maximum building heights, less stringent design standards, and higher maximum parking limits are intended to accommodate and encourage transit oriented development in transit station areas where there is not a current market demand for more intense development.
 - TOD-TR (transition): appropriate for parcels near moderate-intensity transit stations to transition from higher intensity TOD Districts to adjacent existing neighborhoods or where the rehabilitation and reuse of buildings is important to preserving the existing character and scale. Lower building heights, more relaxed design standards, expanded menu of permitted uses, and higher maximum parking limits are intended to accommodate and encourage transit oriented development in transit station areas where there is not a current market demand for more intense development.
- Typically, no site was considered for TOD Alignment Rezoning that did not have an adopted future land use for transit oriented development along the LYNX Blue Line corridor.
- Some parcels were excluded for the following reasons:
 - Current zoning is UMUD district, or is Urban Conditional or Optional zoning district (e.g. TOD-MO, MUDD(CD), UR-2(CD) etc.)

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 Generally, TOD-CC zoned parcels within moderate intensity stations per a study performed by Noell Consulting Group.

- The recommended TOD zoning district for each parcel has been determined using a set of criteria (*Transit Oriented Development Alignment Rezoning Guide*) developed by Charlotte Planning, Design and Development. Generally, the following criteria was used:
 - o Market conditions: Based on a study performed by Noell Consulting Group which identified six station areas as likely to support high intensity development in the near term (stations closest to Uptown). The other station areas along the corridor are expected to develop at more moderate intensities in the near term. The highest intensity TOD district (TOD-UC), along with its companion transition district TOD-NC, are generally recommended for use in the six high intensity station areas, while the less intense TOD-CC and its companion transition district TOD-TR are generally recommended to be used in the moderate intensity station areas.
 - o Walk distance to nearest transit station: Consistent with the intent of the new TOD districts, sites located more than a ½ mile walk from a station platform are generally recommended for TOD-NC or TOD-TR. Sites within ½ mile walk of a station platform are generally recommended for TOD-UC or TOD-CC. Walk distance is based on street network, bicycle and pedestrian paths, and publicly funded street connections.
 - o Proximity to single family residential zoning: sites within 200 feet of single family residential zoning are typically recommended for either TOD-NC or TOD-TR. Exceptions include property where single family residential zoning is a County owned park of three acres or greater, across a 4+ lane street, recommended for transit oriented development, developed with an institutional use, or across a railroad or light rail corridor.
 - o Area plan policies: Some transit station area plans include maximum building height recommendations. Typically, height maximum is recommended to maintain the established character of a street or provide the desired transition to an established neighborhood. Therefore, these areas are generally recommended for either TOD-NC or TOD-TR.
 - Sites previously zoned TOD-M or TOD-R which translated to TOD-CC: These sites were translated when the new TOD Districts were adopted by the Charlotte City Council on April 15, 2019 by Rezoning #2018-169. Some of these parcels will be rezoned as part of this Alignment Rezoning if the ultimate recommended zoning is a district other than TOD-CC (example: a TOD-CC zoned parcel in a High Intensity station may be recommended for TOD-UC).
- Additional changes were made based on community input prior to filing of the rezoning and
 during public informational meetings. Subsequently, several parcels were removed from the
 proposed rezoning using a variety of objective criteria. These included factors such as the
 presence of community floodways, contributing historic structures in National Register districts,
 specific uses that would have potential conflicts with state regulations, and mapping errors.
- There are uses and structures that will be made legally nonconforming through this alignment rezoning. These "grandfathered" uses and structures are allowed to continue and to be maintained under Section 15.10 Nonconformities of the recently adopted TOD Ordinance.

Proposed Request Details/ Existing Zoning and Land use

This is a conventional rezoning petition with no associated site plan. The properties to be rezoned have a variety of existing land uses and zoning as shown below.

Existing uses:

Agriculture	Office
Civic/Institutional	Open Space/Recreation
Industrial	Parking
Warehouse/Distribution	Retail
Mixed Use	Transportation & Utility
Multi-family residential	Vacant
Single family residential (attached/detached)	Water

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Existing Zoning Districts:

Existing Zoning Districts:			
Business	Distributive Business	Office	Multi-family
B-1	B-D	O-1	R-17MF
B-1 HD-0	B-D(CD)	O-1(CD)	R-22MF
B-1 TS	1	O-2	R-22MF HD-O
B-1(CD)	Industrial	O-2 HD-O	R-43MF
B-1SCD	I-1	O-15(CD)	
B-2	I-1 HD-O		Single family
B-2 HD-0	I-1 TS	Institutional	R-3
B-2 TS HD-0	I-1 TS HD-O	INST	R-4
	I-1(CD)		R-5
B-2(CD)	I-2	Mixed Use Development	R-8
CC	I-2 TS	MUDD	
NS	I-2(CD)	Transit Oriented Development	
Business Park	. =(==)	- Community Center	
		_	
BP		TOD-CC & TOD-CC HD-O	

Existing Zoning by the numbers (acreage and percentage of total):

The proposed rezoning includes 1771.18 1782.83 acres made of 1555 1564 individual parcels.

Business and business park zoning:

• 650.67 674.03 acres (36.74% 37.81% of total area)

Industrial, distributive business zoning:

• 667.13 655.22 acres (37.67% 36.75% of total area)

Office zoning:

96.70 acres (5.46% 5.42% of total area)

Institutional zoning:

• 13.50 acres (0.76% of total area)

Mixed use development zoning:

• 19.72 acres (1.11% of total area)

Transit oriented development – Community Center zoning:

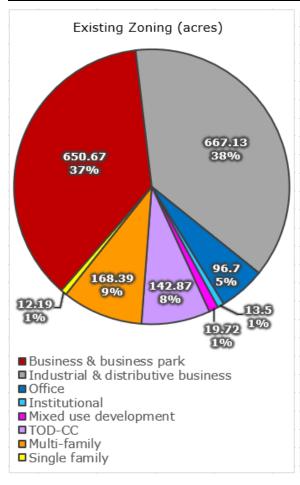
• 142.87 acres (8.06% 8.01% of total area)

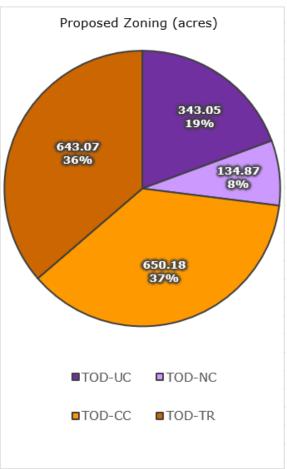
Multi-family zoning:

• 168.39 acres (9.51% 9.45% of total area)

Single family zoning:

• 12.19 12.40 acres (0.69% of total area)





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Proposed changes by station:

- The attached maps illustrate the proposed zoning changes within each transit station areas.
- **J.W. Clay Boulevard Station** Moderate Intensity station area. Due to the existing context and market conditions, all areas are recommended for TOD-CC.
- **McCullough Station** Moderate Intensity station area. Some parcels are recommended to utilize the TOD-TR district to mitigate impacts to abutting single family residences, while a majority of this station area is recommended for TOD-CC.
- University City Boulevard and Tom Hunter Stations University City Boulevard is identified as a Moderate Intensity station area. Some parcels are recommended to utilize the TOD-TR district to mitigate impacts to abutting single family residences, while the remaining land in the station area is recommended for TOD-CC. Tom Hunter is identified as a Moderate Intensity station area. All parcels recommended for Transit Oriented Development in this station area are recommended for a fifty (50) foot maximum building height. Therefore, all properties are recommended for the TOD-TR which best aligns with the adopted height policy.
- Old Concord Road Station Moderate Intensity station area. All parcels recommended for Transit Oriented Development in this station area are recommended for a fifty (50) foot maximum building height. Therefore, all properties are recommended for TOD-TR which best aligns with the adopted height policy.
- **Sugar Creek Station** Moderate Intensity station area. The sites recommended for TOD south of the Blue Line light rail alignment, as well as sites north of Greensboro Street on the west side of Sugar Creek Road, are recommended for a fifty (50) foot maximum building height, and therefore, TOD-TR is the recommended zoning district to align with the adopted height policy. The remainder of the sites are recommended for TOD-CC or TOD-TR.
- **36**th **Street Station** High Intensity station area. The sites recommended for TOD south of the Norfolk Southern Railroad corridor are recommended for a fifty (50) foot maximum building height. Additional sites immediately west of Craighead Avenue and south of the Norfolk Southern Railroad corridor are recommended for a sixty (60) foot maximum building height. The properties identified for TOD with a recommended height limitation are recommended for the TOD-NC zoning district to best align with adopted height policy. The remainder of the properties are recommended for TOD-UC or TOD-NC.
- 25th Street and Parkwood Stations 25th Street is identified as a High Intensity station area. Sites identified for TOD that are generally located south of the Norfolk Southern rail spur to Jordan Place/North Davidson Street are recommended for a fifty (50) foot maximum building height. These are recommended for the TOD-NC Center zoning district to best align with adopted height policy. The remainder of the sites are recommended for TOD-UC. Parkwood is identified as a High Intensity station area. A small area located south of Parkwood Avenue between 15th Street and 16th Street is recommended for a fifty (50) foot maximum building height. This area is recommended for the TOD-NC zoning district to best align with adopted height policy. Other areas recommended for TOD do not have a recommended maximum building height and are recommended for TOD-UC or TOD-NC. Some of the properties recommended for TOD-UC are more than a 1/2 mile walk distance of the Parkwood Station but are within a 1/2 mile walk of the 9th Street Station.
- Carson, Bland and East/West Stations High Intensity station areas. All areas are recommended for TOD-UC or TOD-NC. It is important to note that some properties within the station area are also located within the local Dilworth Historic District and Wilmore Historic District boundaries and will also be subject to those regulations.
- New Bern Station High Intensity station area. All areas are recommended for TOD-UC or TOD-NC.
- **Scaleybark Station** Moderate Intensity station area. Properties in this station area are recommended for TOD-CC or TOD-TR. There is property next to the transit station recommended for TOD-UC to accommodate a planned development project.
- Woodlawn Station Moderate Intensity station area. All areas are recommended for TOD-CC.
- **Tyvola and Archdale Stations** Both Tyvola and Archdale stations are identified as a Moderate Intensity station areas. Most areas are recommended for TOD-CC or TOD-TR. There is one parcel recommended for TOD-NC to accommodate a planned development project.
- Arrowood Station Moderate Intensity station area. All areas are recommended for TOD-CC or TOD-TR.

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 Sharon Road West and I-485 Stations – Both Sharon Road West and I-485 stations are identified as a Moderate Intensity station areas. All areas are recommended for TOD-CC or TOD-TR.

• Rezoning History in Area

Since the adoption of the first transit station area plan in 2005 and opening of the LYNX Blue line in 2007 there have been numerous rezonings to allow transit oriented development along the corridor. These rezonings have been a mixture of conventional and conditional petitions to a TOD or urban zoning district such as MUDD (mixed use development) or UR (urban residential).

Public Plans and Policies

See Attached Future Land Use Maps

• The transit station area plans recommend transit oriented development for the parcels included in the proposed rezoning. Some plans along the northern portion of the Blue line corridor also contain specific recommendations for maximum building heights.

TRANSPORTATION CONSIDERATIONS

- CDOT worked closely with Planning, Design, & Development in the writing of the TOD ordinance (Chapter 15 of the City Code). The ordinance supports CDOT's commitment to plan, build, and maintain a transportation system that provides multimodal options for residents and visitors. More specifically, the TOD ordinance enhances the City's investment in transit by connecting streets, sidewalks, and bike facilities to transit stations.
- CDOT supports this proposed rezoning of parcels along the LYNX Blue Line. Following this rezoning, the stage will be set to construct a robust transportation network to serve residents, businesses, and new development in the Blue Line corridor.
- As individual parcels are developed CDOT will work with the developer to upgrade the street
 network and streetscape in accordance with TOD standards. As outlined in the TOD ordinance, a
 Traffic Impact Study may be required for any proposed development that is expected to create
 2,500 or more daily vehicle trips or as determined by the CDOT Director.

DEPARTMENT COMMENTS (see full department reports online)

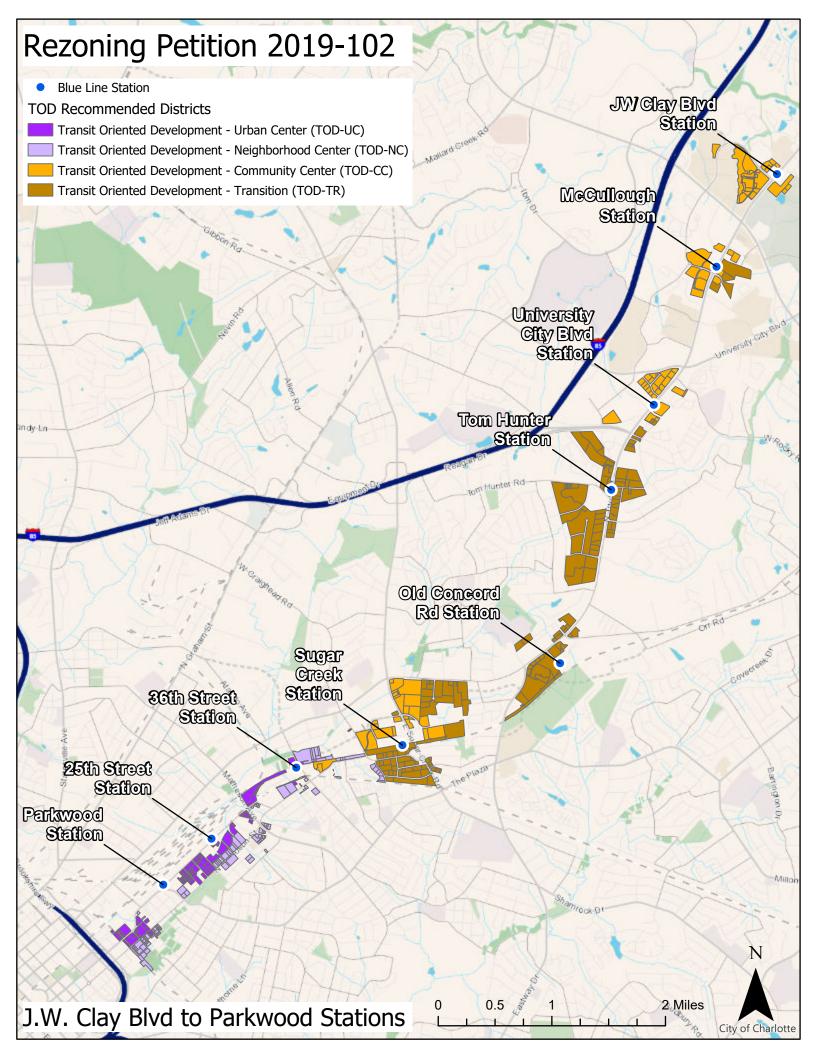
- Charlotte Area Transit System: CATS enthusiastically supports this important rezoning. This proposed rezoning of property along the LYNX Blue Line is consistent with the goals of the 2025 Integrated Transit and Land Use Plan adopted in 1998. Subsequently, the CATS 2030 Corridor System Plan was developed and adopted by the Metropolitan Transit Commission to assist and promote the land use goals of the City of Charlotte and the region. We believe this proposed rezoning will give property owners more flexibility should they choose to redevelop their property to higher density, mixed use development. CATS staff will work with the Planning, Design, and Development Department and property owners/developers if/when development proposals come in on these properties to insure proper integration between the land uses and the LYNX Blue Line and the overall CATS system.
- Charlotte Department of Housing and Neighborhood Services: Housing & Neighborhood Services worked extensively with the Planning Department in creating an Affordable Housing Density Bonus Program for developments within the transit corridor. The density bonus program was designed based on practical and successful experiences municipalities have had in implementing such programs. The Affordable Housing Density Bonus Program should aid in the development of affordable housing within transit corridors as well as increase the amount Housing Trust Funds available for affordable housing. These, and other benefits, will be realized through the rezoning of parcels in our transit station areas to Transit Oriented Development.
- Charlotte Fire Department: No outstanding issues.
- Charlotte-Mecklenburg Schools: This a conventional petition allowing a variety of uses and densities; therefore, the number of students that could be generated cannot be determined.
- Charlotte Water: CLTWATER supports the TOD ordinance and rezoning of parcels along the LYNX Blue Line. CLTWATER is addressing the overall impact of the densification of these parcels through the 2040 Comprehensive Plan to better understand the anticipated impact of growth and development on the CLTWATER infrastructure. As individual parcels are developed, CLTWATER will work with the development community to upgrade any required water or sanitary sewer infrastructure to maintain adequate service levels and regulatory compliance. See advisory comments at www.rezoning.com

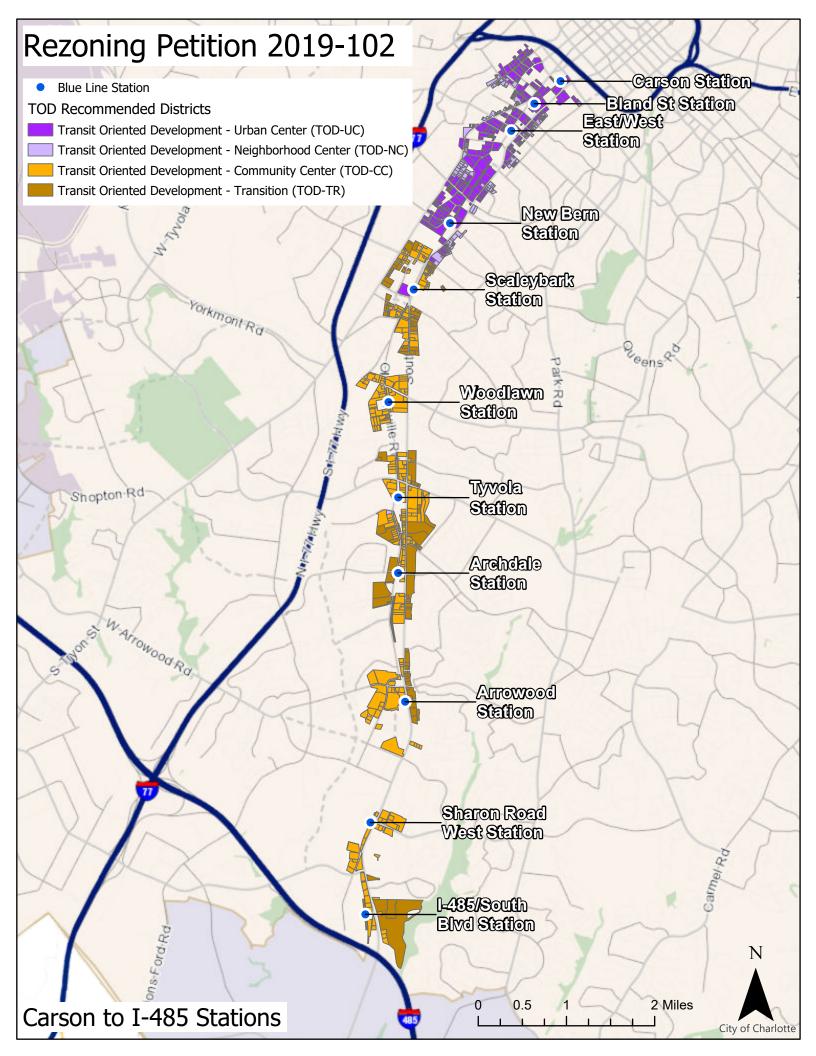
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- Engineering and Property Management:
 - Arborist: No comments submitted.
 - Erosion Control: No outstanding issues.
 - Land Development: No outstanding issues.
 - Storm Water Services: No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- Mecklenburg County Land Use and Environmental Services Agency: No outstanding issues.
- Mecklenburg County Parks and Recreation Department: No outstanding issues.

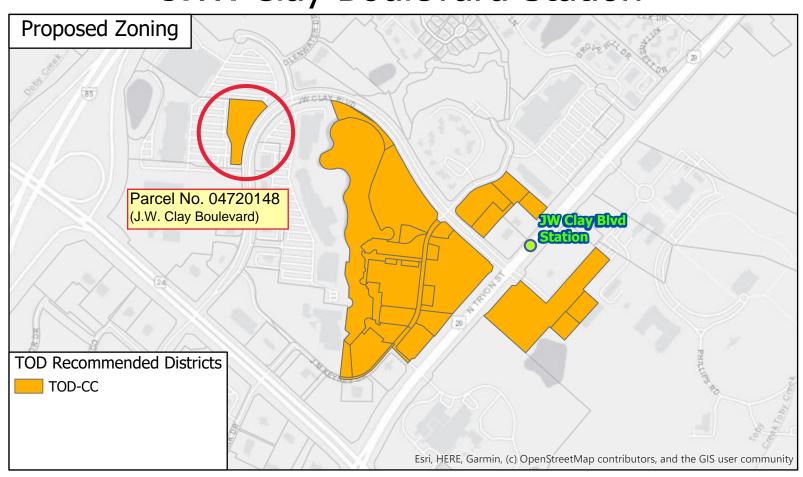
See Attachments (applications, department memos, maps etc.) online at www.rezoning.org
More information related to the new TOD districts and the alignment rezoning process at https://charlotteudo.org/transit-oriented-development/zoning-translation-and-alignment/

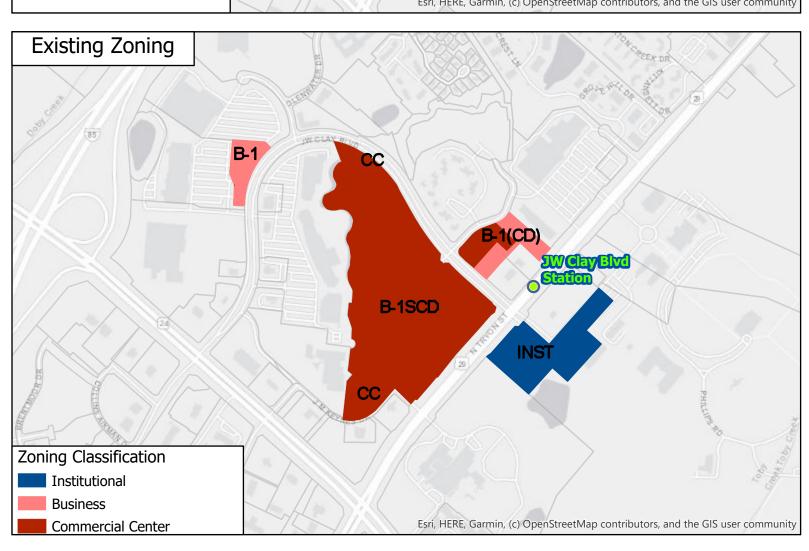
Planner: John Kinley, Alan Goodwin, Andrew Ausel, Dave Pettine, Claire Lyte-Graham, Will Linville and Michael Russell.



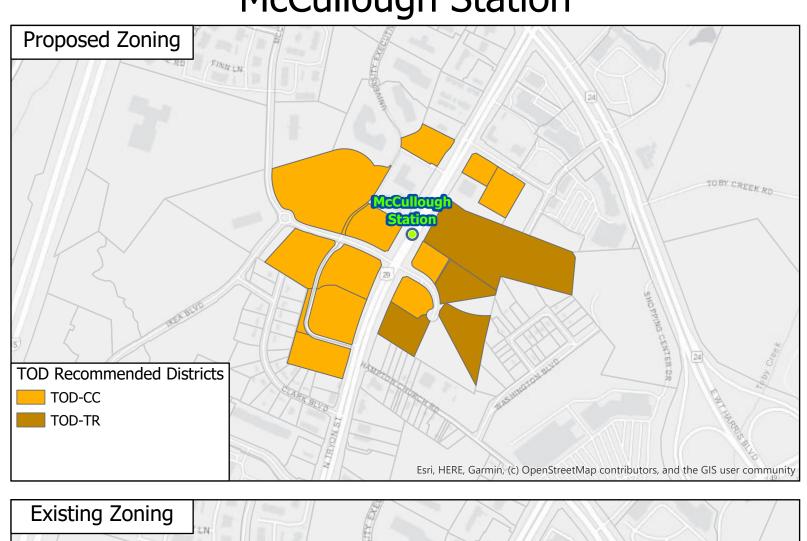


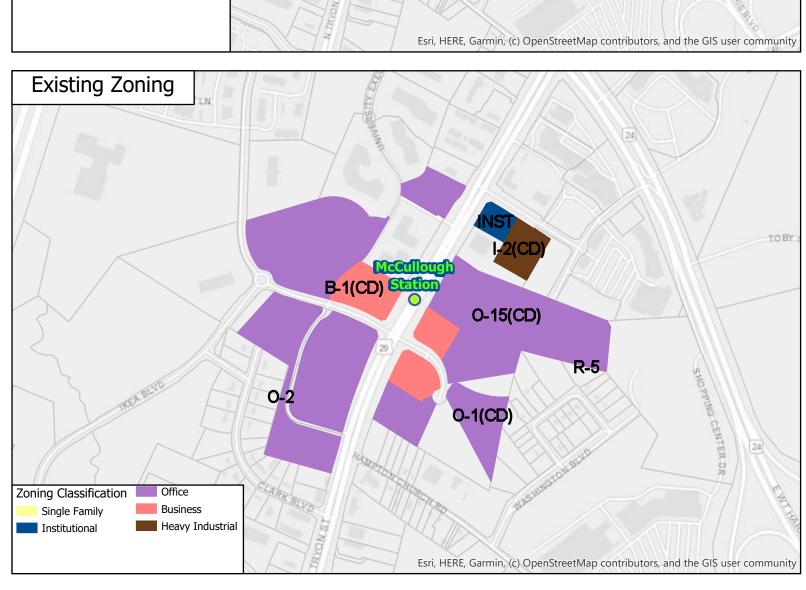
J.W. Clay Boulevard Station



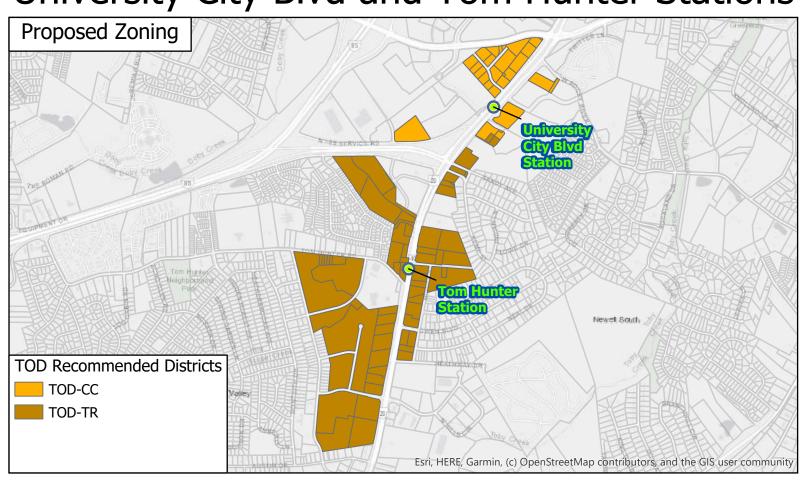


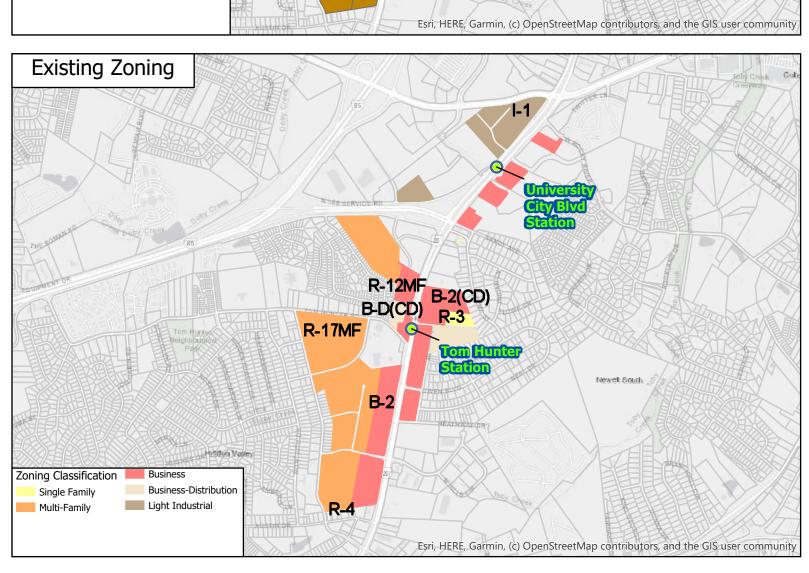
McCullough Station



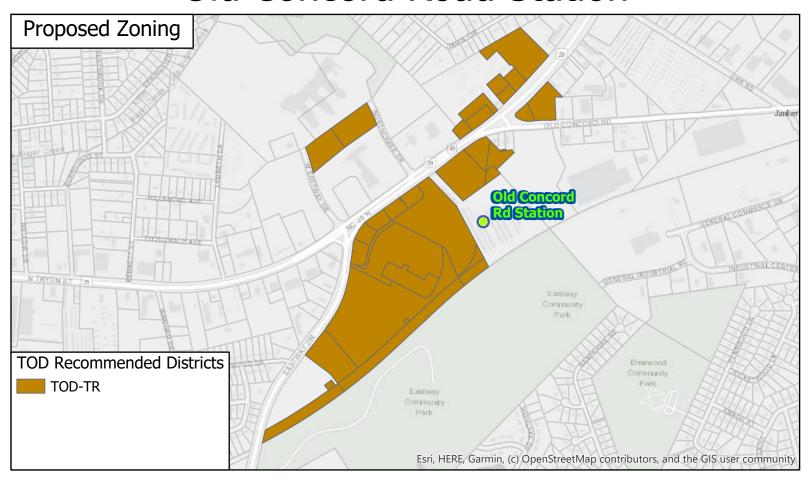


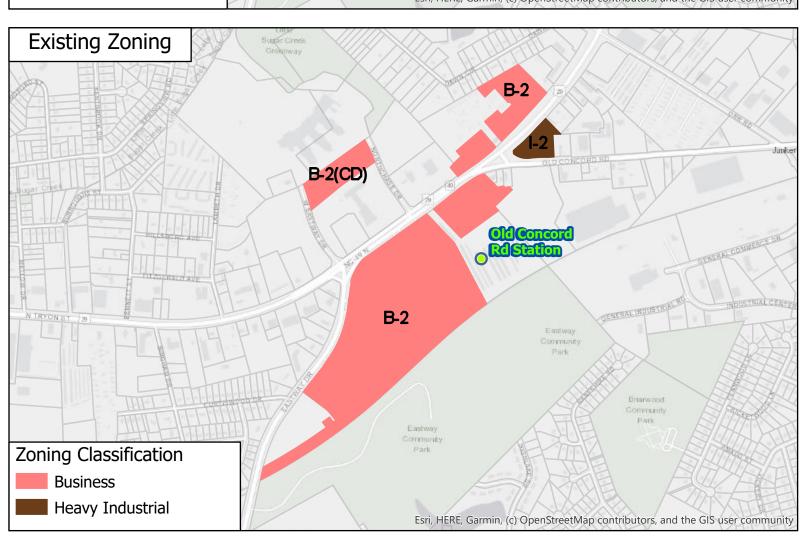
University City Blvd and Tom Hunter Stations



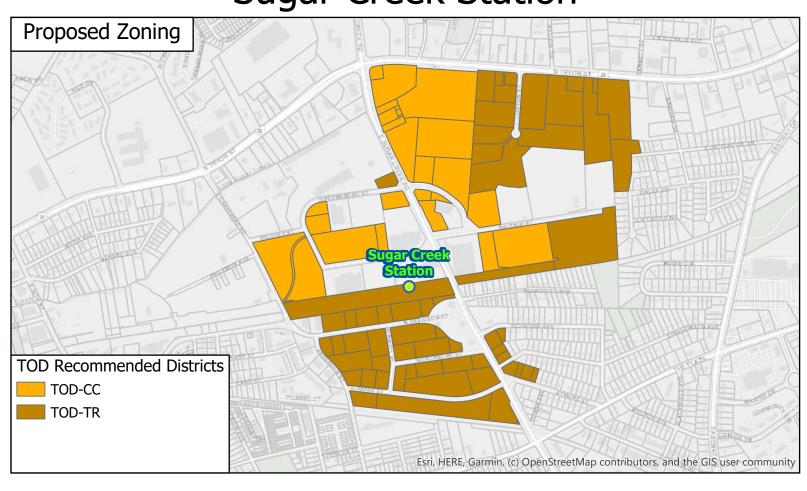


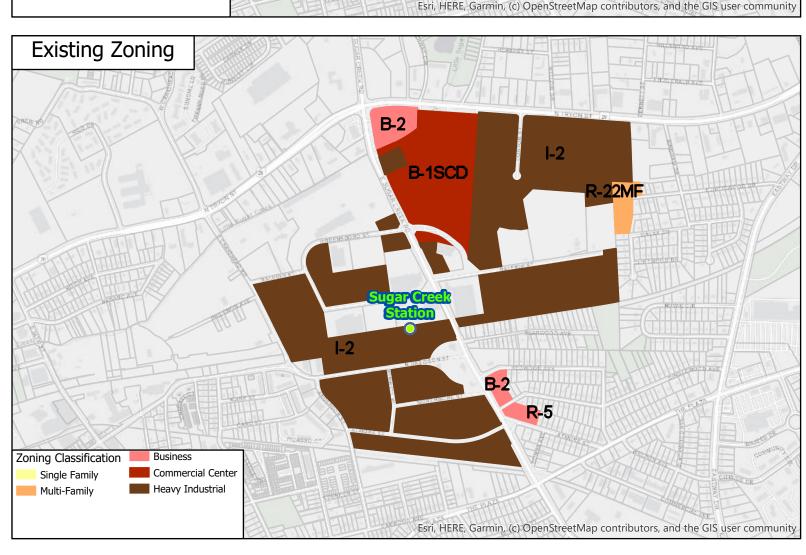
Old Concord Road Station



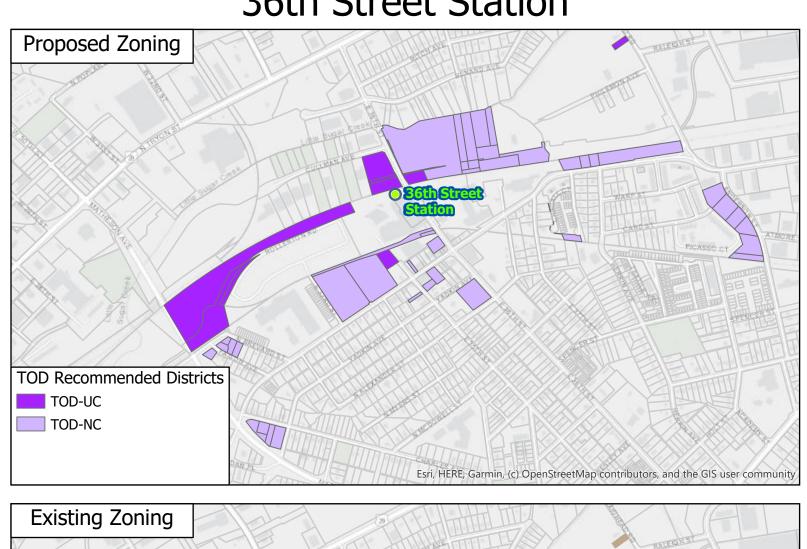


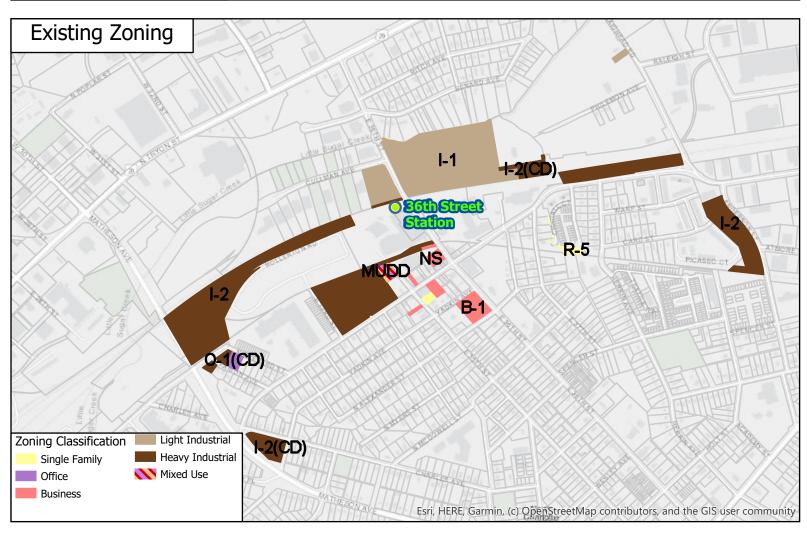
Sugar Creek Station



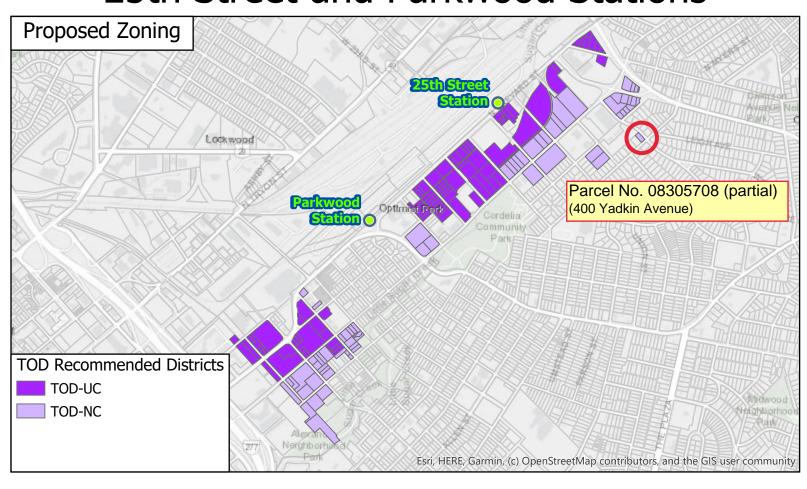


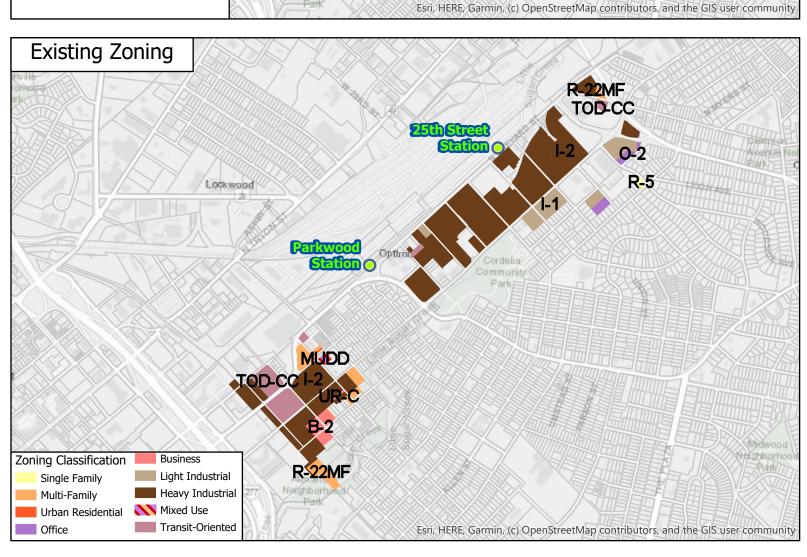
36th Street Station



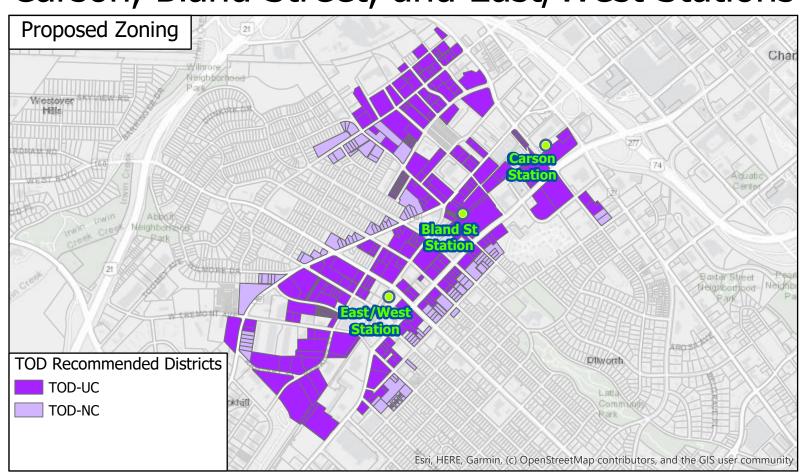


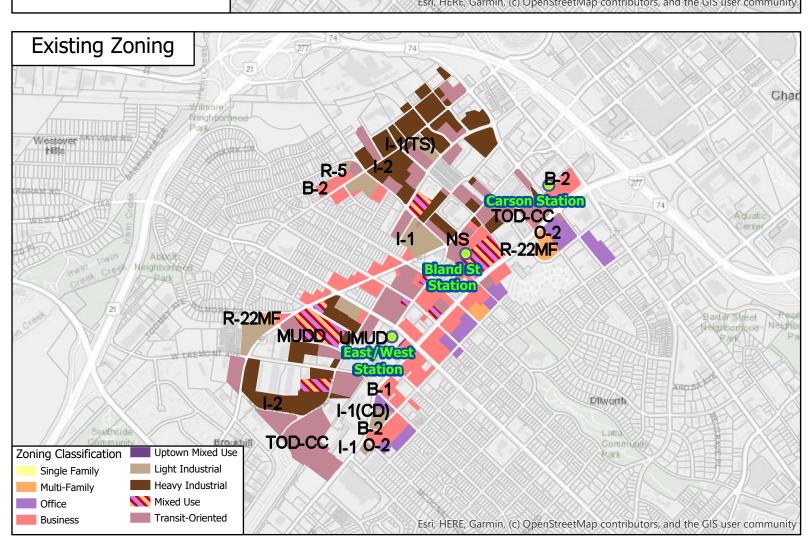
25th Street and Parkwood Stations



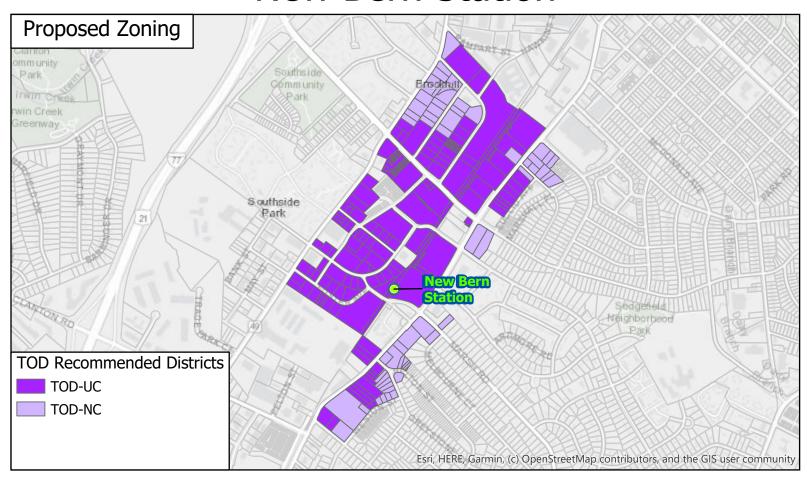


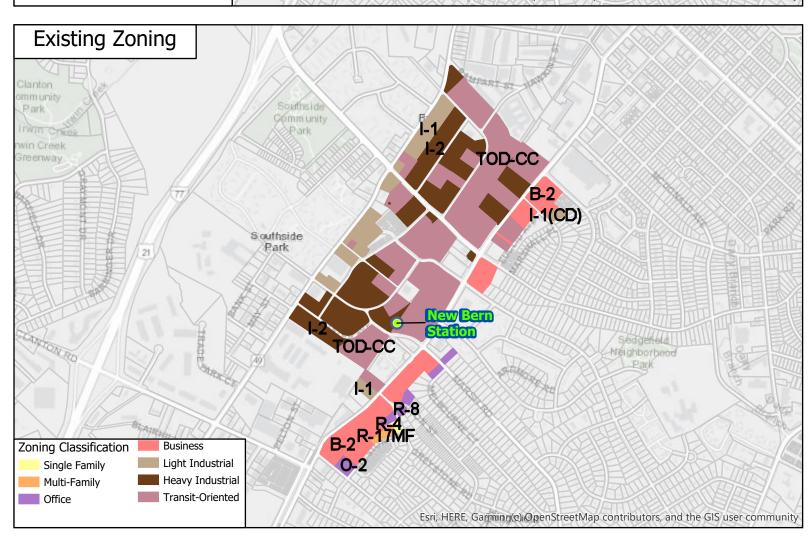
Carson, Bland Street, and East/West Stations



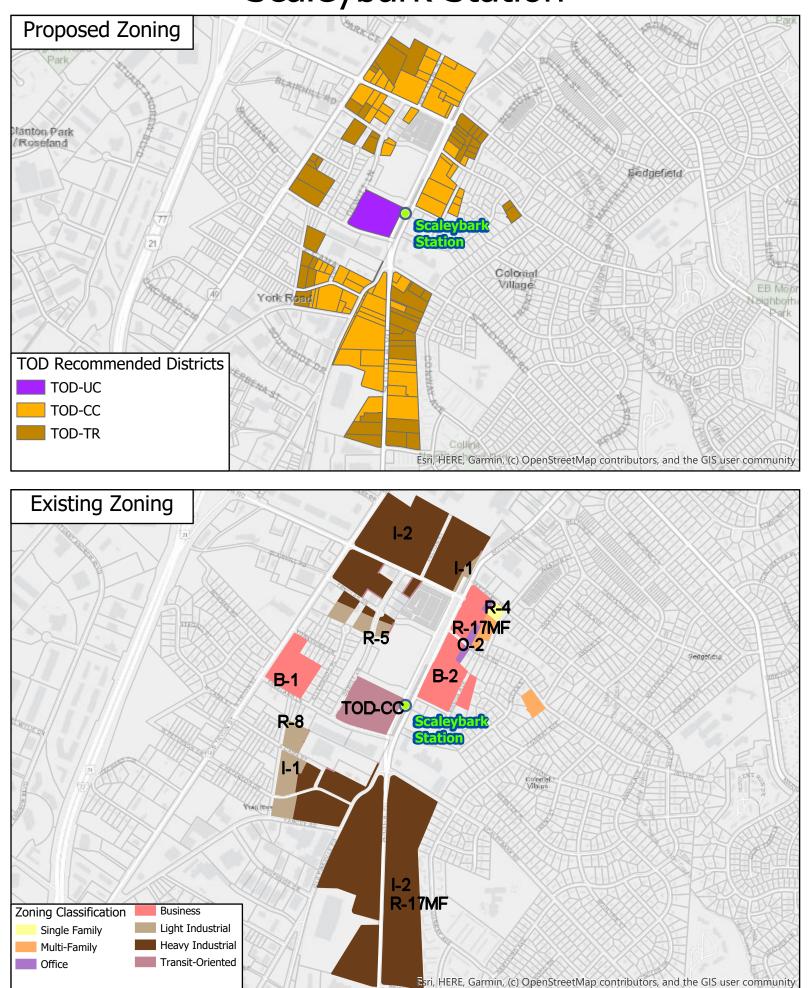


New Bern Station

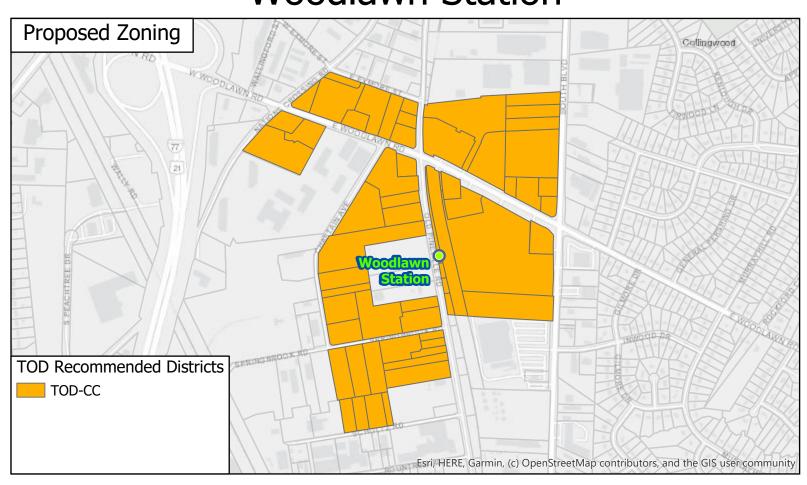


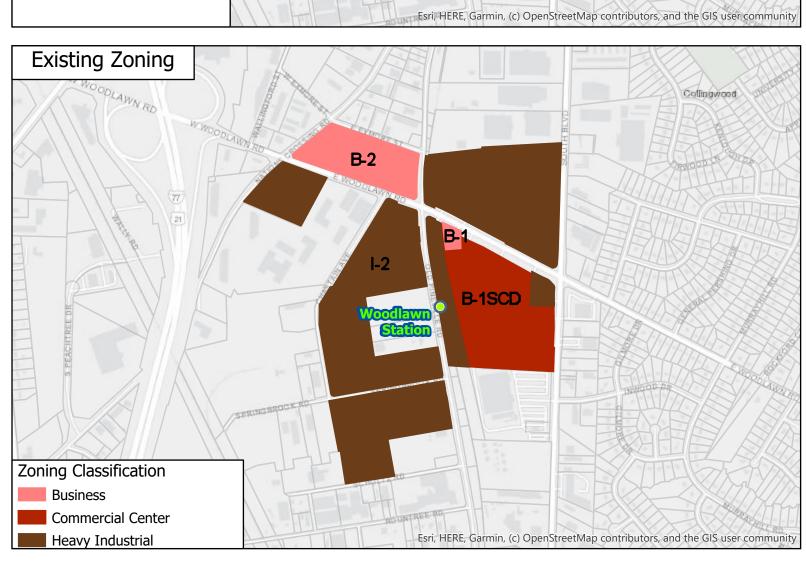


Scaleybark Station

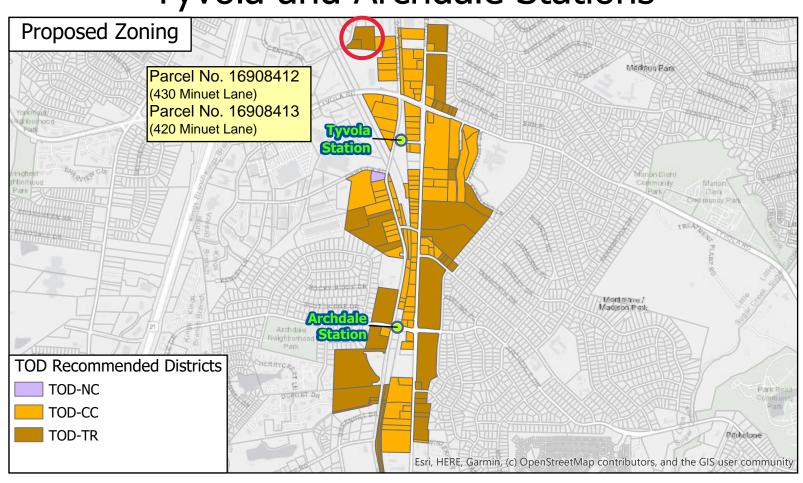


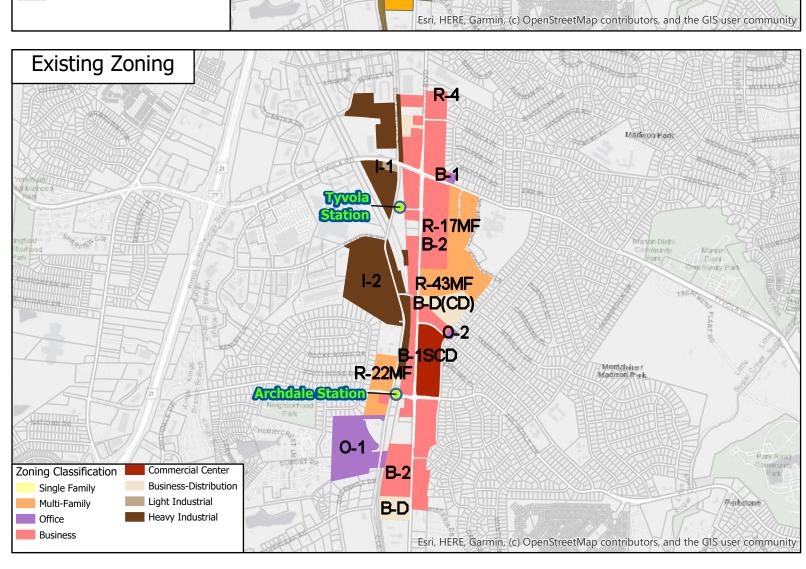
Woodlawn Station



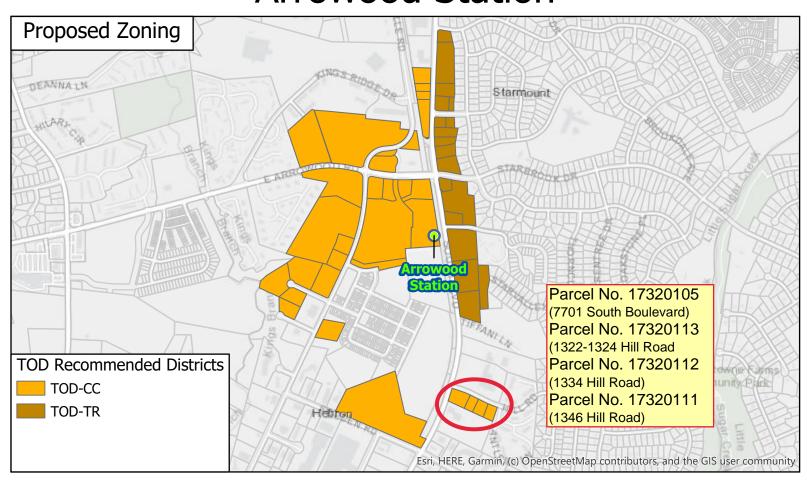


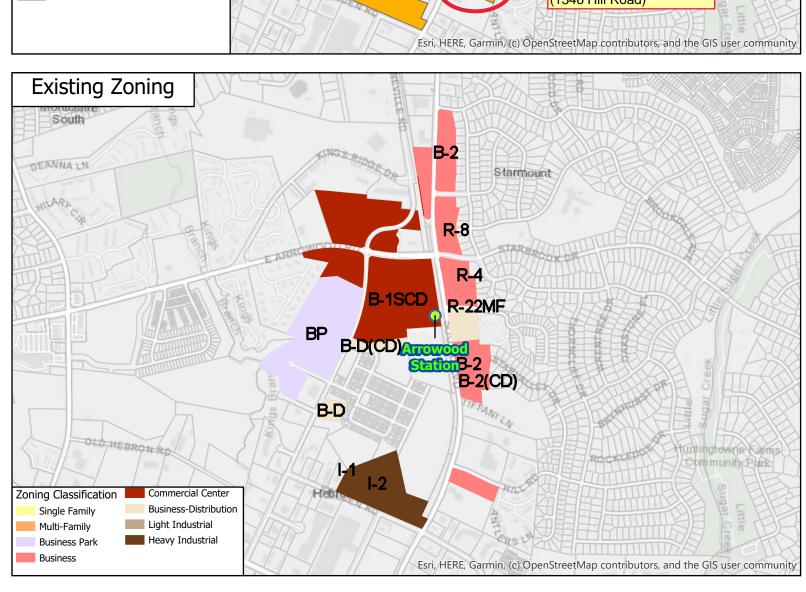
Tyvola and Archdale Stations





Arrowood Station





Sharon Road West and I-485/South Blvd Stations

