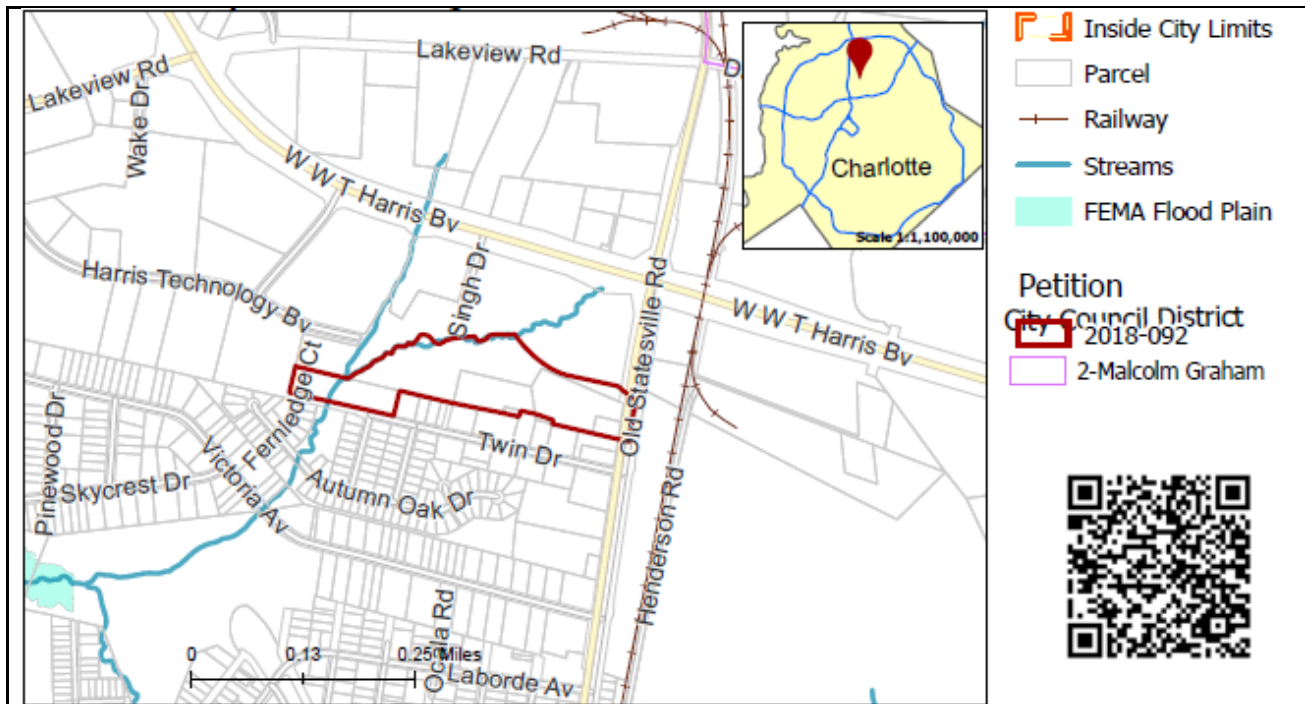


## REQUEST

Current Zoning: R-MH (manufactured housing), B-2 (general business), and I-1(CD) (light industrial, conditional)  
Proposed Zoning: UR-3(CD) (urban residential, conditional)

## LOCATION

Approximately 14.47 acres located on the west side of Old Statesville Road, south of West W.T. Harris Boulevard.  
Council District 2 - Graham



## SUMMARY OF PETITION

The petition proposes an apartment community on land partially developed with single family homes with the remainder of the site vacant. The subject site is located in North Charlotte between I-485 and Old Statesville Road, north of West W.T. Harris Boulevard.

## PROPERTY OWNER

Various

## PETITIONER

Contravest Development Partners, LLC

## AGENT/REPRESENTATIVE

Walter Fields, Walter Fields Group, Inc.

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 7

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Northeast District Plan* recommendation for office/industrial land uses on a portion of the site and light industrial uses on the remainder of the site.

### Rationale for Recommendation

- While the proposed development is inconsistent with the office/industrial and light industrial land uses recommended for this site, it would provide a reasonable transition between existing single family uses, and possible industrial uses that could develop at the intersection of WT Harris Boulevard and Old Statesville Road.

- The proposed use would be compatible and complimentary to an approved mixed-use project directly across Old Statesville Road.
- The project will provide adequate open space amenities for residents.
- The project will contribute funds to the NCDOT quad-left project including funds for sidewalks and planting strips held in escrow until 2028.
- The petitioner will provide a temporary access point to remain until NCDOT's construction of the Quad Left Road (STIP U-5772) is complete, at which time the property will be provided with a permanent second access point via a public street connection to the Quad Left Road.

The approval of this petition will revise the adopted future land use as specified in the *Northeast District Plan*, from the current light industrial and office/industrial land uses, to residential land use up to 22 dwelling units per acre for the site.

## PLANNING STAFF REVIEW

### • Background

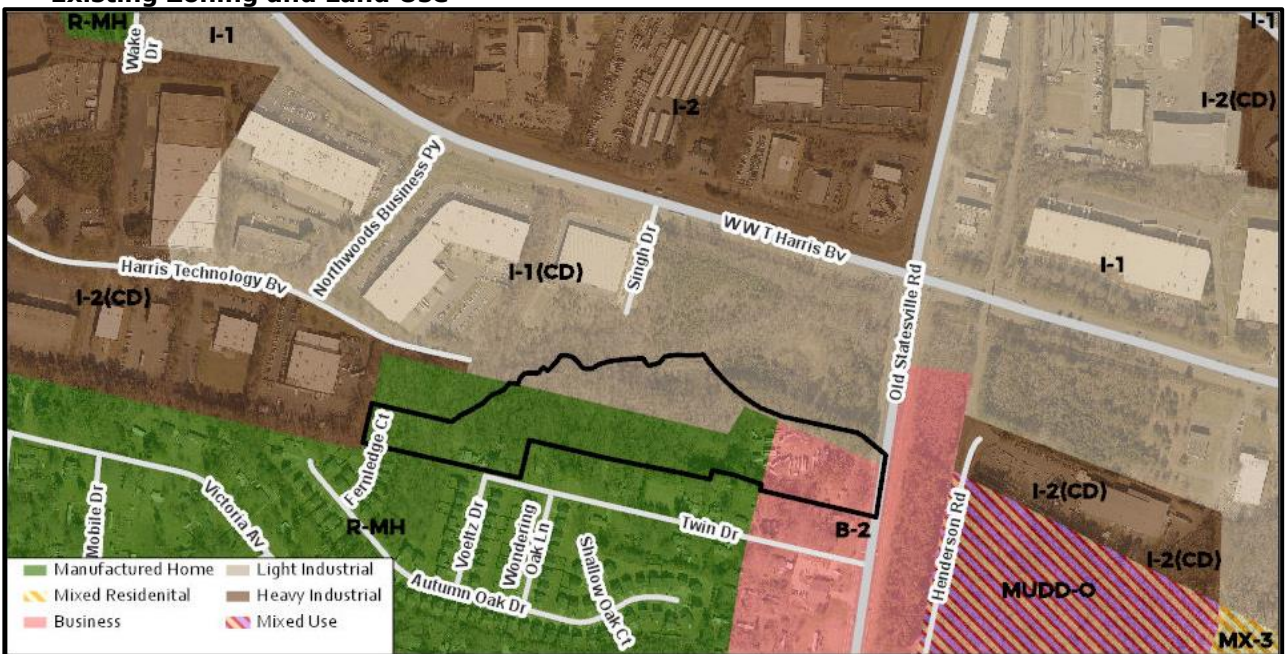
- The City Council public hearing for rezoning petition 2018-092 was held on September 16, 2019. Staff did not support the request in its current form because of issues pertaining to limited access into the site. Since the public hearing the petitioner has continued to work with the City of Charlotte, CDOT and NCDOT to resolve issues. The petitioner also conducted a second community meeting to discuss the new proposed temporary connection to Twin Drive.

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 280 multi-family units at a density of 19.35 dwelling units per acre.
- Limits building height to 4 stories but may include 4/5 splits where the 5<sup>th</sup> floor meets basement definitions. These buildings will not be located with the 5<sup>th</sup> floor facing toward single family development.
- Provides a 25-foot Class B buffer standard along property lines abutting existing residential development. Notes buffer may include trees, shrubs and/or a fence or berm.
- Provides a 10-foot Class C buffer standard along property lines adjacent to the proposed storm water facility (BMP).
- Commits to the following transportation improvements:
  - Access via a driveway to Old Statesville Road and a future connection to the proposed NCDOT Loop Road as shown on the plan.
  - A temporary driveway connection to proposed network street, to remain in place until the NCDOT driveway is constructed.
  - Notes new private street will meet USDG standards. If on street parking is provided, the road will be designed to the Residential Wide Requirements. If on street parking is not provided, the road will be designed to Residential Medium Standards.
  - An 8-foot sidewalk, 8-foot planting strip and controlled access fence to be located within the loop road future right-of-way.
  - An 8-foot planting strip and 8-foot sidewalk along Old Statesville Road.
  - A 20-foot setback along internal loop road and a 30-foot setback along Old Statesville Road.
  - As required by NCDOT, petitioner will establish an escrow fund to provide funds for the future public street connection and turn lane on the north side of the site to connect to the proposed NCDOT quadrant left loop road and funds to construct a future 8-foot planting strip and 8-foot sidewalk within the future right-of-way along the project frontage with the quadrant left loop road. Those funds for the street connection and turn lane will be limited to \$44,125.00. Funds for the sidewalk and planting strip will be limited to \$22,500. Funds will be paid to NCDOT at the completion of the turn lane, the future public street connection, and the sidewalk and planting strip construction. The issuance of the certificates of occupancy for buildings on the site will not be tied to the completion of the turn lane, the future public street connection, and the sidewalk and planting strip as the petitioner is not responsible for nor has any control over the construction of the quadrant left intersection plan. If NCDOT's turn lane, future public street connection, sidewalk and planting strip or quadrant left plans change, or the quadrant left roadway improvement is not complete by 2028, then the petitioner's funds held in escrow will be released to the petitioner with no further obligation on the petitioner for such improvements unless mutually agreed to by the petitioner and CDOT.

- As required by City Staff to resolve what has been deemed limited and restricted site access, the petitioner will provide a temporary access point to the property by connecting the southern terminus of the new private street to an existing unpaved, unnamed street thereby providing the property with a connection to Twin Drive. This temporary access will remain as described until NCDOT's construction of the Quad Left Road (STIP U-5772) is complete, at which time the property will be provided with a permanent second access point via a public street connection to the Quad Left Road at its intersection with the northern terminus of the new private street. The petitioner will improve the existing unnamed, unpaved street by constructing 2 paved 10-foot wide travel lanes accompanied by 24-foot shoulders. As required by the City, all to fit within the available 30 feet of land. This transportation improvement will provide the proposed development with 2 enter/exit site access points on the date that the development receives its first certificate of occupancy. This connection will be closed when the connection to the Loop Road is completed and open.
- Dedicates and conveys right-of-way to the City of Charlotte or to NCDOT for NC 115 prior to the site's first building certificate of occupancy for the class of street measured from the centerline if adequate right-of-way is not already present.
- Commits to the following architectural standards:
  - Typical building images illustrating the overall scale, character, and quality of the building proposed to be constructed on the site.
  - At least 20% of the portions of the building of exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products.
  - Vinyl siding will only be used for trim, soffits, and architectural detail.
  - Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public or private street.
  - Buildings will be designed with façade articulation to break up mass and create variety in the character of the façade.
  - Main windows will be arranged to avoid large masses of glass and will be designed to be taller than they are wide.
- Open space with active and passive elements, including club house and pool as well as a dog park.
- Illustrates 30-foot post construction buffers, wetland area, approximate location of storm water facility. Notes the storm water facility will be landscaped and maintained as part of the overall landscaping of the site.
- Existing Zoning and Land Use**



- The rezoning site is mostly vacant except for a single-family home, and is surrounded by a mix of single family residential, commercial, and office/warehouse/industrial uses on properties in various zoning districts.

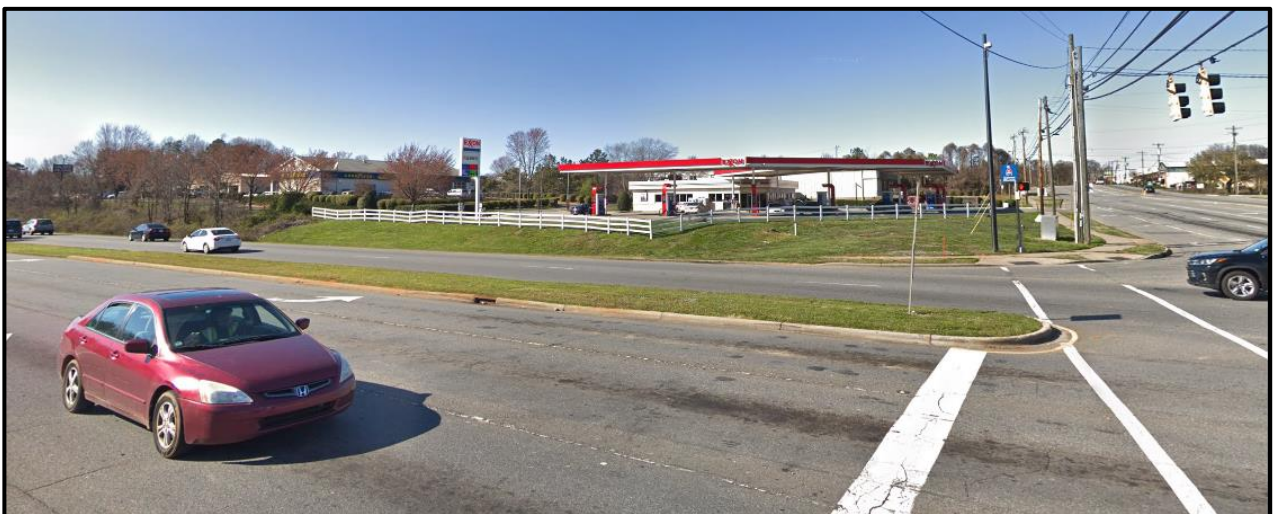




The site is mostly vacant except for a single-family home, and is surrounded by residential and non-residential uses.



South of the site are single family residential homes.



To the north, across West W.T. Harris Boulevard, are commercial uses.





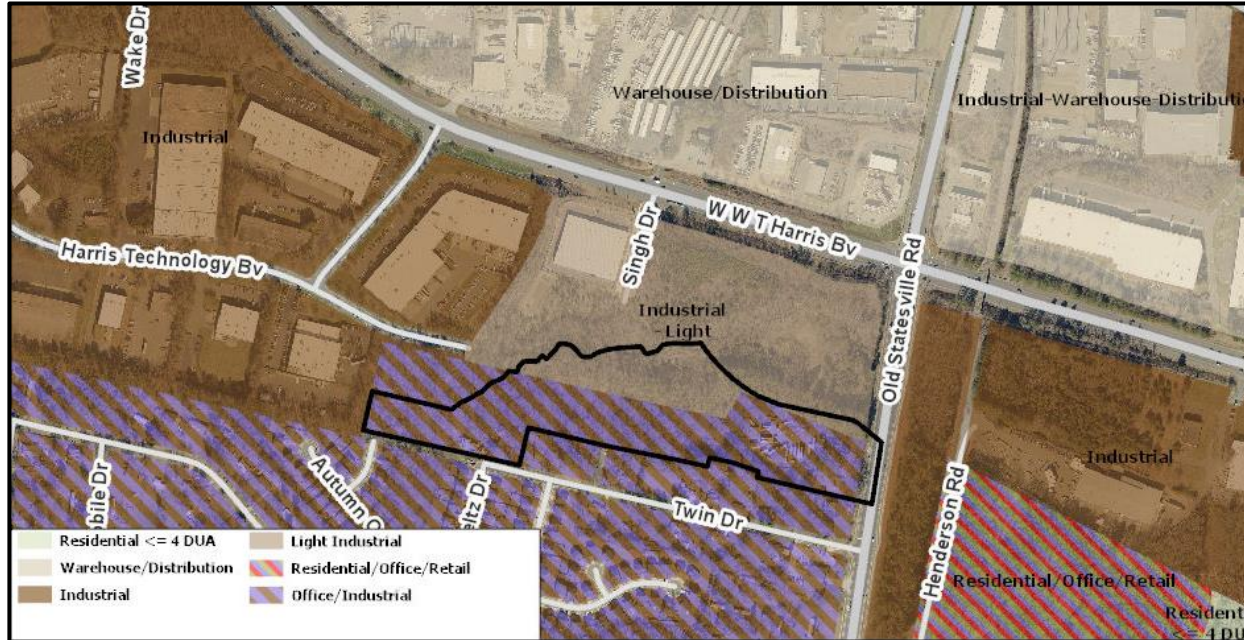
To the west are office/flex/warehouse/industrial uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-083	Rezoned approximately 15.38 acres from R-9 PUD, R-4, and RU(CD) to UR-2(CD) to allow up to 115 attached dwelling units at a density of 7.47 units per acre.	Approved
2015-107	Rezoned approximately 12.99 acres from INST(CD) and MX-2 (innov) to MX-2(innov) and MX-2(innov) SPA to allow up to 98 attached dwelling units at a density of 7.54 units per acre.	Approved

## • Public Plans and Policies



- The *Northeast District Plan* (adopted 1996) recommends office/industrial land uses for most of the site, and light industrial on the remainder of the parcel.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition does not meet the *General Development Policies* locational criteria for consideration for the 19.35 dwellings per acre requested, as illustrated in the table below.

Assessment Criteria	Density Category – over 17 DUA
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	1
Connectivity Analysis	2
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 14</b>	<b>Total Points: 10</b>

## • TRANSPORTATION CONSIDERATIONS

- The site is located along a major thoroughfare. The site plan needs to provide two public site driveways to serve the site's full entitlements or agree to a reduced project density until NCDOT constructs the Quad Loop connector roadway. CDOT is requesting additional public street connectivity to meet the intent of the previous rezoning for this property and provide better street network in the area due to the lack of existing street connectivity.
- The proposed site access is directly affected by NCDOT's funded NCDOT's U-5772 TIP project. NCDOT will need to review and approve the proposed site access and street network and its potential transportation impacts associated with the funded NCDOT TIP project. An existing Zoning Administrative Approval, dated February 10, 1993 requires a Harris Technology Boulevard. to be extended east through the site and connect to Old Statesville Road.
- ~~See Outstanding Issues, Notes 2-7. Addressed.~~
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on tax record).
    - Entitlement: 6,810 trips per day (100,000 square feet of office, 55,000 square feet of retail, and 200,000 square feet of warehouse based on rezoning petition 1997-051).
  - Proposed Zoning: 1,520 trips per day (based 280 apartment units; site plan dated 08-12-2019).

## DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Note 1. **Not Addressed.**
- **Charlotte Department of Housing and Neighborhood Services:** See online advisory comment



at [www.rezoning.org](http://www.rezoning.org) regarding housing units and supply.

- **Charlotte Fire Department:** See online advisory comment at [www.rezoning.org](http://www.rezoning.org) regarding fire hydrant location.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 11 students, while the development allowed under the proposed zoning may produce 41 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 30.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Blythe Elementary remains at 121%
    - J.M. Alexander Middle remains at 78%
    - North Mecklenburg High remains at 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 24-inch water transmission mains located along WT Harris Boulevard and Old Statesville Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via existing 8-inch gravity sewer mains located within the rezoning boundary.
- **Engineering and Property Management:**
  - **Arborist:** See online advisory comment regarding trees in right-of-way and tree planting requirements.
  - **Erosion Control:** No comments submitted.
  - **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

### Transportation

1. CATS requests that petitioner provide and construct a new waiting pad for the existing bus stop on Old Statesville Road at the southern point of the site per standard 60.01C. **Not Addressed.**
2. ~~The proposed zoning district has a setback measured from back of the existing or proposed future curbline. All future curb lines will be determined once the mutually agreed upon street network is established among the petitioner, NCDOT, and CDOT. The location of the future back of curb will be determined by NCDOT.~~ **Addressed.**
3. ~~Revise the site plan and add conditional notes to depict and specify all proposed transportation improvements as currently shown on NCDOT's U-5772 TIP project conceptual plans, including existing and proposed right of way, temporary construction easements, permanent easements for a planned traffic signal, proposed back of curb, and eastbound Quad left roadway right turn lane to the proposed local residential medium street, and required building setback lines along the site's Old Statesville Road frontage.~~ **Addressed.**
4. ~~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. CDOT requests right of way set at 2 feet behind back of sidewalk where feasible.~~ **Addressed.**
5. ~~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 conditional notes.~~ **Addressed.**
6. ~~Revise the site plan to revise transportation conditional note 4.c to read.....to provide funds for the future public street connection and an "EB-right" turn lane on the north of the site....~~ **Addressed.**
7. ~~Revise the site plan to depict and add a transportation conditional note to read: The City's Subdivision Ordinance requires two site drives to serve the proposed development. The petitioner has the option and needs to implement one of the following transportation alternatives until the two site driveways are implemented are constructed:~~
  - a. ~~The petitioner agrees to reduce the proposed development density to only allow 140 dwelling units certificate of occupancy until two public site access driveways are provided to serve the site.~~
  - b. ~~The petitioner needs to construct two 10-foot travel lanes, 2.5-foot curb/gutter and a 5-foot back of curb sidewalk street section between Twin Drive and the site's southern property line (i.e. the site's proposed 71-foot public right of way). The petitioner also needs to revise the~~

- site plan's 71-foot Public Access Easement call-out to read: Construct Local Residential Medium Street Section (71-foot Public Right-of-Way). This transportation improvement will provide the proposed subdivision two enter/exit site driveways; or
- c. ~~The petitioner needs to provide shall construct two 10-foot travel lanes with 2-foot paved shoulders and appropriate drainage improvements to provide a 2nd driveway connection to Old Statesville Road. This transportation improvement will provide the proposed subdivision two enter/exit site driveways.~~ Addressed.

Site and Building Design

8. ~~The petitioner should incorporate a fence or wall into the proposed Class B buffer that will abut existing single-family homes.~~ Addressed

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

**Planner:** Claire Lyte-Graham (704) 336-3782