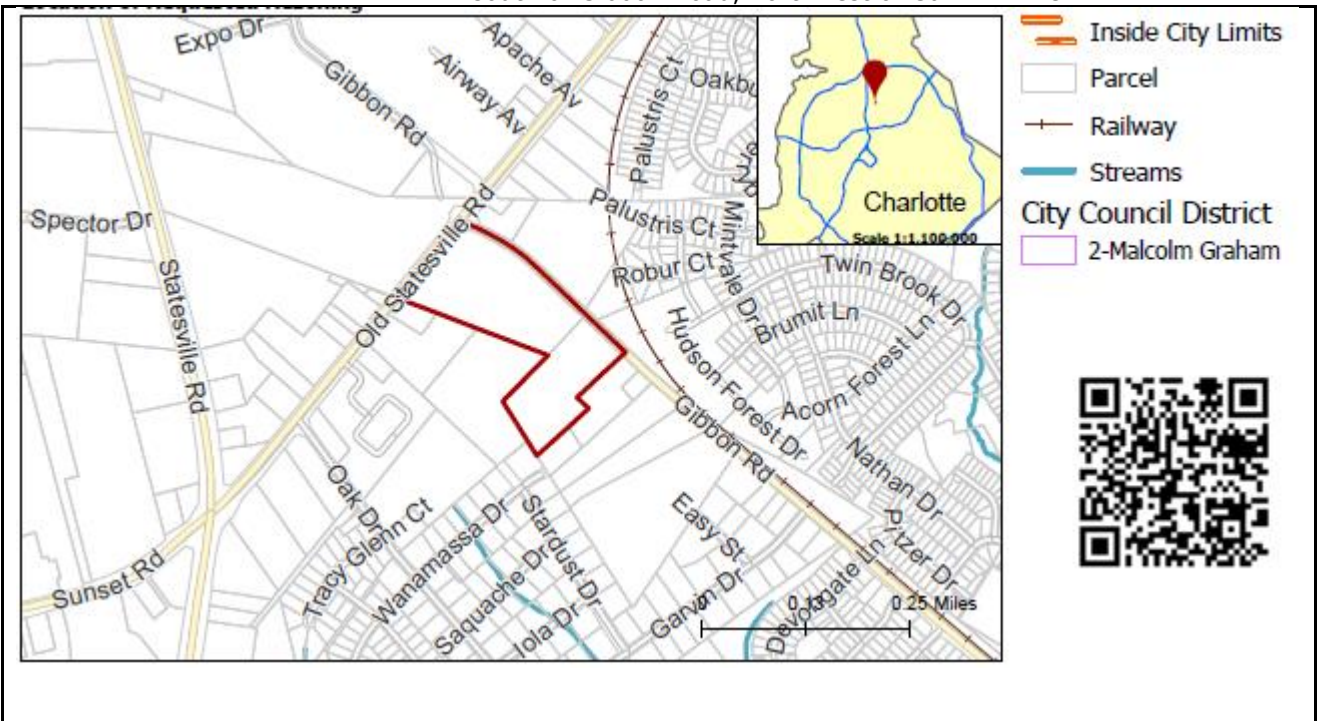


REQUEST

Current Zoning: I-2 (CD) (general industrial, conditional) and R-3 (single-family residential)
Proposed Zoning: R-8MF(CD) (multi-family residential, conditional) and B-2(CD) (general business, conditional)

LOCATION

Approximately 17.3 acres located east of Old Statesville Road, south of Gibbon Road, northwest of Garvin Drive.



SUMMARY OF PETITION

The petition proposes up to 280 multi-family and/or single family (attached/detached) residential uses subject to conversion rights. While the primary proposed use is residential, retail/commercial up to 10,000 square-foot is allowed in the B-2(CD) portion of the site. Only residential uses are permitted for the R-8MF(CD) portion of the site. The site is vacant.

PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE

KSS Charlotte LLC
i3i Ventures, LP
Collin Brown, Alexander Ricks PLLC

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 **consistent** with the Northeast District Plan (1996) recommendation for residential uses up to 8 dwelling units per acre for the southeastern portion of the site. This petition is **inconsistent** with the plan recommendation, as amended by a previous rezoning, for heavy industrial for the property fronting Old Statesville Rd.

Rationale for Recommendation

- The *Northeast District Plan (1996)* recommends concentrating medium and higher density housing close to or along major thoroughfares.
- This petition proposes single and attached residential units up to 12 DUA for the parcel facing Old Statesville Road and up to 8 DUA for the parcel facing Gibbon road.
- Rezoning this site for multi-family and single-family use is consistent with the plan's land use recommendation of 8 DUA for the parcel facing Gibbon road, and will also fulfill the area plan's objection of locating higher density housing close to major thoroughfares.
- While the petitioner plans to develop this site for only residential use, the rezoning of parcel 04545110, whose primary frontage is on Old Statesville Road, to B-2(CD) will also allow for commercial uses of no more than 10,000 square feet as stipulated by the site plan. Rezoning this parcel to B-2(CD) is consistent with the *Northeast District Plan (1996)* original future land use designation of retail use, before it was changed to industrial under Rezoning 2007-016.

The approval of this petition will revise the adopted future land use for parcel 04545110, as specified by the *Northeast District Plan (1996)*, from Industrial use to Retail use for the site.

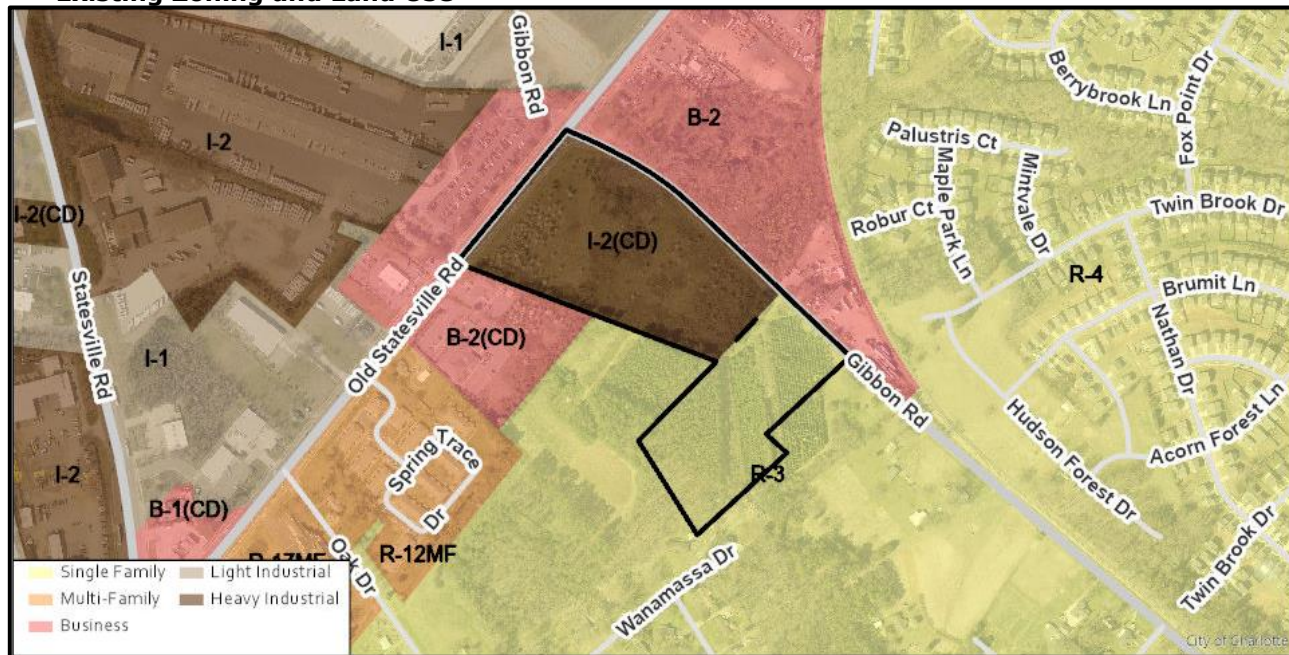
PLANNING STAFF REVIEW

- **Proposed Request Details**

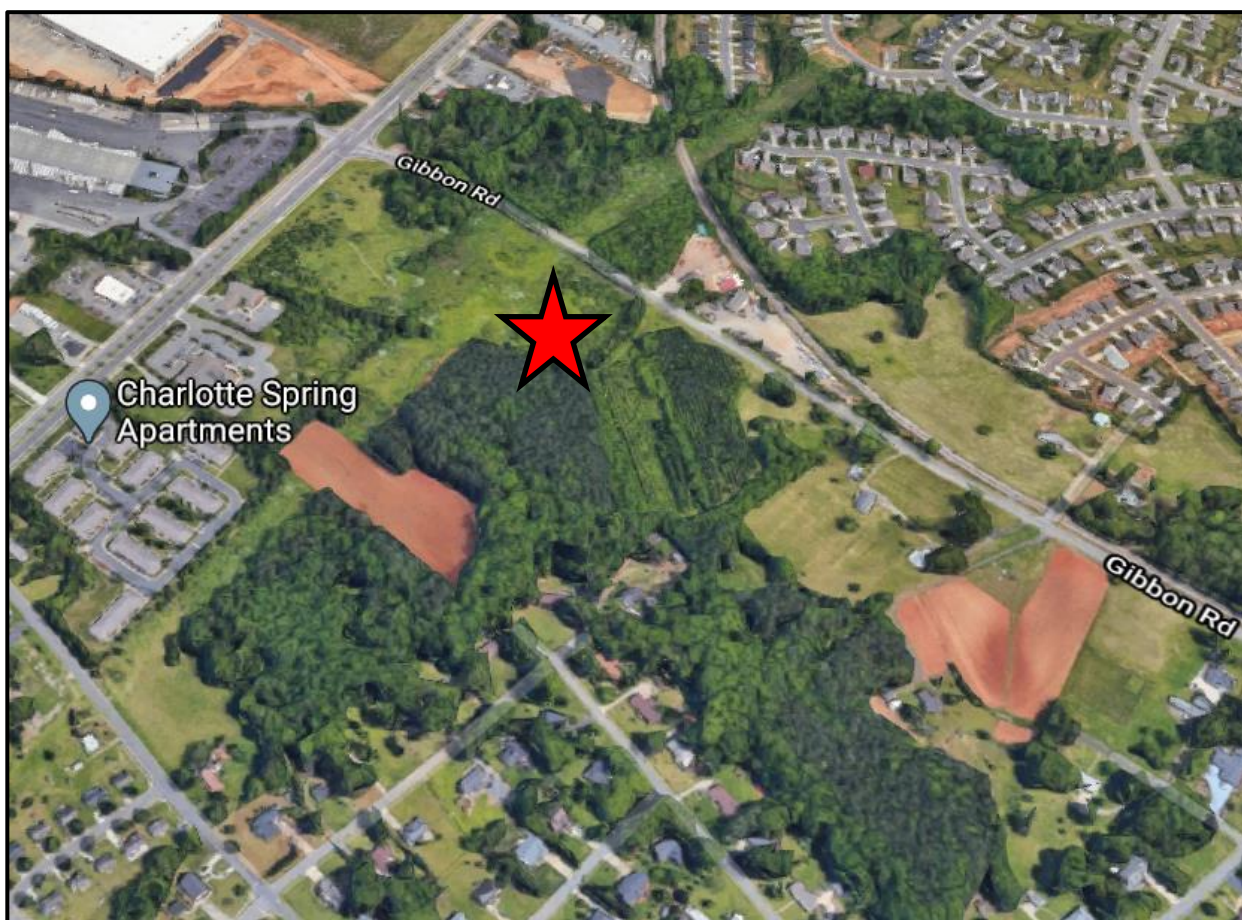
The site plan accompanying this petition contains the following provisions:

- Allows for uses permitted in the B-2 and R-8MF zoning districts.
- Allows for a maximum of 280 multi-family and/or single-family (attached/detached) residential units.
- Conversion rights include: residential units within the B-2(CD) portion of the site may be converted to commercial/non-residential units at a rate of one (1) residential unit to 500 square-feet of commercial/non-residential unit. The amount of retail square-footage cannot exceed 10,000 square-feet.
- Limits the uses of the R-8MF(CD) portion to only residential.
- Provides a Class C buffer next to abutting residential property.
- Does not allow the following uses in the B-2(CD) portion: adult establishments, automobile, truck and utility trailer rental, automotive repair garages, service stations, and automotive sales, cemeteries, convenience stores, gas stations, jails or prisons, landfills, tattoo establishments, and warehousing.
- Provides an 8-foot wide planting strip and an 8-foot wide sidewalk along the site's frontage of Old Statesville Road and Gibbon Road.
- Allows for a Traffic Impact Study (during permitting phase) if CDOT estimates vehicle trips exceed 2,500 trip per day.
- Commits to screening BMP areas adjacent to Gibbon Road and Old Statesville Road with 36-inch tall shrubs.
- Building materials will be a combination of portions of some of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
- Buildings exceeding 120-feet in length shall include modulations of the building massing/facade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10-feet wide and shall project or recess a minimum of 2-feet extending up and down through the building façade.

- Existing Zoning and Land Use



The subject property is vacant land. Surrounding land uses include office, single family, industrial, and vacant land.



The site (marked with a red star) is undeveloped land and is surrounded by office, single family, and industrial uses and vacant land.



The subject property is undeveloped land.



The property to the north is developed with a trucking company.



The property to the south is developed with single family homes.

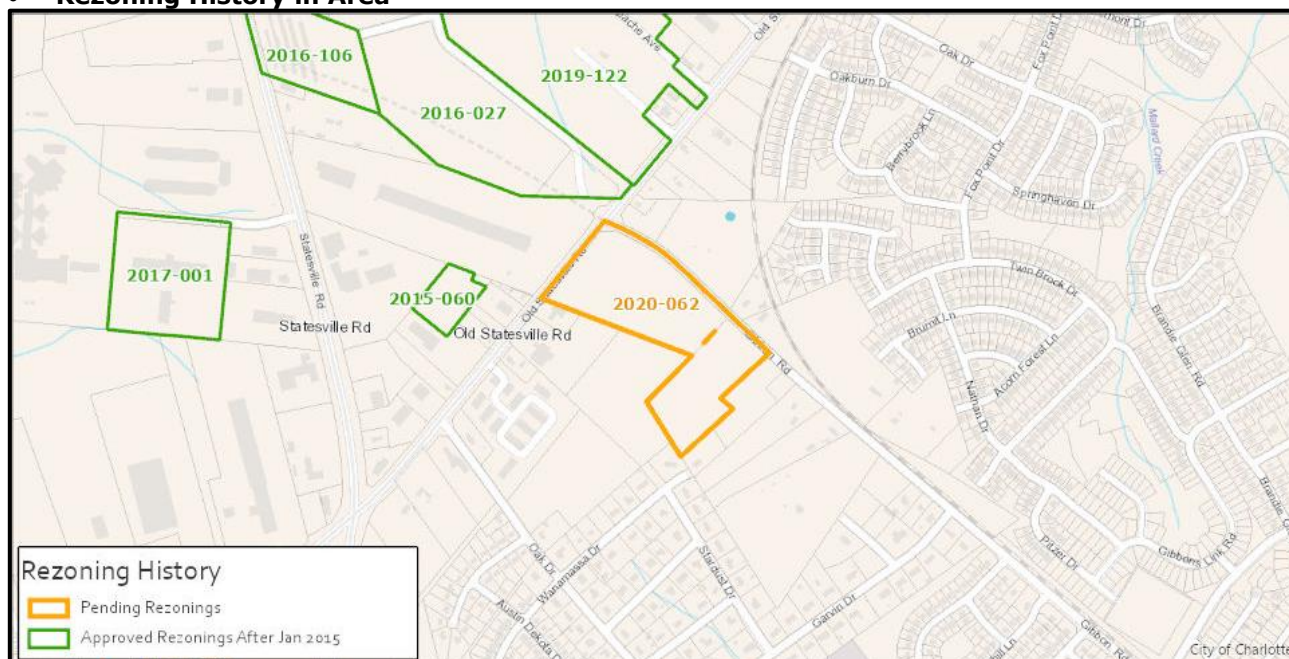


The property to the east is undeveloped land.



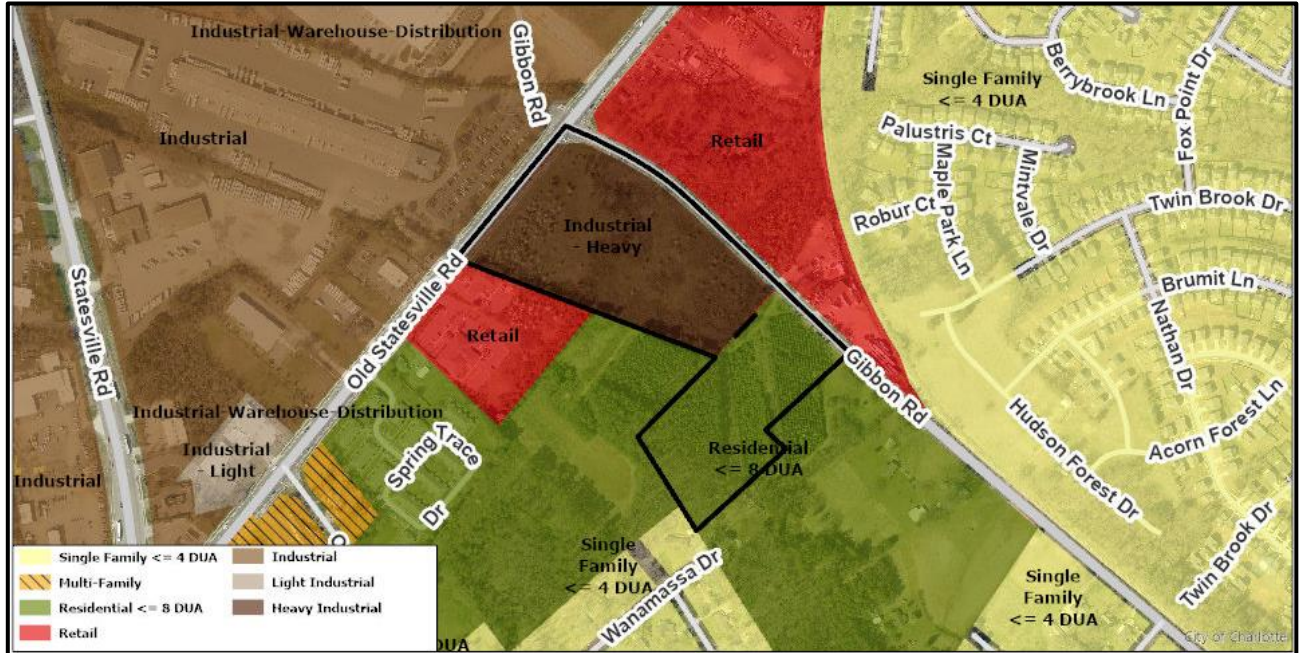
The property to the west is developed with office uses.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-060	The petition rezoned the property to I-2.	Approved
2016-027	The petition rezoned the property to I-1.	Approved
2016-106	The petition rezoned the property to I-2(CD)SPA to allow the addition of a wireless communications tower.	Approved
2017-001	The petition rezoned the property to I-2.	Approved
2019-122	The petition rezoned the property to I-1.	Approved

- **Public Plans and Policies**



- The *Northeast District Plan (1996)* calls for industrial uses for parcel 04545110 which has frontage on both Old Statesville Road and Gibbon road, and residential uses up to 8 dwelling units per acre for parcel 04545103 which is just off Old Statesville Road and fronts Gibbon road.

- **TRANSPORTATION SUMMARY**

- There is existing curb and gutter, standard planting strip and sidewalk on Old Statesville Road. On Gibbon Road there is no curb and gutter or sidewalk. Based on the latest site plan submitted, the trip generation has been reduced from 8,820 to 2,305 daily vehicle trips. The petitioner should revise the site plan to meet the outstanding items listed below. CDOT has issued new site plan comments, since a TIS is no longer required.

Active Projects:

- No active projects in the area.
- **Transportation Considerations**
 - See Outstanding Issues, notes 1-3
- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: 310 trips per day (based on 50,000 square-foot tractor supply store and 20 single family dwellings).

Proposed Zoning: 2,882 trips per day (based on 260 dwellings and 10,000 square-feet of retail).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 9 students, while the development allowed under the proposed zoning may produce 35 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 26 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Winding Springs Elementary from 131% to 133%
 - James Martin Middle from 74% to 75%
 - North Mecklenburg High from 114% to 115%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Gibbon Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along Old Statesville Road. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** See advisory comments at www.rezoning.org
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESTransportation

1. Update conditional note (Section III.4) to reflect the current development intensity as referenced in a meeting with CDOT, held on 8/26/20 to ensure that 2,500 vehicle trips/day is not exceeded with this petition.
2. The back of curb and the 12-ft multi-use path, along Gibbon Road and Old Statesville Road, should be dimensioned from the center line of each road respectively. Old Statesville Road: the future curb line is at the existing location. Gibbon Road: the future curb line should be constructed 19-ft from the existing road centerline, to accommodate a 3-lane section for an existing minor thoroughfare. The curb construction is required per Chapter 19 of the City Code.
3. The petitioner should revise the site plan and conditional note(s) to provide the adequate bike facilities along the petitioner's frontage of Gibbon Road and Old Statesville Road, in accordance with Charlotte BIKES. This council-adopted policy now recommends a 12-ft multi-use path along both road frontages. The existing 5-ft bike lane on Old Statesville Road should remain.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Michael Russell (704) 353-0225