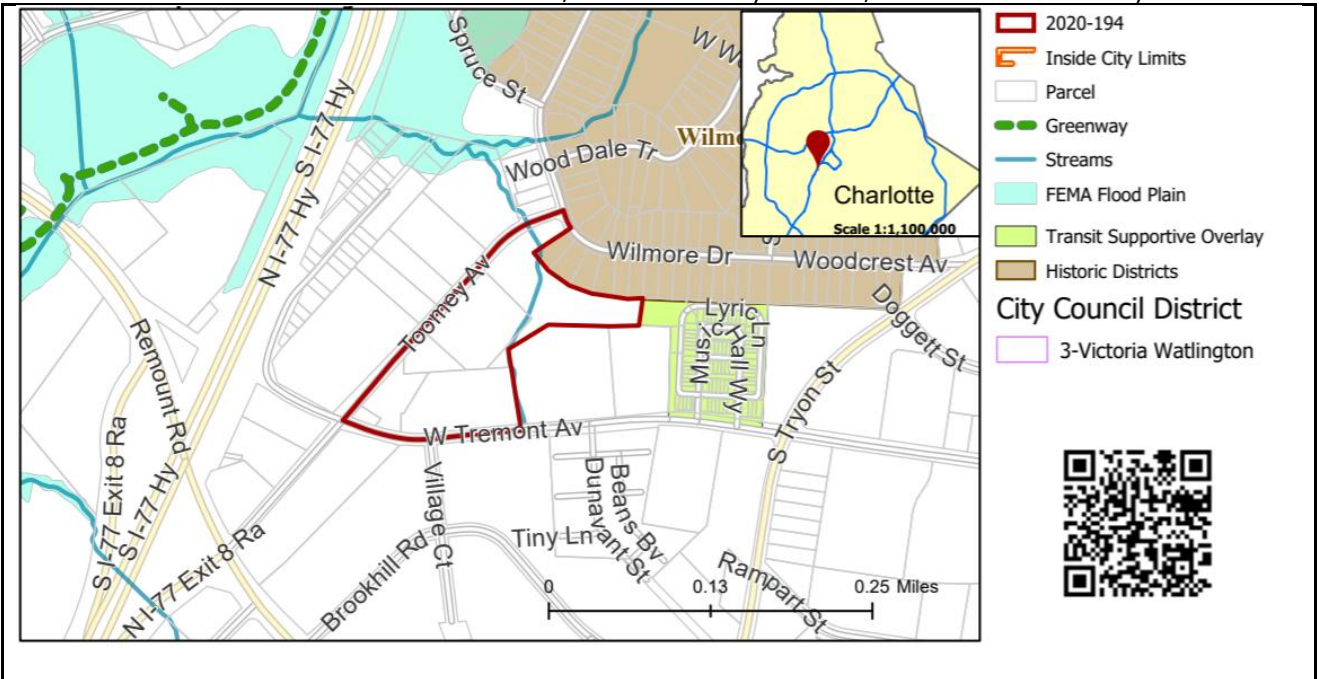


REQUEST

Current Zoning: I-1 (light industrial) and R-5 (single family residential)
Proposed Zoning: MUDD(CD) (mixed use development, conditional)

LOCATION

Approximately 8.8 acres located along the north side of Tremont Avenue, east of Toomey Avenue, and west of South Tryon Street.



SUMMARY OF PETITION

The petition proposes to allow up to 325 residential units and up to 61,000 square feet of non-residential uses on a site developed with residential, retail, and industrial uses and vacant land located between Interstate 77 and South Tryon Street.

PROPERTY OWNER

Summit Avenue Tremont LLC; 2315 Toomey Avenue LLC; Carolina Custom Tank LLC

**PETITIONER
AGENT/REPRESENTATIVE**

Toomey Avenue, LLC
Collin Brown and Brittany Lins/Alexander Ricks

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: First Meeting held on 01/26/2021 -11 attendees; Second Meeting held on 03/24/2021 - 1 attendee

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *New Bern Transit Station Area Plan* recommendation for residential and office uses, but **inconsistent** with the *New Bern Transit Station Area Plan's* recommended industrial/warehouse/distribution land uses and multi-family residential up to 22 units per acre. The petition is also **consistent** with the *Central District Plan's* recommended residential uses, but **inconsistent** with the *Central District Plan's* recommendation for single family residential up to 5 units per acre.

Rationale for Recommendation

- The project site directly abuts to the east a recently approved development allowing 325 multi-family residential units and 61,000 square feet of non-residential uses.
- The project is an infill development that will contribute to a mix of housing types.
- The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood.
- The request limits the building height to 55 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is applicable within 1 mile of the station and allows a building height up to 75 feet.
- The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses.
- The development commits to streetscape improvements and on street parking.

The approval of this petition will revise the adopted future land use as specified by the *New Bern Transit Station Area Plan* from multi-family residential up to 22 dwelling units to acre and office/industrial-warehouse-distribution and *Central District Plan* from single family residential up to 5 dwelling units per acre to residential greater than 22 dwelling units per acre, retail, and office.

PLANNING STAFF REVIEW

• Proposed Request Details

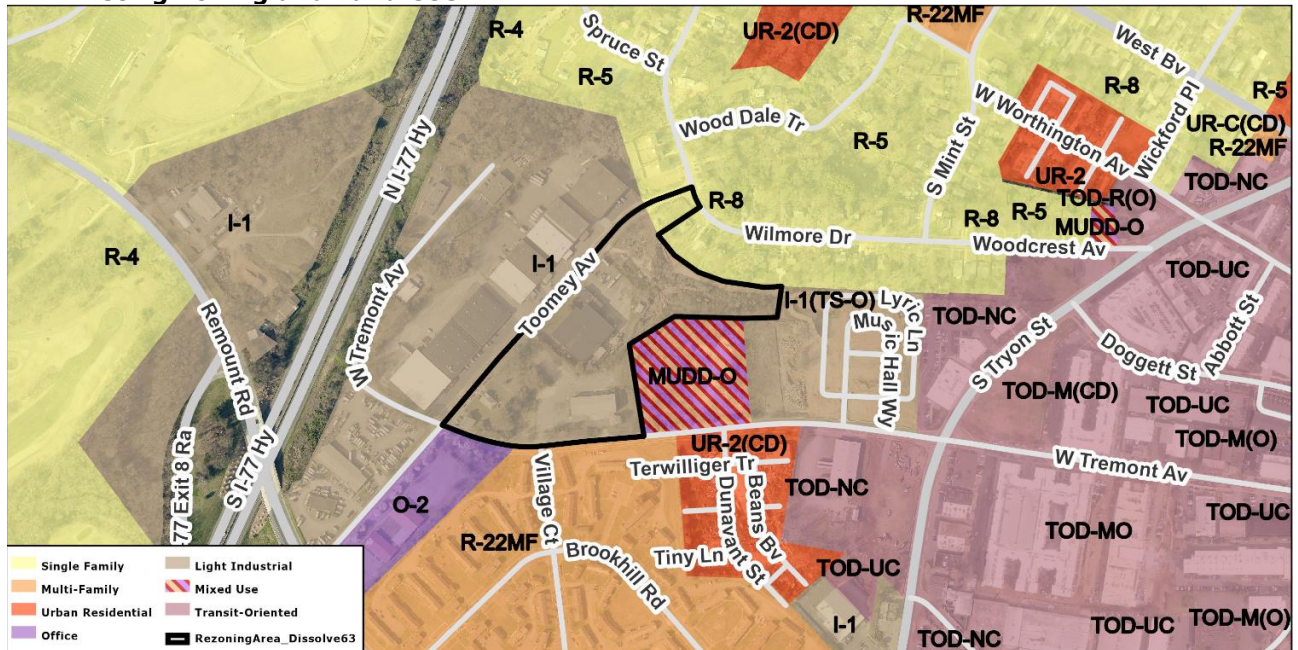
The site plan accompanying this petition contains the following provisions:

- Up to ~~325 single family attached and/or~~ 319 multi-family residential units and up to 6 single family attached (townhome-style) residential units (36.93 units per acre).
- Preserve an existing brick building constructed in 1969 and allow expansion for a total of 61,000 square feet of non-residential uses.
- Non-residential uses include but are not limited to office, retail, personal service, EDEE, and other commercial uses permitted by right and under prescribed conditions in the MUDD zoning district.
- Prohibits car washes (except for residential car wash stations), automobile service stations, and EDEEs with accessory drive-through service windows.
- Limits building height to 55 feet for multi-family residential buildings, 40 feet for single family attached (townhome) buildings, and 40 feet for commercial buildings.
- Prohibits multi-family residential uses and commercial uses in the portion of the site currently zoned R-5, fronting Wilmore Drive.
- Limits the maximum amount of retail uses to 20,000 square feet.
- Allows unused residential units to be converted to additional office or other non-residential square footage at a rate of 1 residential unit to 1,000 square feet of office/non-residential square footage, subject to specified restrictions.
- Proposes the following transportation improvements:
 - Proposes access to the site from Toomey Avenue and W. Tremont Avenue as shown on the site plan.
 - Proposes an 8-foot amenity zone with an 8-foot sidewalk along the site's frontages.
 - Proposes on-street parking along Toomey Avenue and W. Tremont Avenue.
 - Notes prior to issuance of the final first residential certificate of occupancy for the site, the petitioner will install a traffic signal at the intersection of Remount Road and I-77 off-ramp/Toomey Avenue. Notes the signal will be of a wood pole design and include pedestrian crossings on all sides of the intersection.
 - Petitioner will coordinate with Mecklenburg County Park and Recreation to create a connection to the Irwin Creek Greenway that runs along the south side of Tremont Avenue, if reasonably feasible.
 - Constructs a curb ramp at the southeast corner of the Toomey Avenue and Wilmore Drive intersection.
- Proposes the following design guidelines:
 - Proposes to preserve existing building for adaptive reuse (unless deemed impractical or unreasonable due to structural or environmental issues). Limits renovations and demolitions to portions of the building to 20% of the building footprint. Building may be expanded

and/or mezzanine added to the existing footprint for a maximum of 61,000 square feet of total building square footage.

- Proposes a combination of any of the following building materials: glass, brick, metal, stone, simulated stone, pre-cast stone, architectural precast concrete, synthetic stone, stucco/EIFS, cementitious siding (such as hardi-plank), or wood/composite wood. Vinyl, as a building material, will only be allowed on windows, soffits and trim features. Concrete masonry units not architecturally finished will not be permitted.
- Notes design standards related to residential uses will address breaking up monolithic building via modulations (recesses, projections, and architectural details).
- Notes architectural elevations will be designed to create visual interest features such as exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
- Notes if structured parking is developed, exposed multi-level parking decks will provide screening so that cars are not visible from network-required public streets.
- Additional design standards for single-family attached (townhome) units:*
 - Notes all principal and accessory buildings will be comprised of a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (hardi plank) and/or other approved materials.
 - Prohibits vinyl siding, excluding vinyl handrails, windows, soffits, doors or door trim, and concrete masonry units not architecturally finished.
 - Notes townhome units will front either Wilmore Drive or Toomey Avenue.
 - Notes no garage doors of townhome units will be visible from Wilmore Drive or Toomey Avenue.
 - If provided, individual unit driveway lengths will be either between 5 and 7 feet in length for rear loaded alley fed townhomes or a minimum of 20 feet in length from back of sidewalk along the public street network.
 - Corner/end units fronting public streets will have enhanced side elevations with a front or rear stoop and /or porch or otherwise provide windows or other architectural details to limit the maximum blank wall expanse to 15 feet on each level of the unit.
- Proposes a minimum 4,500 square feet of amenity areas, which may include a combination of hardscape and softscape, seating, landscaping, art, fountains, pool, cabana, garden, clubhouse, mail kiosk, dog park, and/or other similar amenities. A minimum of 2,000 square feet of publicly accessible urban open space will be provided in front of 2213 Toomey Avenue.
- Specifies petitioner will provide a landscaped area as generally depicted on the Rezoning Plan, except in areas where prohibited by CMUD Sewer Easement. In Landscape Area A, the Petitioner shall provide a minimum of 24 trees and 40 shrubs. In Landscape Area B, the Petitioner shall provide a minimum of 18 trees and 40 shrubs.

• **Existing Zoning and Land Use**



- The site is currently vacant and surrounded by a mix of industrial, residential, commercial uses and vacant land on parcels in various zoning districts.



The rezoning site (denoted by the red star) is surrounded by a mix of residential and non-residential uses.



A portion of the rezoning site is developed with an industrial building constructed in 1969.



A portion of the rezoning site is developed with a retail use and a single family home built in 1931.



A portion of the site is developed with a warehouse.



A portion of the rezoning site is vacant.



North are single family homes.



East, along W. Tremont Avenue, are warehouses, commercial uses, residential uses, residential development under construction, and vacant land.

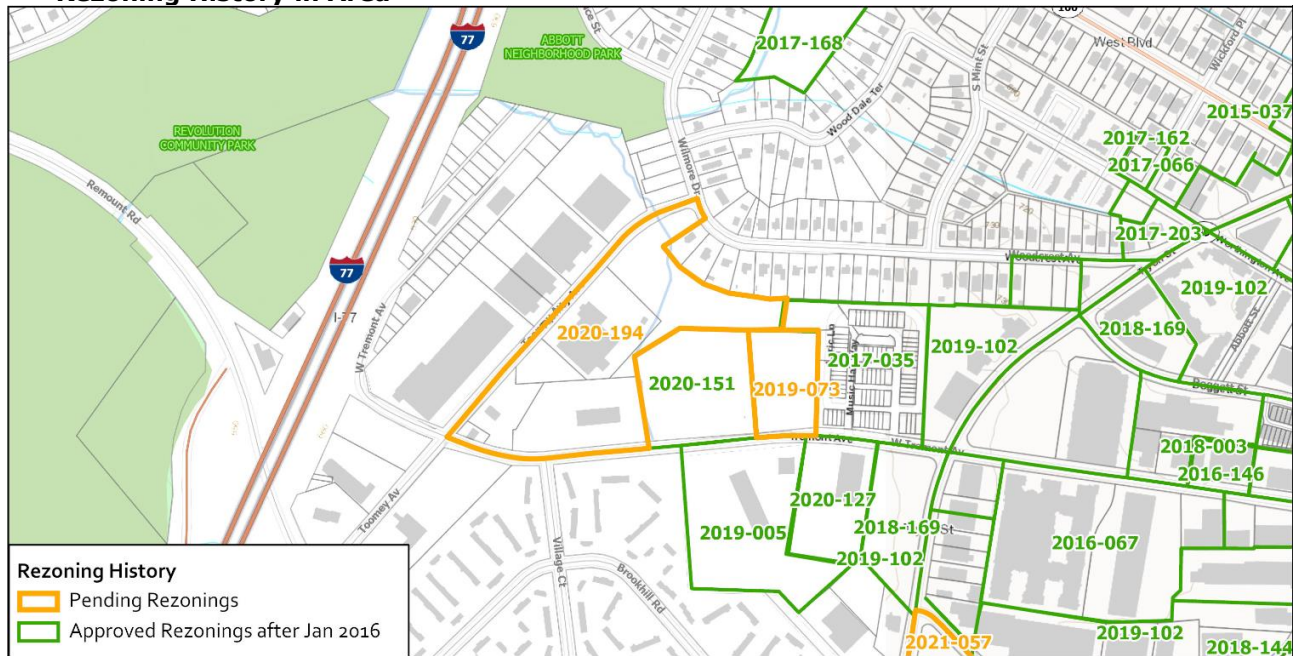


South, across W. Tremont Avenue, is a multi-family residential community.



West, across Toomey Avenue, are warehouses.

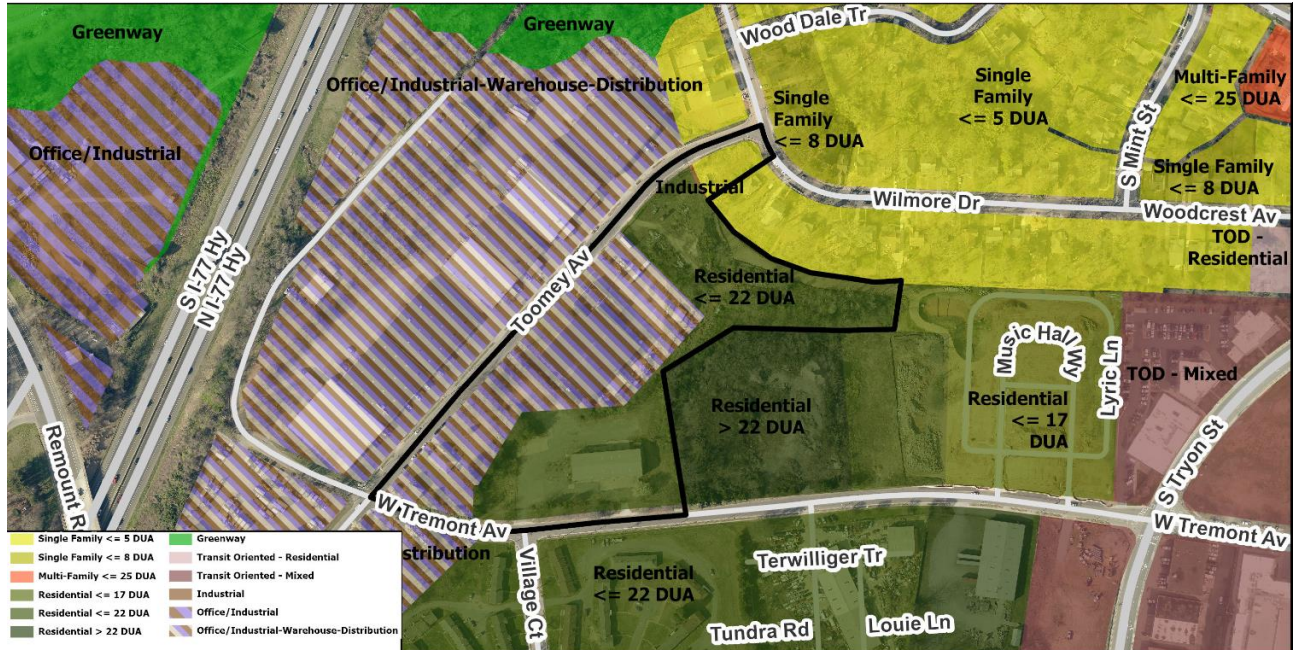
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-057	Rezone 1.132 acres from TOD-NC to TOD-UC.	Pending
2020-151	Rezoned 3.455 acres from I-1 to MUDD-O.	Approved
2020-127	Rezone 2.60 acres from I-1 to TOD-NC.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-073	Rezone 1,91 acres from I-1 to MUDD(CD).	Pending
2019-005	Rezoned 5.58 acres from I-2(CD) to UR-2(CD).	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.	Approved
2018-144	Rezoned 2.21 acres from MUDD-O to TOD-M(O).	Approved
2018-003	Rezoned 0.739 acres from TOD-R(O) to TOD-M(O).	Approved
2017-203	Rezoned 0.75 acres from B-1 and R-8 to TOD-R(O).	Approved
2017-168	Rezoned 3.70 acres from R-5 and R-22MF to UR-2(CD).	Approved

2017-162	UR-1(CD) SPA for 0.35 acres.	Approved
2017-035	Rezoned 4.39 acres from I-1 to I-1 TS-O.	Approved
2016-146	Rezoned 0.74 acres from I-2 to TOD-R(O).	Approved
2016-067	Rezoned 8.36 acres from I-2 to TOD-M(O).	Approved
2016-066	Rezoned 5.32 acres from O-1 and O-15(CD) to MUDD-O.	Approved

• **Public Plans and Policies**



- The *New Bern Transit Station Area Plan* (2008) recommends residential up to 22 dwelling units per acre and office/industrial-warehouse-distribution for the majority of the site. The *Central District Plan* (2003) recommends single family residential up to 5 units per acre for the lot located at the corner of Wilmore Drive and Toomey Avenue.

• **TRANSPORTATION SUMMARY**

- The site located along Toomey Avenue, a City-maintained minor collector, and Tremont Avenue, a City-maintained local street. The petitioner has agreed to incorporate vehicular, bicycle, and pedestrian infrastructure that supports the City’s Ordinances and BIKES and WALKS Policies, but also complements the surrounding TOD-zoned development. Additionally, the petitioner has agreed to construct a traffic signal at the Remount Road and Toomey Avenue/I-77 Off-Ramp intersection with pedestrian crossings at each quadrant of the intersection. The proposed streetscape improvements, including accessible ramp improvements, will extend along the entire property frontage of public roads. All CDOT items are addressed.

• **Active Projects:**

- N/A

• **Transportation Considerations**

- See Outstanding Issues, Notes 1-2. **Addressed**

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 600 trips per day (based on 34,427 square feet warehouse; 2,550 square feet convenience market)

Entitlement: 190 trips per day (based on 1 single family dwelling and 84,400 square feet warehouse).

Proposed Zoning: ~~6,070~~ **6040** trips per day (based on 319 apartments and 6 townhomes; 61,000 square feet retail).

DEPARTMENT COMMENTS (see full department reports online)

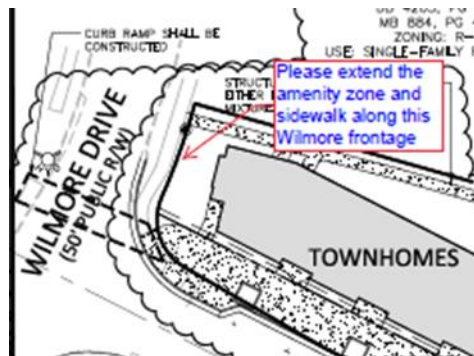
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org.

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning could generate 59 students. Therefore, the net increase allowed under the proposed zoning is 59 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Barringer Elementary from 92% to 97%
 - Sedgfield Middle from 72% to 74%
 - Harding University High from 129% to 130%.
 - See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along W Tremont Ave and via an 8-inch main along Toomey Ave. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located W Tremont Ave and via an 8-inch main along Toomey Ave.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No comments submitted.
 - **Storm Water Services:** See advisory comments at www.rezoning.org.
 - **Urban Forestry:** See advisory comments at www.rezoning.org.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

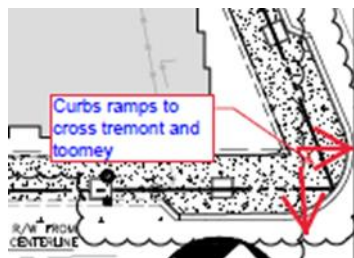
OUTSTANDING ISSUES

Transportation

1. ~~Extend the amenity zone and sidewalk across the Wilmore Street frontage of PID 11906424.~~ **Addressed**



2. ~~Revise the site plan and conditional notes to commit to construct two ADA curb ramps, in accordance with CLDSM, at the corner of Tremont Avenue and Toomey Avenue.~~ **Addressed**



Site and Building Design

3. Provide a dimension and width for the proposed Class C buffer. Provide a development note committing to the Class C buffer. ~~Not addressed. The planting strip should be located outside of the easement. Either the planting strip should be provided or not provided at all.~~ The petitioner amended the site plan to note proposed Landscape Area A having a minimum of 24 trees and 40 shrubs, and proposed Landscape B containing a minimum of 18 trees and 40 shrubs. Site plan generally depicts landscaped areas except in areas where prohibited by the existing CMUD sewer easement.

4. ~~Adjust information to specify the number of multi-family units proposed and number of townhomes proposed.~~ Addressed
 5. Label setbacks along Toomey Avenue and W. Tremont Avenue in the correct location. ~~Not addressed~~ Addressed
 6. ~~New comment: Petitioner needs to clearly note the proposed 61,000 square feet of non-residential uses under Site Data on Sheet 1. The request is not clearly stated on Sheet 2.~~ Limits nonresidential uses to 61,000 square feet per Site Development Data (Maximum Development c) on Sheet 2.
-

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

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