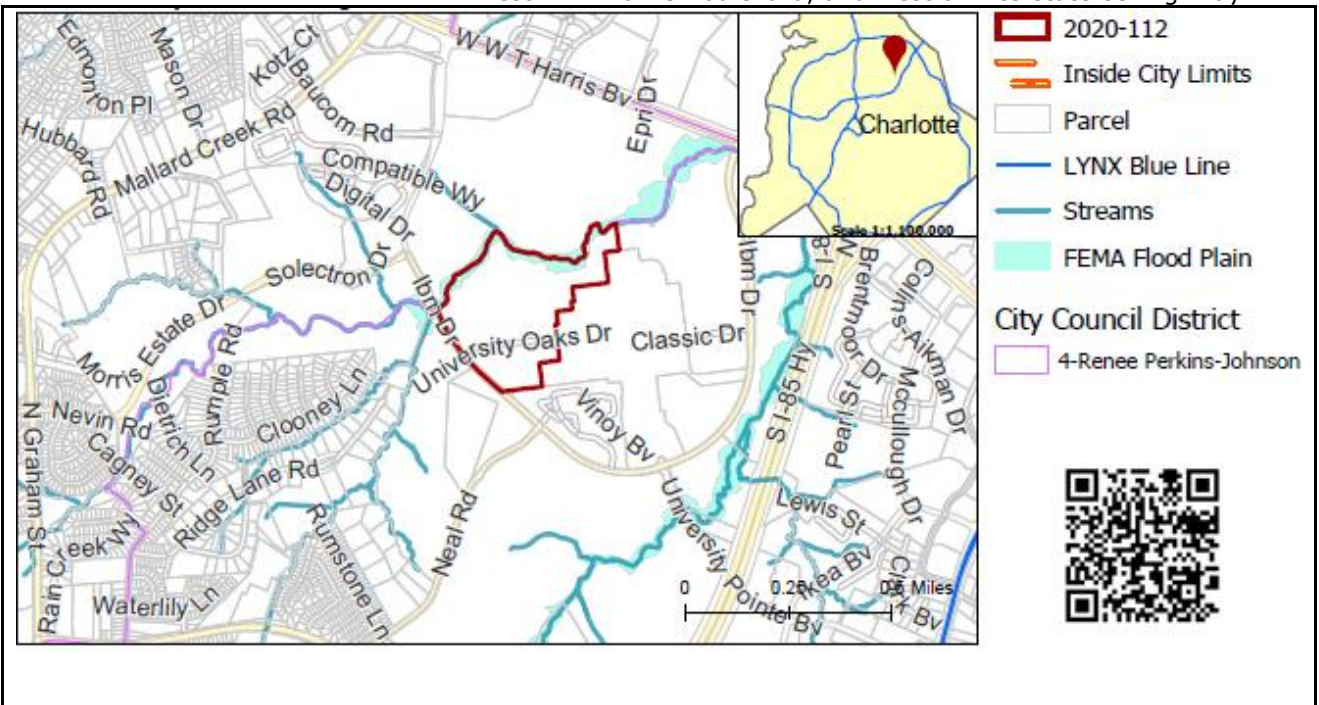


## REQUEST

Current Zoning: RE-2 (research)  
Proposed Zoning: RE-3 (O) (research, optional) with 5-years vested rights

## LOCATION

Approximately 57.2 acres on the east side of IBM Drive, South of West W.T. Harris Boulevard, and west of Interstate 85 Highway.



## SUMMARY OF PETITION

The petition proposes a redevelopment of a portion of the Innovation Park Site into a multi-use development containing 575 multi-family dwelling units, 660,000 square-feet of non-residential uses of which a maximum 30,000 square-feet could be devoted to retail, personal services, and restaurant uses.

## PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE COMMUNITY MEETING

BRI 1882 Innovation Park Development, LLC  
BRI 1882 Innovation Park Development, LLC  
John Carmichael, Robinson Bradshaw, PA

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 2

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

### Plan Consistency

The petition is **consistent** with the *University Research Park Area Plan* (2010) recommendation of Office/Retail/Residential development up to 22 DUA.

### Rationale for Recommendation

- This petition proposes a mixed-use development on a site which was previously utilized as a parking lot.
- This proposal is consistent with the area plan's recommendation for a mix of uses on this site and fulfills the area plan's goals of

- expanding housing choices and increasing the mix of uses in this area.
- The petition will increase street network connectivity through the construction of two public street entrances to the development on the western side of IBM Road, in addition to building out a public road connection to an existing entrance on the eastern side of IBM Road.
- The petition commits to enhancing bike and pedestrian connectivity, showing on the site plan multiple pedestrian walkways throughout the development, observing the sidewalk ordinance by proposing 12-foot multi-use paths and 8-foot planting strips along all public streets, and showing intent to connect to a future greenway at the top of the site.
- The petitioner requests several optional provisions to provide a certain amount of flexibility in the development process. These provisions allow the petitioner to respond to the sensitivity of market demand while also following through on their commitment to construct a large mixed-use development that will utilize the site to attract a strong and diverse tenant base to create a work, live, play environment.
- The optional provisions included in this site plan will allow the petitioner to optimize the site for the retail, residential, and office use and allow the petitioner to adapt to site and design constraints while still ensuring that it meets development requirements.

## PLANNING STAFF REVIEW

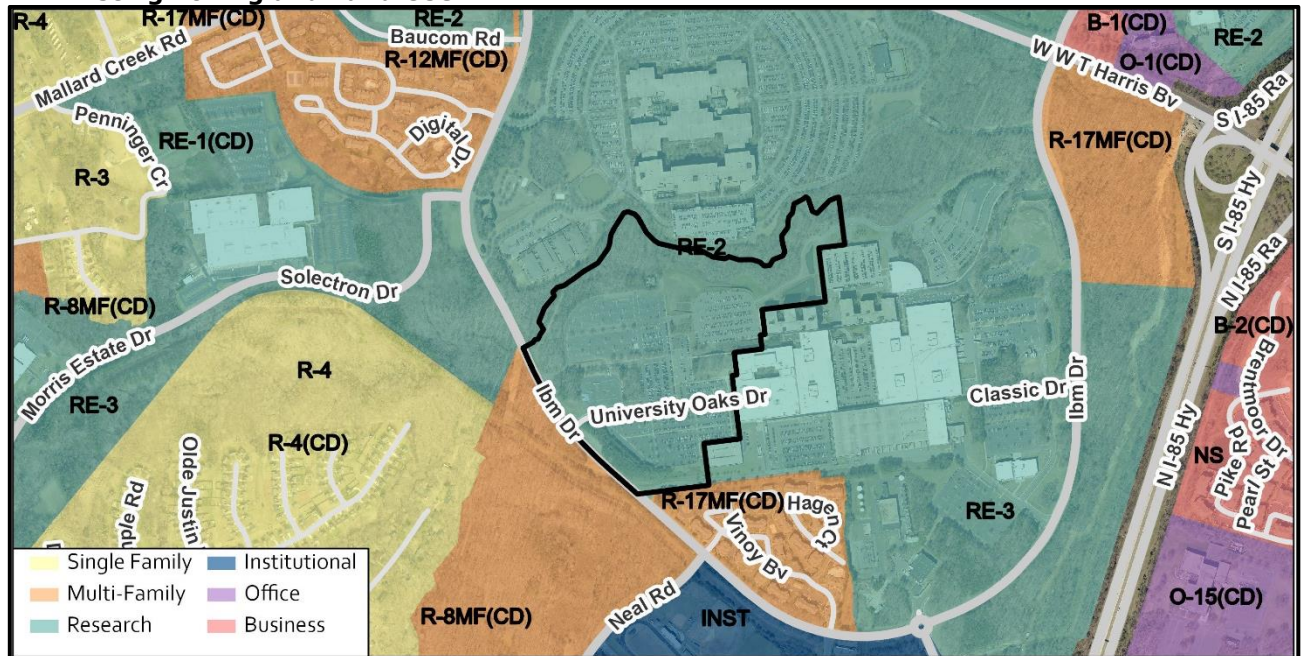
### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 660,000 square-feet of gross floor area devoted to non-residential uses permitted by right in the RE-3 zoning district.
- Allows up to 30,000 square-feet maximum devoted to retail sales, personal services, and EDEE uses.
- Allows up to 575 multi-family dwelling units.
- Commits to a minimum of 5% of the multi-family units to maintain monthly rents that are income restricted to 80% or less of the area median income for a period of not less than 15 years.
- Allows existing structured parking facility and existing surface parking facilities to remain.
- There will be 3 phases of development for the site.
- Optional Provisions:
  - Parking, vehicular circulation and vehicular maneuvering space may be located between any buildings and the street except for New Public Road A, Private Street B and New Public Road B.
  - Valet parking service areas may be located between the buildings and all adjacent public and private streets.
  - Balconies and bay windows may encroach up to 4-feet into the required setback. Balconies will maintain a minimum vertical clearance of 12-Feet.
  - Canopies, awnings, and similar architectural accents may extend from a building up to one half of the width of the setback area in front of the building and may not be closer than 2-feet from the back of curb. The minimum overhead clearance will be 9-feet. If a canopy or awning extends into the public right-of-way an encroachment agreement will be required from CDOT or NCDOT.
  - No minimum rear or side yards however, a 10-foot building separation will be required adjacent to a residential use.
  - A buffer shall not be required to be established on that portion of the Site adjacent to Tax Parcel No. 047-111-01.
- Conversion rights:
  - Allows up to 350,000 square-feet of additional gross floor area devoted to non-residential uses by reducing the number of multi-family dwelling units permitted on the Site at the rate of 1 multi-family dwelling unit per 1,000-square feet of additional gross floor area devoted to non-residential uses.
  - Allows 350 additional multi-family dwelling units to be developed by reducing the amount of non-residential gross floor area permitted on the Site at the rate of 1,000-square feet of gross floor area per additional multi-family residential dwelling unit.

- Limits maximum height to 120-feet.
- Commits to transportation improvements throughout the site including adding left-turn and right-turn lanes with storage.
- Commits to construct a 12-foot multi-use path and 8-foot planting strip along the site's frontage of IBM Drive and an east-west roadway connection (Proposed Public Road "D").
- Commits to construct an 8-foot planting strip and a minimum 6-foot sidewalk along the Site's public street frontages.
- Provides a connection to a potential future greenway.
- Dedicates the 100-foot SWIM Buffer of the Doby Creek Tributary (less any BMP infrastructure) to Mecklenburg County for future greenway purposes.
- Grants to Mecklenburg County an easement within a portion of the open space area located on the northwestern corner of the Site to accommodate the construction and maintenance of a public pedestrian path/greenway trail.
- Architectural details:
  - For buildings of 150-feet in length or longer, facades will be divided into shorter segments by means of modulation. Such modulation will occur at intervals of no more than 60-feet and shall be no less than 2-feet in depth, and no less than 10- feet in width.
  - Arcades, galleries, colonnades, outdoor plazas, outdoor dining areas, or similar pedestrian-oriented ground floor designs may be incorporated into facades, but such features will not encroach into setbacks.
  - For buildings over five stories, the first two floors above street grade will be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base will be provided to add special interest to the base.
  - Vinyl may only be used for windows, trim, soffits, railings, and doors.
  - Facades fronting streets will include a combination of windows and/or operable doors for a minimum of 80% of each frontage elevation with transparent glass between 2-feet and 10-feet on the first floor. Up to 10% of this requirement may be comprised of display windows. These display windows must maintain a minimum of 3-foot clear depth between window and rear wall. Windows within this zone shall not be screened by film, decals, and other opaque material, glazing finishes or window treatments. The maximum sill height for required transparency shall not exceed 4'-0" above adjacent street sidewalk.
  - Building elevations will not have expanses of blank walls greater than 20-feet in all directions and architectural features such as, but not limited to, banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

• **Existing Zoning and Land Use**



The surrounding land uses include single family, multi-family, schools, office, retail, warehouse, and distribution uses.





The subject property is denoted with a red star.

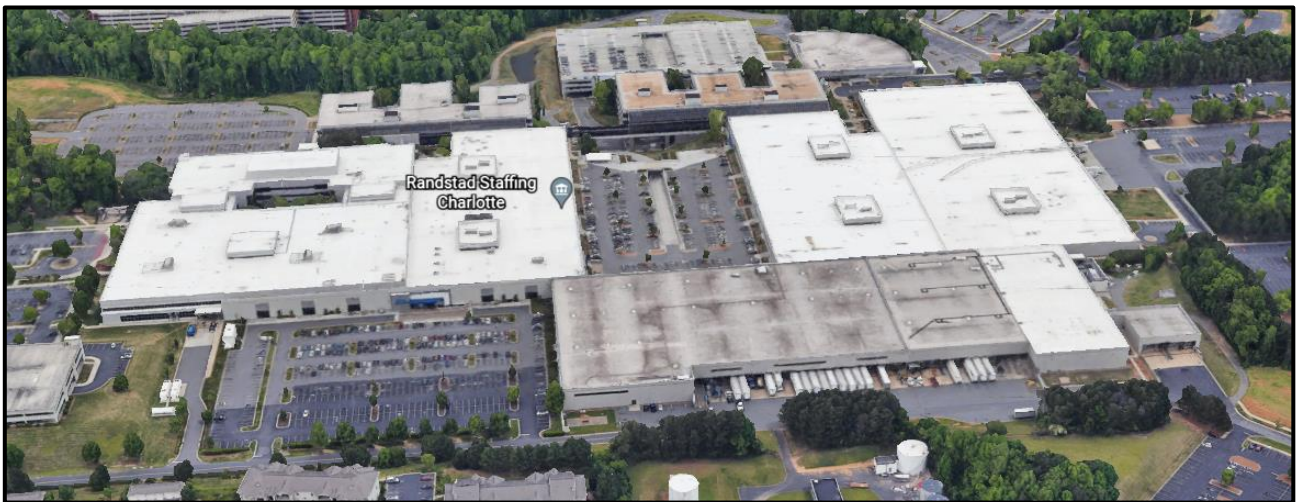


The property to the north along IBM Drive is the Wells Fargo Customer Information Center.



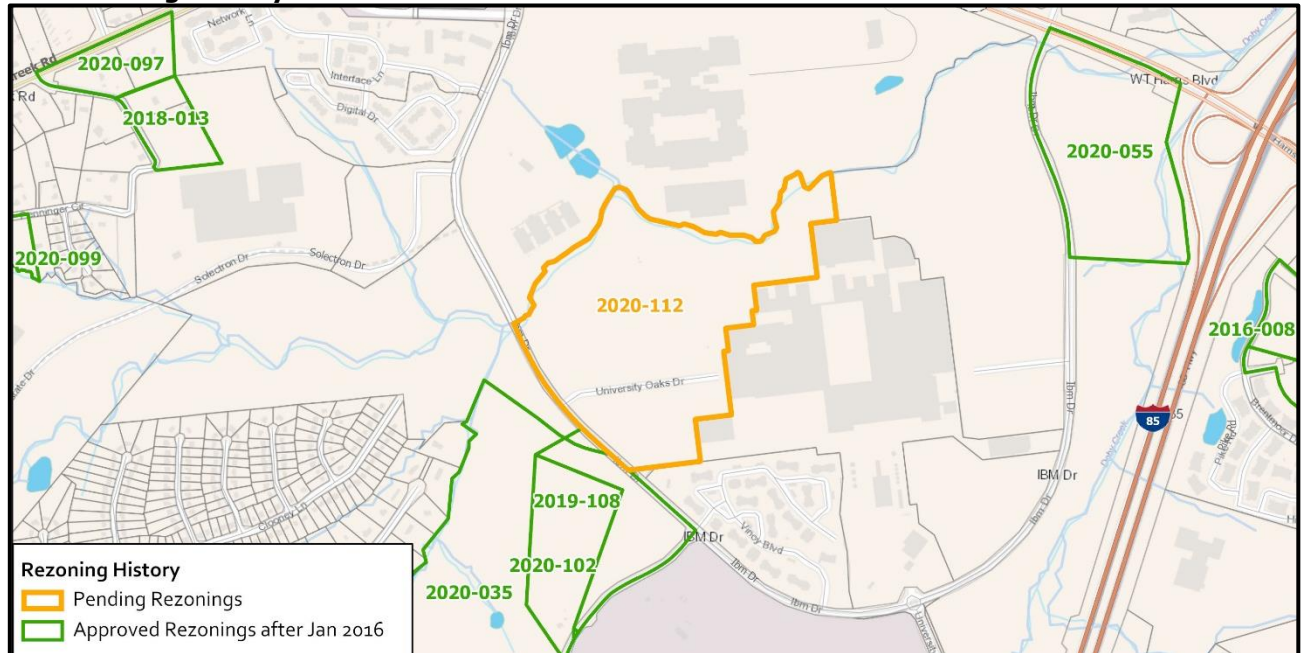


The property to the south along IBM Drive is developed with multi-family apartments.



The property to the east along Allstate Drive is developed with office, warehouse, and distribution uses.

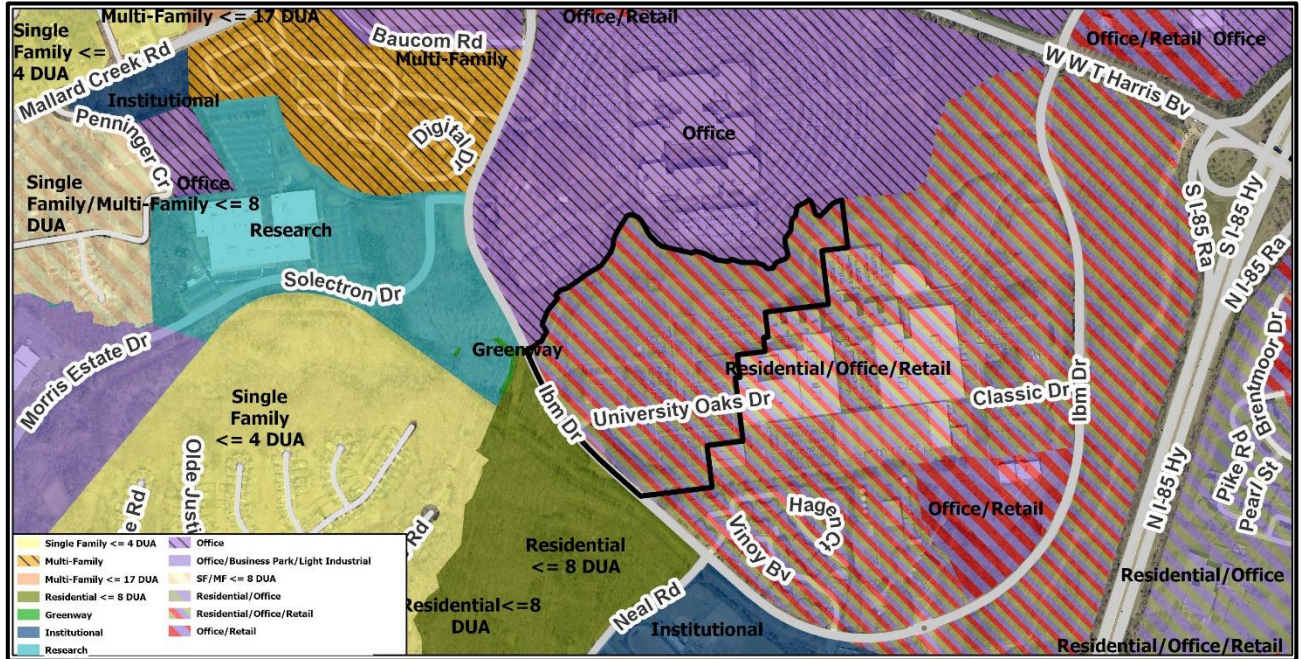
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-008	Site Plan Amendment to allow 175 multi-family units, to increase the number of hotels allowed from two to three and amend development standards from the current zoning.	Approved
2018-013	Rezoned 6.27 acres to construct a surface parking lot to serve as accessory parking for an adjacent office building.	Approved
2019-108	Rezoned 13.21 acres to allow up to 92 duplex, triplex and/or single-family attached dwelling units.	Approved
2020-035	Rezoned 49 acres to allow up to 300 residential units, broken out into 250 townhome units and 50 multi-family units.	Approved
2020-055	Rezoned 27.97 acres to allow up to 300 multi-family units.	Approved
2020-097	Rezoned 12.40 acres to allow up to 50,000 gross square-feet to accommodate uses including medical health clinics, offices, financial institutions, laboratories, and research uses.	Approved
2020-099	Rezoned 20.88 acres to allow up to 130 townhome units.	Approved
2020-102	Rezoned 23.4 acres to allow up to 157 duplex, triplex and/or townhome dwelling units.	Approved



- **Public Plans and Policies**



- The *University Research Park Area Plan* (2010) calls for Office/Retail/Residential up to 22 DUA.

- **TRANSPORTATION SUMMARY**

- The site is located on IBM Drive, a City-maintained minor thoroughfare road. The 57.2-acre site includes a multi-use development that could contain office, retail, multi-family, and hotel uses. As the trip generation is higher than the 2,500 threshold, a Traffic Impact Study (TIS) was required for this site. The Revised TIS was submitted to CDOT and NCDOT for review on 9/8/2021. CDOT has approved all transportation improvements in the TIS as they related to city-maintained streets. NCDOT provided final TIS comments on 10/05/21 and the petitioner revised their site plan and conditional notes to reflect these comments. The petitioner has agreed to construct a 12-foot multi-use path along the site's frontage of IBM Drive and an east-west roadway connection (Proposed Public Road "D"). Site plan revisions are needed to address the required 6-foot bike lane on Proposed Public Road "D".

**Active Projects:**

- Approved Rezoning Petition 2020-035:
  - This petition completed a Traffic Impact Study that included turn lane roadway improvements on IBM Drive and Neal Road. A proposed access on IBM Drive is tying into the fourth leg of the existing signalized intersection at IBM Drive and University Oaks Drive.
- Approved Rezoning Petition 2020-102:
  - CDOT has requested this petitioner to commit to constructing left-turn lanes at the proposed access points on IBM Drive and Neal Road.

- **Transportation Considerations**

- See Outstanding Issues, Note 2

- **Vehicle Trip Generation:**

Current Zoning:

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

Entitlement: too many uses to determine.

Proposed Zoning: 12,110 trips per day (based on 575 apartments, 30,000 square-feet of retail, 630,000 square-feet of office 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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate zero students, while the development allowed under the proposed zoning may produce 107 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 107 students.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Governor's Village K-8 from 101% to 104%
    - Julius L. Chambers High from 126% to 128%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along IBM Drive. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, it is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **City Arborist:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Notes 4,5 Addressed
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

#### OUTSTANDING ISSUES

##### Transportation

- ~~1. The site plan and conditional note(s) need to include the TIS roadway improvement mitigations within (Section 5) of the conditional notes.~~ Addressed
2. **Revise "Proposed Public Road D" cross-section to include a 6-foot bike lane.**
- ~~3. Provide an 8-foot planting strip and a minimum 6-foot sidewalk along all public and private network required streets.~~ Addressed

##### Environment

- ~~4. Dedicate the 100-foot SWIM Buffer minus any BMP infrastructure of Doby Creek Tributary.~~ Addressed
- ~~5. Dedicate a minimum of 2 acres for a future public neighborhood park.~~ Addressed

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

**Planner:** Michael Russell (704) 353-0225








## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2020-112

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	✓
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	✗
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>