

<b>REQUEST</b>	Current Zoning: TOD-M(CD), transit oriented development, mixed use, conditional and R-22MF, multi-family residential Proposed Zoning: TOD-MO, transit oriented development, mixed use, optional and TOD-RO, transit oriented development, residential, optional
<b>LOCATION</b>	Approximately 16.70 acres located south of the intersection of South Boulevard and South Caldwell Street and bounded by Templeton Avenue and Euclid Avenue.
<b>SUMMARY OF PETITION</b>	Staff recommends approval of this petition. This petition is consistent with the <i>South End Transit Station Area Plan</i> land use recommendations but the proposed heights for some building sites are higher than the TOD standards allow. However, the site is appropriate for buildings with greater height. It is located within a few blocks of the I-277 freeway and the site design meets key transit oriented development objectives such as providing a mix of residential, office and retail uses and a centralized public open space.
<b>Property Owner Petitioner Agent/Representative</b>	Housing Authority of the City of Charlotte Housing Authority of the City of Charlotte Charles Woodyard, Housing Authority
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The option on Parcel "A" to encroach into the 30-foot setback along Euclid Avenue has been removed.</li> <li>2. The front porch design and building materials commitments for Parcel "A" have been moved from "Optional Development Provisions" to "Unified Development Provisions".</li> <li>3. Commitments to provide a mixture of uses along all public roadways and to provide a 50 percent office component on Parcel "E" have been moved from "Optional Development Provisions" to "Unified Development Provisions".</li> <li>4. The commitment to provide elderly and low/moderate income housing on Parcel F has been moved from "Optional Development Provisions" to "Unified Development Provisions".</li> <li>5. The following design elements have been committed for Parcel "A":             <ol style="list-style-type: none"> <li>a. All doors serving ground floor units will have individual porches, and all porches will be connected to the street with sidewalks. Porches shall be designed contextually to the scale and style of the adjacent residential buildings.</li> <li>b. All units abutting Euclid Avenue will have setbacks in context with the established setbacks of adjacent residential buildings.</li> <li>c. Exterior siding material shall be fiber cement-type boards or planks, or better. No vinyl or masonite-type siding shall be used.</li> <li>d. Building roofs will be predominantly of pitched-design and will be covered with architectural-type roofing shingles.</li> </ol> </li> <li>6. The request for the petitioner to note that a maximum 1/3 of Parcel "C" can be used for above ground detention is not longer needed as the development will have underground detention.</li> </ol>
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7. Parcel "E" will contain a minimum of 50 percent office uses.
8. The new 40-foot setback and 15-foot undisturbed buffer along the property lines abutting single family zoning along Rensselaer and Euclid Avenues are shown on the site plan.
9. The pedestrian connection from Euclid Avenue to Tract "C" is noted as being a "pedestrian hardscape connection".
10. CDOT requested that the proposed site's land use densities and parking (space) demands generated by the development plan be depicted in a table corresponding to the Technical Transportation Memoranda submitted and approved by CDOT. The petitioner has provided adequate traffic information for this TOD development.
11. The following notes requested by CDOT have been added to the site plan:
  - a. Construction and infrastructure street phasing has been addressed on conditional note 18.
  - b. Notes have been added to the conditional plan designating public and private streets. Private streets will need to be located within an access easement and be open to the public at all times.
12. Open space may include underground storm water management. In addition, a pedestrian walkway shall be incorporated into Parcel "C" with benches, lights, and trees to create a park like amenity for the project. There will be no chain link fencing or utilitarian elements as to detract from the visual amenity.
13. To the extent possible with CDOT standards, recommendations, and guidelines, a traffic table will be utilized to slow traffic along the new Caldwell/Cleveland connector street at the Bland Street intersection. Any off-site traffic calming along Euclid, Rensselaer, or Cleveland sought by the neighborhood and installed/paid for by others ~~CDOT~~, will not be opposed by the petitioner ~~or~~ and project.
14. Where the project abuts single family zoning along Rensselaer and Euclid Avenues, the building setback will be 40 feet, with the first 15 feet being an undisturbed buffer. All trees shall be five inches or greater in caliper, where they can be protected from construction disruption will be identified, protected, and preserved within the entire 40 feet. A protection plan will be created for each parcel before construction commences to identify any such trees over 5" to be removed due to construction activities, for City review and approval."
15. All major trash receptacles and loading docks will be prohibited within 100 feet of the rear property line of the houses along Euclid and Rensselaer Avenues. Further, refuse collection trucks will be prohibited within this 100-foot distance. To the extent possible within the CDOT restrictions, large trucks, including moving vans, shall not use Rensselaer side access for circulation to the site.
16. During the construction of all phases of the implementation of the plan, construction traffic will not use Rensselaer or Euclid Avenues to enter and exit the project.
17. All private streets construction and maintenance responsibility will be the responsibility of the petitioner. Proposed internal private streets will be located within a public easement and will remain open to the public at all times.
18. The petitioner will fund associated traffic/pedestrian signal costs at South Boulevard and Bland Streets. Signal modifications may be necessary to accommodate the fourth intersection approach into the development and all necessary pedestrian access/signalization costs.
19. When the master plan for the site is totally built out, it will not exceed 1.2 million square feet of new leasable/sellable space.
20. Note 3 (A) (b) should be deleted: ~~All units abutting Euclid Avenue will have setbacks in context with the established setbacks of adjacent residential buildings.~~
21. Note 3(B2) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition

requiring at least 10% ground level retail ~~to be mixed with the adjacent residential uses.~~

22. Note 3(B3) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition requiring at least 80% ground level retail ~~to be mixed with the adjacent residential uses.~~

23. Note 10 (A) will read: Petitioner shall comply with the City of Charlotte Zoning Ordinance requirements, Section 9.1208 with the exception as the property abuts the rear and sides property lines of the single family zoning along Rensselaer and Euclid Avenues...

**The following note # (20) should be amended as indicated:**

24. ~~The City of Charlotte Planning Commission and/ or Planning Department~~ developer/ property owner shall notify the Dilworth Community Development Association (DCDA) of all future parcel developments associated with this petition upon commencement or request for individual "TOD "review and/ or administrative approval commencement. Such notice shall be in writing to the current president of the DCDA and shall be for information purposes only.

**VOTE**

Motion/Second:	Lipton/Walker
Yeas:	Fallon, Firestone, Lipton, Phipps, Rosenburgh, and Walker
Nays:	None
Absent:	None
Recused:	Dobson

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and the changes that occurred since the public hearing and the August 4, 2010 Zoning Committee Work Session. It was noted that the request was consistent with the adopted plan and appropriate for approval. The Committee had no further discussion of this petition.

**STATEMENT OF CONSISTENCY**

This petition is found to be consistent with the *South End Transit Station Area Plan* and reasonable and in the public interest, by a 5-1 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Fallon).

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
 The site plan accompanying this petition contains the following provisions:
  - Parcels "A" proposed TOD-RO includes the following:
    1. Townhouse or condominium units fronting Euclid Avenue.
    2. Vehicular access from the rear of units.
    3. Optional provision to allow building or porch encroachments into the 30-foot setback along Euclid Avenue.
  - Parcels "B" proposed TOD-RO and TOD-MO includes the following:
    1. Mixed use development that complies with all TOD standards.
    2. 20-foot yard and ten-foot buffer adjoining single family zoning.
    3. Optional provision to allow on-street parking on only one side of proposed private streets.
  - Parcel "C" proposed TOD-RO includes the following:
    1. Designated open space that is publicly accessible.

- Parcel "D1" and perimeter area "B2" proposed TOD-RO includes the following:
    1. Mixed use development with minimum ten percent of ground floor uses being retail.
    2. Optional provision to allow heights exceeding 40 feet, without meeting the required separation distances from single family zoning. Proposed heights would not exceed 100 feet within 50 percent of the "D1" area outside the "B2" perimeter. The remaining 50 percent would meet TOD height standards.
    3. Building height limited to 65 feet (four to five stories) within perimeter area "B2".
  - Parcels "D2" and perimeter area "B2" proposed TOD-MO includes the following:
    1. Mixed use development with minimum ten percent of ground floor uses being retail.
    2. Optional provision to allow heights exceeding 40 feet, without meeting the required separation distances from single family zoning. Proposed heights would not exceed 120 feet within the "D2" area.
    3. Building height limited to 65 feet (four to five stories) within perimeter area "B2".
  - Parcel "E" and perimeter area "B3" proposed TOD-MO includes the following:
    1. Mixed use development with minimum 80 percent of ground floor uses being retail and 50 percent of the tower uses being office.
    2. Optional provision to allow height exceeding 40 feet, without meeting the required separation distance from single family zoning. Proposed height would not exceed 160 feet within 50 percent of the "E" area outside the "B3" perimeter. The remaining 50 percent would meet TOD height standards.
    3. Building height will be limited to 65 feet (four to five stories) within perimeter area "B3".
  - Parcel "F" proposed TOD-MO includes the following:
    1. Elderly and low/moderate income residential units.
    2. Optional provision to allow height exceeding 40 feet, without meeting the required separation distance from single family zoning.
    3. Future development not to exceed the existing Strawn Tower height of 120 feet.
    4. Optional provision to allow parking for the elderly housing at one space per four units.
  - General Development Standards
    1. Building and site renderings have been included.
    2. All lighting will be shielded with full cut-off fixtures.
    3. Existing Butter Nut Court and unnamed street rights-of-way off Euclid Avenue to be abandoned.
    4. A new street grid network that disperses trips in several directions.
  - **Public Plans and Policies**
    - The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development for the property north of Caldwell Street/Cleveland Avenue extension and residential transit supportive development south of the extension.
    - The proposed land uses are consistent with the *South End Transit Station Area Plan* but the proposed building heights on the TOD-MO portion of the site exceed standards for increasing height in relationship to single family zoning.
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#### **PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Neighborhood & Business Services:** City Council approval of a housing location policy waiver is required if assisted housing is provided.
- **Schools:** No issues.
- **Park and Recreation:** No issues.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.
  - **LUESA:** No issues.
  - **Site Design:** No issues.
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**OUTSTANDING ISSUES**

- None
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- Community Meeting Report
- LUESA Review
- Neighborhood & Business Services Review
- Park and Recreation Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

**Planner:** Tammie Keplinger (704) 336-5967