

REQUEST	Current Zoning: R-5, single family residential, R-17MF, multi-family residential and I-2, general industrial Proposed Zoning: NS, neighborhood services with five (5) year vested rights
LOCATION	Approximately 18.20 acres located off Monroe Road and generally bounded by Shade Valley Road, Cateret Street, and Chippendale Road.
SUMMARY OF PETITION	This petition proposes to allow a pedestrian-friendly development consisting of up to 250 residential units and a maximum 75,000 square feet of commercial uses with five (5) year vested rights.
Property Owner	Lake City Tractor Supply, LLC
Petitioner	David R. Krug Associates Inc.
Agent/Representative	Richard Petersheim, LandDesign
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-1 to recommend **APPROVAL** of this petition with the following changes:

1. References to the *Independence Boulevard Plan* and the Charlotte Distressed Business District have been removed from the site plan.
2. Development Note 4 (Permitted Uses) has been re-worded to provide clarity regarding permitted uses per the NS District, as well as uses proposed within each tract.
3. Development notes have been revised to comply with standard format for site plan notes.
4. Notes identifying minimum ordinance requirements have been removed.
5. The word "parcel" has been replaced with "tract" or "component" so as not to be confused with tax parcels.
6. All notes related to possible amendments to the site plan have been combined, and language added to reference Section 6.207 of the zoning ordinance.
7. The reference to the City of Charlotte submitting an abandonment request for Chippendale Road right-of-way has been removed.
8. Development Note 7B has been amended to reference the USDG options within the Charlotte Land Development Standards Manual.
9. Development Note 7C regarding unified streetscape treatment has been removed.
10. Notes with standards less restrictive than the minimum ordinance standards for the NS district have been removed.
11. All notes related to lighting have been moved to one section (Development Note 12).
12. Development Note 8B has been amended to state that existing trees or groups of trees will be saved wherever possible.
13. Monroe Road has been excluded from Development Note 5D.
14. The second sentence in Development Note 6A has been removed and the note revised to read: "The first floor of all buildings except those within tract A and C along Chippendale Road will be designed and/or used for uses..."
15. The reference to commercial tenant signage has been removed from the type of building materials.
16. The wording "For all other buildings" has been removed from Development Note 6D.
17. Development Note 6B has been modified to state that tenants shall not be required to have a pedestrian entrance along Monroe Road or Chippendale Road.

- 18. Move and combine note V.1.9 with IV.4 (Access Points).
- 19. Notes pertaining to fences and right-of-way encroachments have been removed.
- 20. The note regarding a solid waste management plan has been removed.
- 21. The following CDOT issues have been resolved:
 - a. Note 5C has been removed from the revised plan.
 - b. Note 7D has been removed from revised site plan.
 - c. Note 7B has been modified by deleting "...within the Charlotte Land Development Standards Manual" and replacing with "...and associated details" at the end of the sentence.
 - d. Note 13 has been removed.
 - e. Page Z-1 the note along Chippendale Road indicating that the realignment and signalized intersection will be by the City of Charlotte has been removed.
 - f. After note 5A the following has been added:
 - 1. A left turn with a minimum of 150 feet of storage will also be provided for Richland Avenue.
 - 2. A left turn will be provided for proposed Private Street "a" with a minimum of 100 feet of required storage.
 - g. A note has been added that the intersection of the newly aligned Chippendale and Monroe Road is required to be signalized prior to the first certificate of occupancy. All cost associated with the signal including interconnection is the responsibility of the petitioner.
 - h. The typo in Note 5B – "Is used" has been corrected to "issued".

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this request to the Committee, stating that the subject property is located within both the Southeast Corridor and the boundary of the draft *Independence Boulevard Area Plan*. Staff noted that the proposal is inconsistent with the *East District Plan*, which recommends industrial uses, but consistent the draft plan's recommendation for a combination of residential, office, and/or retail to create a neighborhood node at this location. Staff noted that the majority of outstanding issues had been addressed, but there were some minor CDOT items remaining.

A commissioner requested that the rules be suspended to hear from the petitioner regarding the outstanding CDOT issues. Mr. Heth Kendrick, one of the agents for the petitioner, stated that the petitioner was agreeable to addressing the identified CDOT items. Mr. Kendrick indicated that the petitioner was agreeable to resolving the outstanding CDOT items.

A commissioner expressed concerns over approving a rezoning request subject to a policy plan not yet approved by City Council. Staff responded by stating that the draft should be approved and any delay has been due to issues with the transitional setbacks. Properties impacted by the transitional setbacks are located approximately 1/2 mile away from the subject property. Staff noted that the policies in the plan reflect the recommendation before the City Council and the Zoning Committee. A commissioner noted that it was thought that there had been some compromise made when dealing with rezoning petitions that were subject to a draft policy document.

A commissioner asked about the implications of this proposal on industrial properties, and if there were other nearby properties zoned NS. Staff responded that there were no other NS zoned properties in the immediate area, and that the draft Plan recognizes the importance of industrial-zoned properties. A commissioner noted that the comment regarding implications on industrial property was a good point, and while industrial properties are important, the conversion of some parcels to non-industrial were appropriate given parcel size and changing conditions.

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the *East District Plan*, but to be reasonable and in the public interest, by a 7-0 vote of the Zoning Committee (motion by Commissioner Lipton, seconded by Commissioner Firestone).

MINORITY OPINION

The minority of the Zoning Committee was concerned about approving a rezoning petition based upon a policy plan not yet adopted by City Council.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 250 residential units and a maximum 75,000 square feet of limited commercial uses. One drive-thru for office, bank, restaurant or other retail establishment with no more than four (4) drive-thru stations will be allowed.
- Incorporation of selected development standards from the Pedestrian Overlay District (PED) requirements, which are consistent with the recommendation in the draft *Independence Boulevard Area Plan*.
- Division of site into five tracts (A, B, C, D, E and F), to accommodate a use or mix of uses on each parcel.
- Proposed network of streets internal to the site that will remain open to the public whether public or private.
- All uses, other than single-family detached units will provide a buffer along all edges abutting residential districts except for multi-family uses. The buffer will be 10 feet wide with a combination of evergreen trees and evergreen shrubs. The site will comply with urban design standards, including first floor of all buildings to be designed to encourage and complement pedestrian-scale interest and activity; and architectural compatibility in appearance of all buildings.
- Five (5) year vested rights.

• **Public Plans and Policies**

- The *East District Plan* (1990) recommends industrial uses for this site.
- The draft *Independence Boulevard Area Plan* indicates the site is located within a General Corridor Area of the Southeast Growth Corridor. The plan recommends vertically integrated residential, office, and/or retail development in this location to create a neighborhood node at Monroe, Richland and Chippendale Roads. Two or any combination of these uses is appropriate. However, the plan indicates that if vertical integration of uses is not feasible, the area should develop with horizontally integrated mix of office, retail and/or residential up to 22 dwelling units per acre.
- This petition is inconsistent with the *East District Plan*, but consistent with the draft *Independence Boulevard Area Plan*.

• **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

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

- No issues.
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Attachments Online at www.rezoning.org

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

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