
REQUEST	Current Zoning: BP(CD) (business park, conditional) Proposed Zoning: R-12MF(CD) (multi-family, conditional)
LOCATION	Approximately 30.93 acres located on the west side of West Tyvola Road south of South Tryon Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed use is inconsistent with the <i>Southwest District Plan</i> , which recommends business park land uses as amended by rezoning petition 1997-043. The proposed density is inconsistent with the <i>General Development Policies (GDP)</i> , which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Ross Land Company and Big B&G LLC Switzenbaum & Associates Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

PLANNING STAFF REVIEW

- **Background**
 - The rezoning site is part of a previous rezoning petition (1997-043) for approximately 113 acres. That petition rezoned "Parcel A" from R-4 (single family residential) to BP (CD) (business park, conditional) and "Parcel B" from R-4 (single family residential) to R-12MF (CD) (multi-family residential, conditional). The petition allowed a maximum of 534,800 square feet of business park uses on "Parcel A," and up to 596 multi-family dwelling units on "Parcel B." The current rezoning site is part of "Parcel A." "Parcel B" is currently developed with a 404-unit apartment community on approximately 49.81 acres, at a density of 8.11 units per acre.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - Up to 295 multi-family residential units in six buildings with detached garages at a density of 9.54 units per acre.
 - Security gate proposed at both project access points.
 - Internal driveways with main entrance access and proposed exit only drive onto Tyvola Centre Drive.
 - Active and passive recreation facilities that include a walking/amenity trail with locations for individual exercise activities. Outdoor seating/conversation areas associated with each building, and active recreation amenities including a pool, meeting spaces, congregation and seating areas, and outdoor cooking facilities. Exact locations and design to be established during the design and development process.
 - Freestanding lighting on site will utilize full cut-off luminaries and be limited to a maximum height of 25 feet.
- **Existing Zoning and Land Use**
 - The site is currently undeveloped and surrounded by primarily single family and multi-family development with some park/recreation facilities, institutional uses and office uses on properties zoned various residential, institutional, and business districts.
- **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.

• **Public Plans and Policies**

- The *Southwest District Plan* (1991) as amended by rezoning petition 1997-043 recommends business park land uses on the subject property.
- The proposed use is inconsistent with the *Southwest District Plan*, but consistent with the Plan’s recommendation prior to the 1997 rezoning, which supported multi-family with densities consistent with the *General Development Policies* on the rezoning site. The proposed use is compatible with surrounding land uses, which are predominantly single family and multi-family developments.
- The *General Development Policies* suggest that multi-family development at a density up to six (6) dwelling units per acre is appropriate for the subject site.

Assessment Criteria	Density Category > 4 up to 6 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	1 (Low)
Connectivity Analysis	2 (Med-Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	Yes
Minimum Points Needed: 10	Total Points: 10

- The proposed density is inconsistent with the *General Development Policies* (GDP), which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 dwelling units per acre.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 - CDOT requests that the petitioner relocate the proposed westernmost driveway further west and align it with the existing driveway on the south side of Tyvola Centre Drive. Additionally, CDOT requests the petitioner convert this driveway from exit only to both an ingress and egress driveway.
 - CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive.
 - According to the City of Charlotte’s Driveway Regulations, CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte. CDOT has determined that a left-turn lane is necessary to serve the traffic using the southernmost proposed private driveway connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed driveway connection provided that a left-turn lane is constructed on Tyvola Centre Drive. CDOT recommends the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street/private driveway connection(s). The left-turn lane needs to be designed using NCDOT standards with a minimum 100 feet of storage. This roadway improvement is required to meet the traffic demands of the proposed development.
 - **Vehicle Trip Generation:**
Current Zoning: 6,000 trips per day.
Proposed Zoning: 1,900 trips per day.
 - **Connectivity:** See comments above.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 40 students, while the development allowed under the proposed zoning will product 20 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is a reduction of 20 students.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Delineate any wetlands on the site plan.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Proposes to provide 25% of site as tree save area.

OUTSTANDING ISSUES

- The petitioner should:
 1. Show on the site plan that a Class "C" buffer will be provided along property lines abutting R-4 zoned property, as required by the Zoning Ordinance.
 2. Label the widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road.
 3. Under the Architectural Standards development note, remove the following language from the second sentence: "Although the designs for the building have not been completed..."
 4. The Parks, Greenways, and Open Space note commits to several improvements, most of which are not shown on the site plan. The petitioner should either show the trails or commit to a certain number of feet/miles of trail.
 5. Correct the zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which should be R-12MF (CD), not R-2 MF (CD).
 6. Address CDOT and Engineering and Property Management comments.
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Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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