

REQUEST	Current Zoning: B-2 (general business) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
LOCATION	Approximately 15.43 acres located on the southwest corner at the intersection of US 29 and North Tryon Street. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-R (transit oriented development - residential) district and limits multi-family to 375 units.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous. See application on website. Carolina States Regional Center, LLC Jeff Orsborn
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None.
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the land use recommended by the <i>Blue Line Extension Transit Station Area Plan – Tom Hunter Transit Station Area</i>; however, the petition is inconsistent with the height recommendation, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends transit supportive land uses for the subject property; and • The plan recommends a maximum building height of 50 feet for the site. <p>However, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Proposed request is for a transit supportive multi-family development with building entrances at ground level facing the public streets; and • The site is located within a ¼ mile walk of the Tom Hunter Station and a ½ mile walk of the University City Blvd Station; and • The site is located 400 feet from the nearest single family homes and is located at a major intersection; and • The proposed development improves mobility in the area by providing two new network required streets; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Walker).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications and petitioner's commitment to address two additional outstanding issues:</p> <ol style="list-style-type: none"> 1. Added a note stating that the existing bench pad at the existing bus stop on North Tryon Street will remain. 2. Added a note committing to working with Orchard Trace community to provide a +/- 45-foot wide public street utility easement along existing Orchard Trace Lane from North Tryon Street to the proposed north/south public street B. 3. Added a note that the petitioner will remove existing pavement along "Mineral Springs Road" between Reagan Drive and North Tryon Street after the parking lot and driveway connection at North Tryon Street after public street B is open and operational. 4. Added a note that the petitioner will make modifications to Orchard Trace Drive to facilitate the new intersection of public street B.
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5. Added a note that the location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
6. Staff rescinded the request to consider relocating Building 10 to public street B between Buildings 7 and 9 to help screen parking. Staff rescinded the request to consider relocating Building 11 to public street A between Buildings 6 and 7 to help screen parking.
7. Changed the word “abandoned” to “abandoned” in Transportation Note 2.
8. Amended the maximum building height to reflect the proposed height as measured by the Zoning Ordinance. The amended height is 65 feet, a 15 foot increase above the 50 foot maximum recommended by the adopted transit station area plan.
9. Changed the proposed use to increase the number of multi-family units from 375 to 380 and eliminated other uses allowed in TOD-R (transit oriented development – residential).
10. Provided an additional building elevation and North Tryon Street cross-section.
11. Committed to labeling the building elevations.
12. Committed to eliminating the visible staircase from the carriage unit building facing North Tryon Street.

VOTE

Motion/Second:	Nelson/Sullivan
Yeas:	Dodson, Eschert, Labovitz, Nelson, Sullivan and Walker
Nays:	None
Absent:	Ryan
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff presented the petition, the changes made since the hearing, and the outstanding issues. The committee suspended the rules to allow the petitioner’s agent to confirm that the remaining outstanding issues related to labeling the building elevations and eliminating the visible staircase from the carriage unit, facing North Tryon Street, would be addressed. Ken Walsh, representing the petitioner, agreed that the issues would be addressed. (Note: These issues have been addressed and a revised site plan submitted.)

STAFF OPINION

Staff agrees with the recommendation 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:

- Allows up to 380 multi-family dwelling units. The site plan shows a mixture of apartment, carriage and townhome style units.
- Limits building height to 65 feet.
- Provides two new public streets with the provision that Mineral Springs Road may be abandoned once the new streets are built and dedicated; however, the historic monument and associated parking near the intersection of Mineral Springs Road and North Tryon Street will remain.
- Notes that the petitioner will remove existing pavement along “Mineral Springs Road” between Reagan Drive and North Tryon, retaining the parking lot and driveway connection at North Tryon Street after public street B is open and operational.
- Specifies that the petitioner will make modifications to Orchard Trace Drive to facilitate the new intersection of public street B

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- Access to the site provided via Reagan Drive, North Tryon Street, and Orchard Trace Lane.
 - Commits to working with Orchard Trace community to provide a +/- 45-foot wide public street utility easement along existing Orchard Trace Lane from North Tryon Street to the proposed north/south public street B.
 - Provides one parallel ADA on-street parking space per 25 on-street spaces.
 - Provides two garage buildings.
 - Specifies that all buildings will be architecturally compatible through the use of similar and complementary building materials, colors and design.
 - Specifies building materials to include: masonry, tile, stucco or synthetic stucco, precast concrete, metal panel, aluminum storefront, fabric awnings, metal and wood canopies and cementitious panels and siding. Prohibits vinyl siding as an exterior building material except vinyl windows may be used.
 - Commits to a minimum 30% of the exterior of each building, exclusive of windows, doors, roofs and balcony areas, to be constructed of masonry products.
 - Provides elevation of proposed apartment building type and carriage unit.
 - Specifies that the perimeter security fence and gates will be decorative aluminum style or similar and prohibits chain link.
 - Includes gated resident/guest entrances to the interior of the site.
 - Provides private open space to be shared with all development areas.
 - Provides a note stating that the existing bench pad at the existing bus stop on North Tryon Street will remain.
 - Requests the following Optional Provisions:
 1. Allows the existing six-foot sidewalk and proposed six-foot sidewalk to be constructed by the CATS improvement project along North Tryon Street to remain.
 2. Allows parking between the proposed buildings and the streets as generally depicted on the plan.
 3. Increases the allowed parking beside buildings 6 and 7 along public street A from 35% to 45% of the lot frontage.
 4. Increases the allowed parking beside buildings 7 and 9 along public street B from 35% to 45% of the lot frontage
 - **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plan – Tom Hunter Transit Station Area* (2013) recommends transit supportive land uses for the site.
 - The plan also recommends a height up to 50 feet for the site.
 - The proposed use is consistent with the *Blue Line Extension Transit Station Area Plan – Tom Hunter Transit Station Area*; however, the proposed height is inconsistent with the plan recommendations.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **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*.
 - Facilitates the use of alternative modes of transportation by providing sidewalk connections throughout the development facilitating pedestrian access to the nearby transit stations.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- 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 Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: John Kinley (704) 336-8311