

<b>REQUEST</b>	Current Zoning: B-2 (general business) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
<b>LOCATION</b>	Approximately 15.43 acres located on the southwest corner at the intersection of US 29 and North Tryon Street. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses in the TOD-R (transit oriented development - residential) district and limits multi-family to 375 units.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed transit oriented use is consistent with the <i>Blue Line Extension Transit Station Area Plan – Tom Hunter Transit Station Area</i> , but the height exceeds the recommended maximum height of 50 feet. However, the site is located approximately 400 feet from the nearest single family homes and is located on the corner of a major intersection.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Numerous. See application on website. Carolina States Regional Center, LLC Jeff Orsborn
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None.

**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Allows all uses permitted in the TOD-R (transit oriented development - residential) district and limits multi-family to a maximum of 375 dwelling units. The current site plan shows a mixture of apartment, carriage and townhome style units.
  - Limits building height to 50 feet to the eave, not to include the sloped roof.
  - 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.
  - Access to the site provided via Reagan Drive, North Tryon Street, and Orchard Trace Lane.
  - 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.
  - 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.
  - Shares the private open space to be provided with all development lots.
  - 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.
- **Existing Zoning and Land Use**
    - The site is currently undeveloped.
    - Properties to the north are zoned B-2(CD) (general business, conditional) and I-1 (light industrial) and developed with a mixture of undeveloped land and industrial uses. Property to the west is zoned R-17MF (multi-family residential) and developed with multi-family residential. Properties to the south and east are zoned B-2 (general business) and developed with a mixture of commercial uses.
  - **Rezoning History in Area**
    - Petition 2013-089 rezoned property located on North Tryon Street, north of the I-85 Service Road, from I-1 (light industrial) to TOD-M (transit oriented development - mixed-use) to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
    - Petition 2013-064 rezoned property located on the west side of North Tryon Street, south of Tom Hunter Road, from B-2 (general business) to TOD-M (transit oriented development - mixed-use) to allow all uses in the TOD-M (transit oriented development - mixed-use) district.
    - Petition 2013-052 rezoned property located on the south side of University City Boulevard across from Ikea Boulevard from CC (commercial center) to B-2(CD) (general business, conditional) to allow the development of an automotive mall.
    - Petition 2015-047 proposes to rezone property located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street from I-1 (light industrial) to TOD-M (CD) (transit oriented development – mixed-use, conditional). This petition is scheduled to be heard at the July 20, 2015 City Council meeting.
  - **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:** Retain the existing bench pad at the existing bus stop on North Tryon Street.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:**
  1. Work 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.
  2. Add a note that the petition 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. Work with NCDOT to possibly abandon a portion of the existing US 29 By-Pass right-of-way.
  3. Add a note committing to modify and implement required transportation improvements approved by CDOT along existing Orchard Trace Lane between proposed public street B and North Tryon Street. Necessary median and roadway approach modifications may be needed during the subdivision construction plan approval process, including relocation of identification signage for the Orchard Trace community.
- **Vehicle Trip Generation:**

Current Zoning: 4,300 trips per day.  
Proposed Zoning: 2,500 trips per day based on 375 multi-family dwelling units. Trip generation could vary due to the range of uses allowed in TOD-R (transit oriented development - residential) district.
- **Connectivity:** See comments above.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** Provide the following note on the plans in its

entirety: "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."

- **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.

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Address CATS comment.
    2. Address Transportation comments.
    3. Address Storm Water Services comment.
    4. Consider relocating Building 10 to public street B between Buildings 7 and 9 to help screen parking. This would eliminate the need for Optional Request 4.
    5. Consider relocating Building 11 to public street A between Buildings 6 and 7 to help screen parking. This would eliminate the need for Optional Request 3.
    6. Change the word "abandoned" to "abandoned" in Transportation Note 2.
    7. Amend the maximum building height to reflect the proposed height as measured by the Zoning Ordinance.
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#### **Attachments Online at [www.rezoning.org](http://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 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

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