

**July 20, 2015**

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<b>REQUEST</b>	Current Zoning: I-1 (light industrial) Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)
<b>LOCATION</b>	Approximately 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of this petition in its current form. The proposed land use is consistent with the transit oriented land use recommended in <i>the University City Area Plan</i> . However, the site plan lacks detail and is inconsistent with many of the design, mobility and open space policies in the adopted plan.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	85 City Partners, LLC 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: 2

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## **PLANNING STAFF REVIEW**

### **• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
- Development consists of four parcel areas.
- Gasoline pumps and drive-through windows as an accessory to an eating/drinking/entertainment use are prohibited.
- Drive-through facilities will not be visible from the public streets.
- Buildings on Parcel 1 fronting Periwinkle Hill Avenue will include ground floor non-residential uses for 50 percent of the frontage.
- No surface parking lots will be adjacent to Periwinkle Hill Avenue on Parcels 1 and 2.
- An eight-foot planting strip and eight-foot sidewalk will be provided along all street frontages.

### **• Existing Zoning and Land Use**

- The subject property is currently vacant. Surrounding properties located north and west of North Tryon Street and North US 29 By-Pass Highway are zoned B-2(CD) (general business, conditional), I-1 (light industrial), and TOD-M (transit oriented development - mixed-use) and are developed primarily with warehouse uses intermixed with a few commercial uses and a veterinary clinic. The Belgate development zoned CC (commercial center) is located across University City Boulevard. Commercial and residential uses exist on the south side of North Tryon Street and North US 29 By-Pass Highway in R-3 (single family residential), R-17MF (multi-family residential), B-2 (general business) and B-2(CD) (general business, conditional) zoning.

### **• Rezoning History in Area**

- Petition 2015-20 rezoned 15.4 acres located on the southwest corner at the intersection of US 29 and North Tryon Street to TOD-RO (transit oriented development - residential, optional) to allow all uses permitted in the TOD-R (transit oriented development - residential) district and limits multi-family to a maximum of 375 dwelling units.
- Petition 2013-89 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 2013-52 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.

- **Public Plans and Policies**

- The *University City Area Plan (2015)* recommends transit oriented development in this location and establishes design, mobility and open space policies.
  - The proposed land use is consistent with the recommended transit oriented land use. However, the site is inconsistent with many of the plan's design, mobility, and open space policies. The street frontage along the first block of Periwinkle Hill Avenue is a designated ground floor retail street and should be built to accommodate non-residential ground floor uses, and parking structures should be lined with active uses or screened from view from streets and sidewalks. The site should provide useable open space, with pedestrian connections from the mixed use area to Ikea Boulevard and the approved auto mall open space and pedestrian paths. Street cross-sections and setbacks should adhere to the transportation policies.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** The petitioner is requested to remove the proposed median break on Periwinkle Hill Avenue for left-turn access, as a median break in this location would risk the safety of those accessing the CATS Park and Ride immediately across Periwinkle Hill Avenue.
  - **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
  - **Transportation:** CDOT requests the following changes to the rezoning plan:
    - Provide a detailed development plan specifying the proposed land uses and densities so that projected trip generation and traffic evaluation can take place.
    - An unfunded Northeast Corridor Improvement Program (NECI) proposes to connect Macfarlane Boulevard to the I-85 Connector as right-in/right-out. If the proposed concept is approved by NCDOT, the current I-85 Service Road will likely have to be disconnected from North Tryon Street and relocated to provide adequate separation distance from the I-85 Connector Road at Macfarlane Boulevard. CDOT will work with and support NCDOT to create at least one right-in/right-out street connection along North Tryon Street between the I-85 connector and Periwinkle Drive, which is the subject parcel's northern property line. CDOT requests the petitioner investigate and possibly revise the site plan to include a portion of land that is currently NCDOT right-of-way associated with the old US 29 Weave Project (grade separated interchange project). Should the right-of-way be abandoned the petitioner should be in a position to provide a master plan for the site to determine all future traffic access points and street configurations working within the city's Subdivision Ordinance.
    - CDOT does not support the proposed break in the median on Periwinkle Hill Drive, north of North Tryon Street to provide a northbound left-turn lane into the site, as the location of the requested left-turn movement is too close to North Tryon Street and adequate left-turn storage cannot be provided at this location. The first opportunity to turn left into the site from Periwinkle Hill Drive will be at Tyner Street.
    - Approved rezoning petition 2013-52 located across Ikea Boulevard calls for a third public street halfway between Periwinkle Hill Drive and the westernmost public street in this petition. If a public street is difficult due to topological and environmental constraints, CDOT would support implementing a private network street or possibly a driveway to distribute traffic within the site.
  - **Vehicle Trip Generation:**
    - Current Zoning: 14,370 trips per day.
    - Proposed Zoning: A wide range of land uses and trip generation is possible, with the array of uses allowed in TOD zoning.
  - **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:** Stream wetland needs delineation.
  - **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*.
  - This site meets minimum ordinance standards.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend site plan to reflect an additional local street that would connect to Ikea Boulevard, which is required by the Subdivision Ordinance. Add a note that, due to the location of the existing wetlands and the limits of the existing Duke Energy right-of-way, the Planning Department's Subdivision staff will further consider the requirement to construct this street during the Subdivision review process.
  2. Add note that the ground floor of parking structures along public and private streets will be lined with active uses. Cars on upper levels will be screened from view from streets and sidewalks.
  3. Show building footprints and/or building street edges to indicate general location of all proposed buildings and setbacks.
  4. Show all proposed driveway/parking street access points.
    - a. On Parcels 1 and 2, no surface parking should be adjacent to the street. Street frontage should include buildings, driveways, and/or pedestrian paths and courtyards.
    - b. On Parcels 3, 4, and 5 surface parking may occupy up to 35% of a sites street frontage and should be located to the side or rear of buildings.
  5. Rename Parcel 1, Parcel 2, etc. on rezoning map to "Development Area 1, 2, etc."
  6. Modify Note B under Permitted Uses to specify that no drive-through facilities shall be located in the core of the station area (Parcels 1 and 2), and that retail and office uses in Parcels 3, 4, or 5 may have drive-through facilities only if they are located on the interior of a parking deck and are designed to minimize conflicts with pedestrians. All other drive-through facilities are prohibited within the development.
  7. Add a note under Permitted Uses to specify that development in Parcels 1 and 2 will include a mix of residential, office, hotels, civic, and/or retail uses. Parcel 1 street frontage along Periwinkle Hill Avenue is a designated ground floor retail street and should be built to accommodate non-residential ground floor uses, per the TOD-M (transit oriented development – mixed use) zoning district ordinance.
  8. Add a note under Permitted Uses to specify that Parcels 3, 4, and 5 will be developed for residential, office, hotels, and/or civic uses. Retail uses are only appropriate on the ground floor of office and/or residential buildings.
  9. Develop a portion of the area located between Parcels 2 and 4 as useable open space that includes trails/paved paths to connect pedestrians from the mixed-use area to Ikea Boulevard and the Auto Mall open space and pedestrian paths unless a street is required between the two parcels.
  10. Amend Note A under Streetscape and Landscaping to specify that all street cross-sections and setbacks will be in conformity with the transportation policies of the *University City Area Plan*.
  11. Provide a typical street-facing building elevation for all building types proposed for the development to demonstrate general compliance with the University City Area Plan design policies for the transit station area. These policies (which also should be added to the Architectural Standards notes on the plan) include:
    - a. Buildings in the core will be a minimum of two stories (typically 5-10 stories).
    - b. Buildings outside the core will be multi-storied (typically 3-5 stories).
    - c. The ground floor of buildings will be designed to activate streets and open space through a variety of design techniques that may include, but not be limited to, the following:
      - i. Non-residential ground floor uses should have clear glass windows and prominent entrances with operable doors allowing access from the sidewalk.
      - ii. Non-residential and multi-family building facades should have architectural elements that will help distinguish the ground floor from upper stories. Building corners at street intersections should be designed to feature prominent entrances and distinctive architectural features.
      - iii. Multi-family residential development should include direct connections to the sidewalk. Where feasible, ground floor units should have direct connections to the sidewalk. The front door of single family attached and detached units should also have direct connections to the sidewalk. For the privacy of residents, ground floor residential units should include vertical separation and/or increased setbacks from the sidewalk.
  12. Provide a building that anchors the corner rather than the pool if the pool includes a structure (pool house/club house). The pool should be screened from view from the street and sidewalk

- with walls and landscaping.
13. Amend Development Data to specify the maximum gross square footage of the development.
  14. Specify maximum building height.
  15. Amend Note A under General Provisions to reference Section 6.207 of the Zoning Ordinance.
  16. Amend Note B under Permitted Uses to replace "restaurant" with "eating, drinking and entertainment establishments."
  17. Amend Note A under Streetscape and Landscaping to specify that all street cross-sections and setbacks will be in conformity with the transportation policies of the *University City Area Plan*.
  18. Provide a wetlands determination letter.
  19. Add a note specifying the maximum height of detached lighting.
  20. Add a note that lighting on the site will utilize full cut-off lighting fixtures.
  21. Address Engineering and Property Management comment.
  22. Address Transportation comments.
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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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