

<b>REQUEST</b>	Current Zoning: I-1 (light industrial) and I-2 (general industrial) Proposed Zoning: TOD-RO (transit oriented development - residential, optional), with five-year vested rights
<b>LOCATION</b>	Approximately 3.63 acres located on the southeast corner at the intersection of North Brevard Street and East 21 <sup>st</sup> Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop a site in the Optimist Park neighborhood currently occupied with single family detached dwellings to allow up to 351 multi-family dwelling units. The site is located within ¼ mile walk distance from the Parkwood Transit station on the LYNX Blue Line.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Parkwood Station Land, LLC Parkwood Residences, LLC John Carmichael, Robinson Bradshaw & Hinson
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent with the Blue Line Extension Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The plan recommends transit supportive development.</li> </ul> <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> <li>• The residential building is designed to allow nonresidential ground floor uses along Parkwood Avenue, as recommended in the transit station area plan.</li> <li>• The incorporation of nonresidential uses on this and other nearby sites will support the goal of having a range of pedestrian-friendly uses in the area closest to the Parkwood Transit Station.</li> <li>• The site is within ¼ mile walk distance from the Parkwood Transit Station, and is included in a larger area envisioned to be redeveloped with transit supportive development.</li> <li>• The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning.</li> <li>• The proposed development has been designed to be pedestrian friendly and includes up to 335 multi-family units near the Parkwood Transit Station.</li> </ul> <p>By a 6-1 vote of the Zoning Committee (motion by Eschert seconded by Dodson).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-1 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>1. Revised the site plan to depict and dimension future back of curb lines on North Caldwell Avenue and East 21<sup>st</sup> Street.</li> <li>2. Revised the Streetscape conditional note B to read: "Petitioner shall install planting strips and sidewalks along the site's frontage on Parkwood Avenue, North Brevard Street, East 21<sup>st</sup> Street and North Caldwell Street as depicted on the rezoning plan."</li> <li>3. Revised the site plan and added conditional notes to provide accessible pedestrian ramps on both sides of North Brevard Street to access the proposed BLE Parkwood Station multi-use path approximately 250 feet north of Parkwood Avenue. Removed the</li> </ol>
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high-visibility mid-block pedestrian crosswalk on North Brevard Street.

4. Added Note 4(G) to specify that accessible on-street parking spaces will be provided as depicted on the rezoning plan.

#### Site and Building Design

5. Revised the site plan so that the building is 16 feet from back of curb on East 21<sup>st</sup> Street and North Caldwell Street.
6. Included public open space in the open space area along Parkwood Avenue.
7. Added Note 5(I) as follows: "Those portions of the ground floor of the building that are more particularly identified on Sheet RZ-2.0 of the rezoning plan shall be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses (the "convertible space"). The convertible space shall contain a minimum of 9,700 square feet of gross floor area."
8. Deleted Optional Request to not require any portion of the linear street frontage to be developed to accommodate nonresidential uses.
9. Amended Note 2E under Optional Requests, which requests the 24-foot setback be measured from the back of existing curb of the existing travel lane instead of the back of the recessed on-street parking, to specify that separation will be provided between the building and the multi-use path as generally depicted on the rezoning plan.
10. Amended Note 6A to clarify that a minimum six-foot planting strip will be installed along portions of the site's frontage on Parkwood Avenue adjacent to Parkwood Avenue as depicted on the rezoning plan.
11. Amended building elevations to address the side of the building with the exposed deck.

#### Requested Technical Revisions

12. Added Note 8(A) to specify that a trash chute that goes into a self-contained compactor will be provided on the site. The location of required solid waste and recycling containers has been shown and labeled on Sheet RZ-2 of the site plan.
13. Clarified that the planting strip and sidewalk to be provided along North Brevard Street will be located on the building side of the sidewalk.
14. Added Note 7(A) as follows: "No water supply wells including irrigation wells and open loop geothermal wells will be constructed on the properties."
15. Reduced the maximum number of multi-family dwelling units from 351 to 335.
16. Amended Note 1(A) under General Provisions to specify that the rezoning plan is comprised of a technical data sheet, and the schematic illustrative plan.
17. Added Note 2(B) under Optional Provisions to request parking, maneuvering and loading space to be allowed between the building and the required setback from North Caldwell Street.
18. Added Note 2(F) under Optional Provisions as follows: "As provided below in Note I under Architectural and Design Standards, those portions of the ground floor of the buildings that are more particularly identified on Sheet RZ-2 of the rezoning plan shall be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses. To the extent that the foregoing identified portions of the ground floor of the building do not occupy 50% of the linear street frontage on Parkwood Avenue, an option is granted to allow the identified portions of the ground floor of the building on Parkwood Avenue to satisfy Section 9.1209(1)(1) of the ordinance."
19. Amended Section 3(A) Permitted Uses by specifying the permitted uses as follows: "(i) multi-family residential uses, (ii) professional

business and general offices, (iii) retail sales, (iv) establishments that sell and serve ice cream, yogurt, coffee, juices and similar items along with items such as bagels, muffins, sandwiches and pastries, provided, however, that the on-premises cooking of food items shall not be permitted other than the warming of such food items. Establishment that require equipment for the on-premises preparation of food (other than the warming of food items as noted above) shall not be permitted on the site; (v) beauty and barber shops, (vi) incidental or accessory uses associated with the uses listed above that are permitted under the ordinance in the TOD-R zoning district.”

20. Added Note 3(C) as follows: “Except as provided above in paragraph A(iv), eating, drinking and entertainment establishments shall not be a permitted use on the site.”
21. Added Note 4(H) to specify that the petitioner shall submit a petition to the City of Charlotte requesting the abandonment of an existing alley located within the site adjacent to tax parcel 083-041-03, and the abandonment of excess right-of-way located within the southwest portion of the site adjacent to North Brevard Street.
22. Deleted Note 5(I), which stated “a portion of the precast concrete parking structure will be exposed to North Caldwell Street and shall not be clad with any additional finishes.”
23. Added Note 5(H) as follows: “Any fitness center located on the site shall not be visible from a public street or a public sidewalk adjacent to a public street.”
24. Amended Note 6(A) to specify that a minimum six-foot planting strip shall be installed along portions of the site’s frontage on Parkwood Avenue adjacent to Parkwood Avenue as depicted on the rezoning plan.
25. Amended Note 6(E) as follows: “However, the landscaping of the site shall be governed by the rezoning plan and the ordinance.”
26. Added Note 6(I) as follows: “Public open space with seating and landscaping shall be provided on the street side of the entrances to the courtyards located along the site’s frontage on Parkwood Avenue as generally depicted on the rezoning plan.”

**VOTE**

Motion/Second: Eschert / Majeed  
 Yeas: Dodson, Eschert, Labovitz, Lathrop, Majeed, Sullivan, and  
 Nays: Wiggins  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition noting that the number of dwelling units had been reduced from 351 to 335, and that portions of the ground floor of the buildings along Parkwood Avenue and North Brevard Street will be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses.

A committee member stated that the project provides limited access to the surrounding neighborhood, is singular in use, and would be a good location for various nonresidential uses such as an eating, drinking and entertainment establishment. Another committee member expressed concern about the projected increase in the number of students and utilization percentage for Walter G. Byers Pre-K -8. Staff pointed out that CMS bases the calculations on the number of units and not the number of bedrooms. In this instance, Planning staff does not expect the level of students as projected due to the limited number of bedrooms proposed. A committee member questioned how CMS make projections based on age groups, to which another committee member suggested the Planning Commission/Zoning Committee needs to be better educated as to how CMS makes projections due to the recurring number of questions that are raised pertaining to the school

information.

A committee member stated that while this project does pose an opportunity to enliven the street, the market calls for single uses. It was added that it is often difficult to incentivize mixed use development proposed by a single use developer, and that South End holds examples of developments where a residential developer may be asked to include retail use, which may end up sitting empty.

Staff noted that this petition is consistent with the Blue Line Extension Transit Station Area Plan.

#### **MINORITY OPINION**

A minority of the committee felt the location of the site, in close proximity to a transit stop, offers opportunities that are not maximized by the proposed singular use development. It was noted that though the site provides space for nonresidential uses the space may not be occupied as such. The member expressed that ground floor nonresidential infrastructure should be built initially due to the difficulty of retrofitting. Otherwise, it will serve as a negative for incentivizing future nonresidential development. It was also expressed that the development offers limited access to the rest of the neighborhood.

#### **STAFF OPINION**

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

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### **FINAL STAFF ANALYSIS** (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

#### **PLANNING STAFF REVIEW**

##### **• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 335 multi-family dwelling units along with incidental and accessory uses.
- Portions of the ground floor of the building that are more particularly identified on Sheet RZ-2.0 of the rezoning plan shall be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses (the "convertible space"). The convertible space shall contain a minimum of 9,700 square feet of gross floor area.
- Site plan and building elevations reflect a maximum height of 85 feet, with a courtyard at the corner of North Brevard Street and Parkwood Avenue, in addition to other internal courtyards that are visible from public streets. No parking is located between the buildings and public streets. A parking structure will be accessed from North Caldwell Street and North Brevard Street. Buildings are setback 16-feet from the back of curb along North Caldwell Street, East 21<sup>st</sup> Street, and North Brevard Street. A 24-foot setback measured from the back of the existing curb of the existing travel lane is provided along Parkwood Avenue.
- A note prohibits any fitness center that may be provided from being visible from a public street or a public sidewalk adjacent to a public street.
- Site access provided via North Brevard Street and North Caldwell Street.
- An eight-foot sidewalk on both North Caldwell Street and East 21<sup>st</sup> Street.
- Accessible pedestrian ramps on both sides of North Brevard Street to access the proposed BLE Parkwood Station multi-use path approximately 250 feet north of Parkwood Avenue
- A 15-foot wide multi-use path will be provided along the site's frontage on Parkwood Avenue.
- An eight-foot sidewalk and eight-foot planting strip will be provided along the project frontage on North Brevard Street, which exceeds the six-foot sidewalk required by the ordinance.
- On-street recessed parking spaces will be provided along the site's frontage on Parkwood Avenue and North Brevard Street.
- Elevations that depict general architectural style and character of proposed buildings.
- The ground floor portion of buildings that front Parkwood Avenue shall contain a minimum 50% glazing.
- The floor to floor building height of the first floor of the building shall be a minimum of one foot taller than the floor to floor height of the upper floors of the building.
- Primary building entrances shall be prominent and visible as accomplished through a combination of design elements.
- Exterior ground floor entrances to individual dwelling units from the public right-of-way shall have the design appearance of a front door where provided.

- Vehicular entrance into the site from North Brevard Street to be constructed as a motor court and pedestrian plaza containing decorative paving, hardscape and landscaping.
- Building elevations address the side of the building with the exposed deck.
- Requesting five-year vested rights.
- Optional requests:
  - Parking and maneuvering space shall be allowed between the building and the required setback from North Brevard Street.
  - A roof line variation every 30 feet shall not be required as set out in Section 9.1209(1)(g) of the zoning ordinance.
  - Building entrance requirements shall not apply to the building as required per Section 9.1209(1)(i) of the zoning ordinance.
  - The first floor of the building shall not be required to provide at least 50% of the linear frontage along Parkwood Avenue developed to accommodate nonresidential uses but may be occupied with residential uses as required Section 9.1209(1)(l) of the zoning ordinance.
  - Allow the 24-foot setback along Parkwood Avenue to be measured from the back of the existing curb of the existing travel lane, not the back of curb of the recessed on-street parking. Separation shall be provided between the building and the back of the multi-use path.
  - Allow parking, maneuvering and loading space between the building and the required setback from North Caldwell Street.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented development for this site.
  - Adopted policy recommends promoting a mix of transit-supportive land uses (residential, retail, civic, and office) within the transit station area through new development and redevelopment. It further recommends that the scale and massing of new development/redevelopment is sensitive to the Belmont and Optimist Park neighborhoods
  - The petition supports the *General Development Policies-Environment* by redeveloping an existing site in a developed area, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located adjacent to the Parkwood light rail station. CDOT supports intensive development in close proximity to rapid transit. The primary goal for this site is to improve walkability which is achieved by implementing the area plan recommended streetscape on all street frontages, including a multi-use path along Parkwood.
  - **Vehicle Trip Generation:**  
Current Zoning: 125 trips per day (based on 34,500 square feet of warehouse uses).  
Proposed Zoning: 2,150 trips per day (based on 335 multi-family dwellings).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 298 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 298 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Walter G. Byers K-8 Elementary from 91% to 147%
  - West Charlotte High from 94% to 97%
- **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.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Department of Solid Waste Services 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
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327