

<b>REQUEST</b>	Current Zoning: R-8 (single family residential), R-22MF (multi-family residential) and I-2 (general industrial) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional) and five-year vested rights
<b>LOCATION</b>	Approximately 11.85 acres located on the east and west side of North Brevard Street and generally surrounded by Parkwood Avenue, Belmont Avenue, East 16 <sup>th</sup> Street and North Brevard Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition seeks to reuse an existing mill building in the Optimist Park neighborhood for all uses permitted in the TOD-M (transit oriented development - mixed-use) district. Uses allowed in the TOD-M (transit oriented development – mixed-use) district include office, residential, retail, and civic uses.
<b>PROPERTY OWNER</b>	Highland Mills, Inc., Charles Creech, 1101 LLC and Belmont Avenue LLC
<b>PETITIONER AGENT/REPRESENTATIVE</b>	White Point Paces Properties, LLC John Carmichael, Robinson Bradshaw
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design, and various technical issues.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plans</i> recommendation for office, retail, industrial/warehouse/distribution uses for the area between North Brevard Street and the rail line.</p> <p>The petition is also consistent with the plan recommendation for transit supportive development for the portion of the site between Parkwood Avenue and North Brevard Street.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• This project proposes to repurpose an existing factory known as Highland Park Mill Building No. 1 and constructed around 1900.</li> <li>• The petition intends to save the original mill structure and remove recent additions that detract from the historic character.</li> <li>• The site of the mill building is located between ¼ and ½ mile from the Parkwood Transit Station.</li> <li>• The historic mill building could be reused for any use allowed in the TOD-M (transit oriented development – mixed-use) district. The proposed reuse would meet both historic preservation and transit station area development goals.</li> <li>• The site is adjacent to existing single family residential uses along North Brevard Street and Belmont Avenue, which are expected to transition to transit supportive development over time. Development abutting the residential sites will be required to meet all TOD-M (transit oriented development – mixed use) ordinance requirements that protect established residential areas from negative impacts of more intense development.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Designates Development Areas A, B, and C.

- Development Areas allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
- Development Area A
  - Preserves the existing Highland Park Mill Building No. 1, identified as the Mill Building, in Development Area A, except for those portions of the building that are required to be demolished by the NC State Historic Preservation Office.
  - Permits alterations to the exterior portions of, and additions or expansions to, the Mill Buildings as allowed by the NC State Historic Preservation Office.
  - Limits the maximum height of the existing Mill Building in Development Area A to 50 feet, excluding the existing smokestacks, which may remain on the Mill Building at the option of the petitioner.
  - Provides a minimum of 195 parking spaces in Development Area A.
  - Commits to off-site parking on abutting tax parcel 083-011-43 to serve development on Development Area A.
- Development Area B (Subareas B1 and B2)
  - May be devoted to temporary surface parking lots.
  - Future redevelopment of temporary parking lots shall comply with the TOD-M (transit oriented development – mixed-use) district standards.
  - The two existing buildings and structures located in Subareas B1 and B2 may remain or be demolished at the option of the petitioner. Such buildings and structures may be incorporated into any redevelopment of Development Area B.
- Development Area C
  - May be devoted to temporary surface parking lots.
  - Future redevelopment of temporary parking lots shall comply with the TOD-M (transit oriented development – mixed-use) district.
- Architectural Standards for Residential Buildings
  - Requires any new residential buildings with ground floor units that face Parkwood Avenue or Belmont Avenue to have entrances that face the street, with up to four ground floor units allowed to share and utilize the same entrance.
  - Requires a primary building entrance for residential units to be provided at the rate of one primary building entrance every 100 feet if ground floor unit individual entrances are not provided on other streets.
  - Commits to entrances into any ground floor residential unit from Parkwood Avenue or Belmont Avenue having a minimum of three architectural features as listed on the site plan.
  - Requires façade variations on residential buildings over 150 feet in length to visually separate the individual units.
- Architectural Standards for All New Residential, Nonresidential or Mixed Use Buildings
  - Commits to all new buildings having blank walls treated with both horizontal and vertical variations in wall planes.
  - Requires the ground floor of any multi-story building to be architecturally distinct from the upper floors and have more transparency.
  - Requires the ground floor of any parking structure to be wrapped with active uses such as residential, office and/or retail uses.
- Transportation and Streetscape
  - Provides site access via Belmont Avenue and East 16<sup>th</sup> Street.
  - Commits to no vehicular entrances into any parking structure along or on Parkwood Avenue.
  - Commits to dedicate any right-of-way for the realignment of East 16<sup>th</sup> Street or the construction of realigned East 16<sup>th</sup> Street should East 16<sup>th</sup> Street be realigned in the future.
  - Allows the petitioner to seek abandonment of a portion of North Brevard Street located interior to the site as depicted on the site plan.
  - Provides a 12-foot wide multi-use path within the site, with the precise location to be determined during the permitting process.
  - Commits to a 24-foot setback from the back of curb for new buildings located on Parkwood Avenue and a transition from the sidewalk to the building.
  - Provides an eight-foot sidewalk and eight-foot planting strip along a portion of the site's frontage on Parkwood Avenue.
  - Commits to an eight-foot sidewalk with no planting strip along Development Area A's frontage on East 16<sup>th</sup> Street.
  - Requires an eight-foot planting strip and 12-foot wide multi-use path along Development Area A's frontage on North Brevard Street.
  - Provides an eight-foot sidewalk and eight-foot planting strip along Development B-2's

frontage on Belmont Avenue upon redevelopment of the site from a temporary parking lot.

- Commits to two entry plazas/motor courts with specialty hardscape that may include seat walls, planters, bollards, benches and other similar features located within Development Area A.
- Requests the following optional provisions:
  - Allow vehicular parking and maneuvering between the permitted uses in Development Area A and Development Area B and the required setbacks.
  - Allow temporary surface parking lots on Development Areas B and C, and allow the parking lot in Development Area C to cover the entire width and depth of the development area. Such parking and maneuvering is allowed to remain in Development Area B until such time as the site redevelops.
  - Allow parking areas located on the side of any structures located in Development Area A to cover more than 35% of the total lot width.
  - Allow the temporary parking lots located on the side of any structures located in Development Area B to cover more than 35% of the total lot width.
  - Allow uses and proposed development to not meet the minimum parking requirements due to the proximity of the site to a transit station and the unique elements of the site and the proposed development. A minimum of 195 parking spaces will be provided in Development Area A.
  - Allow the existing smokestacks on the Mill Building to exceed 50 feet in height and remain on the Mill Building at the option of the petitioner.
  - Allow development in Development Area A to not meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M (transit oriented development - mixed-use) district. This optional provision will allow the existing mill to remain.
  - Until such time that Development Area B is redeveloped, it shall not be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the TOD-M (transit oriented development - mixed-use) district. If the existing buildings and structures located on Development Area B are incorporated into any redevelopment, then Development Area B shall not be required to meet the minimum residential density and/or the minimum floor area ratio requirements of the district. This optional provision will allow the existing buildings to be reused.
  - Until such time that Development Area C is redeveloped, it shall not be required to meet the minimum residential density and/or minimum floor area ratio requirements for the TOD-M (transit oriented development - mixed-use) district.
  - Existing buildings/structures located in Development Area B shall not be required to meet the urban design standards set forth in Sections 9.1209 (1-4) pertaining to street walls, base of high rise building, top of buildings and building entrances and orientation.
  - The existing Mill Building located in Development Area A, including any additions, shall not be required to meet minimum setback requirements from North Brevard Street, Parkwood Avenue or East 16<sup>th</sup> Street, provided that the Mill Building may not be located in the public right-of-way. This will allow the existing Mill Building to be reused.
  - The existing buildings/structures in Development Area B shall not be required to meet the minimum setback requirements of Section 9.1208(1) (a), provided the existing buildings/structures must be setback a minimum of seven feet from the back of the existing curb along the relevant public street frontages. This will allow the accommodation of the reuse of the existing structures on the site.
  - A 10-foot buffer required per Section 9.1208(9) along the western boundary line of Development Area B2 shall not be required.
  - Alterations to the exterior portions of the Mill Building and additions to/expansions of the Mill Building shall not be required to meet the urban design standards per Section 9.1209(1-4) pertaining to street walls, base of high rise building, top of buildings and building entrances and orientation.
  - Planting strips and sidewalks shall be permitted as described under Streetscape/Landscaping/Open Space.
- **Existing Zoning and Land Use**
  - The subject property is currently developed with a 205,630-square foot warehouse, formerly used as a cotton mill and later a hosiery mill, built in 1900 and identified as the Mill Building. An office and a small warehouse are also located on the site.
  - Surrounding properties on the north side of North Brevard Street contain warehouse uses and vacant lots in I-2 (general industrial) zoning.
  - A Norfolk Southern railroad line abuts the Mill Building property to the rear.
  - A mixture of uses consisting of warehouses, religious institutions, an office, single family and

multi-family dwelling units are developed on the south side of North Brevard Street and the east and west sides of Parkwood Avenue in R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional), B-1 (neighborhood business), B-2 (general business) and I-2 (general industrial) zoning districts.

- See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2014-023 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.14 acres located on the south corner of the intersection of North Caldwell Street and East 16th Street to reduce the total number of multi-family dwelling units from 150 to 120 and to allow units to be for rent.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plan* (2013) recommends office, retail, and/or industrial-warehouse-distribution uses for the area between North Brevard Street and the rail line.
  - The plan recommends transit supportive development uses for the portion of the site between Parkwood Avenue and North Brevard Street.
  - 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**
  - CDOT, Planning, and Charlotte Storm Water have been working closely with the petitioner for the past several months to determine the necessary transportation, streetscape and multi-use path needs to improve the site plan proposal for pedestrians, bicyclists and vehicles. The site is planned as a mixed-use entertainment land use. CDOT is supportive of the petition provided the outstanding issues are addressed.
  - See Outstanding Issues, Notes 1 through 7.
  - **Vehicle Trip Generation:**
    - Current Zoning: Trip generation cannot be determined due to the variety of permitted land uses.
    - Proposed Zoning: Trip generation cannot be determined due to the variety of permitted land uses.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** See Advisory Comments, Note 27.
- **Engineering and Property Management:** See Advisory Comments, Note 28.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

#### OUTSTANDING ISSUES

##### Transportation

1. Petitioner is requested to implement a mast-arm traffic signal at the intersection of Parkwood Avenue/Belmont Street/Caldwell Street including interconnecting cable to existing signals along Parkwood Avenue. The petitioner will need to enter into a Traffic Signal Developer Agreement with CDOT for the cost of the signal. The traffic signal requirements include a westbound 150-foot left-turn storage lane with appropriate bay taper length on Parkwood Avenue to be constructed by the petitioner. The northbound/southbound approaches of Belmont Avenue need to be widened to accommodate three lanes in each direction (one 10-foot wide thru/right lane, one 10-foot wide left-turn lane, and one 13-foot wide receiving lane. The intersection's geometric improvements and *Traffic Signal Development Agreement*, including receiving traffic signal funding needs to be completed, approved, and funds collected before the site's first building certificate of occupancy is issued. The revised site plan needs to reflect the above transportation improvements and conditional notes.

2. Revise the site plan to depict and provide a 20-foot wide Permanent Sidewalk Utility Easement (SUE) for a proposed northeast/southwest multi-use path connecting North Brevard Street to 16<sup>th</sup> Street. The multi-use path needs to be constructed with a 12-foot wide asphalt surface and include landscaping.
3. Petitioner is requested to dedicate in fee simple right-of-way to realign 16<sup>th</sup> Street through parcel numbers 08301125 and 08301143 when requested by the City at a future time. The appropriate amount of right-of-way needed to be dedicated within the above two parcel numbers will generally be that of a local collector street typical section (see CLDS U-07, revision 13); however, the right-of-way will need to be wider as it approaches Parkwood Avenue to accommodate turn lanes at the intersection. Therefore, Parkwood Avenue's final right-of-way will be determined during the site's construction permitting process. The physical realignment and construction of 16<sup>th</sup> Street will be implemented by others. Once the petitioner dedicates right-of-way for the 16<sup>th</sup> Street realignment and its construction is completed, the Petitioner can request abandonment of the existing 16<sup>th</sup> Street right-of-way.
4. Petitioner is requested to recognize that the City's local office/commercial wide street cross sections will need to be implemented along the site's following street frontages, including eight-foot planting strips and eight-foot sidewalks. Therefore, the petitioner needs to revise the site plan, dedicate 38.5 feet of right-of-way in fee simple from the streets' existing centerline, and relocate existing curb lines as determined in the construction permitting process to implement these transportation improvements before the site's first certificate of occupancy is issued (see CLDS U-05C, revision 13).
  - a. Brevard Street
  - b. Belmont Avenue
  - c. 16<sup>th</sup> Street
5. Revise and depict on the revised site plan the dedication of 50 feet of right-of-way in fee simple as measured from Parkwood Avenue's existing centerline, a 150-foot westbound Parkwood Avenue left-turn storage lane and appropriate bay taper at Belmont Avenue, eight-foot planting strip, eight-foot sidewalk and/or 12-foot multi-use path along the site's Parkwood Avenue frontage and necessary temporary and permanent construction easements outside of the right-of-way. These improvements need to be completed before the first building's certificate of occupancy is issued or when requested by the City, whichever occurs first.
6. Locate proposed site access point #5 ten feet from the northern property line of Lot K within Development Area A. CDOT suggests the Petitioner add a site access to serve Development Area A.
7. Add note that petitioner will be responsible for the "top" pavement surface treatment associated with the Storm Water project, including two 11-foot wide travel lanes, a wider 13-foot multi-use path (due to the culvert's head wall), a taller bicycle railing on the multi-use path side, and other needed elements.

#### Site and Building Design

8. Remove deck shown encroaching into Rail Road right-of-way per NCRR's recent input prohibiting encroachment.
9. Add the following Note in Section 4: "if and only if the Rail Road revokes it's parking agreement that Development Area B could be used for temporary parking per the TOD-M zoning ordinance."
10. Identify existing structures to remain (mill, smokestack, other buildings) and existing structures to be removed.
11. Amend Optional Provisions to specify the time frame for removal of temporary parking lots located on Development Area C.
12. Amend Notes D and E under Optional Provisions to specify the maximum percentage of the total lot width that may be covered by structures.
13. Provide a time frame for redevelopment of Development Areas A, B and C.
14. Amend Note 7(O) under Streetscape/Landscape/Open Space to apply to the right-of-way area to be abandoned on Parkwood Avenue and 16<sup>th</sup> Street.
15. Explain the need for Notes 2(M) and 2(N) under Optional Provisions.
16. Explain the need for Note 2(O) under Optional Provisions and specify the minimum width of buffer that can be provided.
17. Amend Note 2(F) under Optional Provisions to specify the required number of parking spaces.
18. Amend Note 6(A) (5) to add the following "Transition between the building and the sidewalk may be grade change, landscaping, a porch or stoop. The type of transition will be determined by the petitioner during the permitting and urban review phase."
19. Delete optional request to not require additions and expansions to the existing Mill Building in Development Area A to not meet design standards.
20. Delete optional request 2(J) for Area C and note 2(L) for Area B.

**REQUESTED TECHNICAL REVISIONS**

21. Anticipate future developer agreements including but not limited to Storm water, Northeast Corridor Infrastructure (NECI)-Parkwood, CIP/NECI-16<sup>th</sup> St, Railroad, etc.
22. Add language about Section 9.1209 regarding sidewalks – anything not shown on the site plan shall be built to those standards (NECI has changed the cross section since the BLE plan was adopted). Make these changes for (a) Brevard Street, (b) Belmont Avenue, and (c) 16<sup>th</sup> Street.
23. Obtain an off-site parking agreement with Norfolk Southern for I-2 property.
24. Divide the site into Development Areas A, B and C.
25. Amend Note G under Provisions to specify the height of the existing smokestacks on the Mill Building.
26. Specify what is meant by “redevelopment.”

**ADVISORY COMMENTS**

27. Charlotte Water has water system availability via the existing six-inch water mains located along Belmont Avenue and along North Brevard Street from the southwest to Belmont Avenue. Additionally, an existing eight-inch water main is located along East 16<sup>th</sup> Street, and a 12-inch water main is located along North Brevard Street and Parkwood Avenue. In addition, Charlotte Water has sewer system availability via the existing eight-inch gravity sewer mains located along East 16<sup>th</sup> Street, Belmont Avenue, Parkwood Avenue, and North Brevard Street, a 10-inch gravity sewer main located along North Brevard Street, and 12-inch gravity sewer mains located at the southwestern section of parcel 081-042-02 and through the northern and eastern section of parcel 081-062-15.
  28. Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - 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 Parks and Recreation Review

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