

<b>REQUEST</b>	Current Zoning: I-1 (light industrial), I-2 (general industrial) and I-2(CD) (general industrial, conditional) Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional) with five-year vested rights.
<b>LOCATION</b>	Approximately 18.3 acres located on the west side of East Craighead Road between North Davidson Street and North Tryon Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop an existing industrial site located north of the NoDa "Arts District" to allow transit supportive uses allowed in the TOD-M (transit oriented development – mixed-use) zoning district, which include residential, office and retail uses.
<b>PROPERTY OWNER</b>	Double Crown, LLC, Triple Crown, LLC, Noda Greenway One, LLC and Noda Greenway Two, LLC
<b>PETITIONER</b>	Noda Greenway One, LLC and Noda Greenway Two, LLC
<b>AGENT/REPRESENTATIVE</b>	Tony Kuhn
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

<b>STAFF RECOMMENDATION</b>	<p>Staff does not recommend approval of this petition in its current form due to the lack of clear transportation commitments and the number of additional outstanding and technical issues.</p> <p><u>Plan Consistency</u> The transit supportive uses proposed by this petition are consistent with the <i>Blue Line Extension Transit Station Area Plan</i> land use recommendation.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The site is within the 36<sup>th</sup> Street transit station area and is located less than 1/2 mile from the 36<sup>th</sup> Street station.</li> <li>• The proposed rezoning allows a site zoned for industrial to be rezoned and developed with transit supportive uses.</li> <li>• However, in its current form, the petition lacks the commitments related to the street network that are needed to maximize access to the station, support walkability and connect to surrounding development.</li> <li>• Specific transportation improvements that should be provided with this petition include:             <ul style="list-style-type: none"> <li>• The final design alignment and full cross section of Philemon Avenue including on-street parallel parking and bike lane.</li> <li>• The installation of the back of curb along Craighead Road with a six-foot bike lane, on-street parallel parking, eight-foot planting strip, eight-foot sidewalk while maintaining existing centerline and travel lane width.</li> <li>• Commitment to the construction of the Cross Charlotte Trail located on the subject property.</li> </ul> </li> </ul>
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**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site is divided into Development Areas 1, 2 and 3. Permitted uses include all uses allowed in the TOD-M (transit oriented development - mixed-use) district.

Architectural and Design Standard

- Ground floor units that face the proposed Cross Charlotte Trail will have entrances that face the trail.
- Ground floor facades fronting Philemon Street shall include more transparency than upper floors.

- All building frontage on Philemon Avenue will be leasable and usable space.
  - Townhome units will have usable front porches a minimum of six feet in depth. Stoops and entry-level porches may be covered but not enclosed. All corner/end units that face a street will have a porch or stoop that wraps a portion of the front and side of the unit or the amount of blank wall expanse will be limited to a maximum of 10 feet. Townhome buildings will have five or less individual units.
  - The ground floor level on all streets will be taller and architecturally different than upper floors.
  - Buildings over 150 feet in length shall provide variations that visually separate individual units.
  - The ground floor of parking structures viewable from a public right-of-way will be wrapped with active uses such as residential, office and retail.
  - No parking structure entrances may be accessed directly from Philemon Avenue.
- Streetscaping and Landscaping
- Any ground floor commercial use with on-street parking shall use tree grates in lieu of a planting strip.
  - An eight-foot planting strip and eight-foot sidewalk will be provided on Craighead Road.
- Parks, Greenways and Open Space
- All buildings along the Cross Charlotte Trail shall have a five-foot setback and include a transition from the sidewalk to the building.
  - Direct pedestrian connections will be provided between the Cross Charlotte Trail and the development no less than every 400 feet, with pedestrian scale lighting provided on connections leading to the Cross Charlotte Trail.
  - Reservation of a minimum 35-foot wide cross section of the Cross Charlotte Trail to allow separated bicycle and pedestrian facilities.
- **Existing Zoning and Land Use**
    - Petition 1995-50 rezoned a 13.3-acre portion of the subject property as part of an overall 13.3-acre petition to I-2(CD) (general industrial, conditional) to allow all uses permitted in the I-1 (light industrial) district.
    - The subject property is developed with a religious institution, two warehouses and tractor trailer and outdoor storage.
    - Surrounding properties located north of North Tryon Street are zoned B-1 (neighborhood business), B-2 (general business), I-1 (light industrial) and INST (institutional) and contain warehouse, retail, eating/drinking/entertainment establishments, the historic Rosedale residential structure, and Highland Renaissance elementary school.
    - Properties between North Tryon Street and North Davidson Street are developed with single family and multi-family residential dwellings, office, commercial/retail, and industrial/warehouse uses in B-2 (general business), R-5 (single family residential), I-1 (light industrial), I-2 (general industrial), UR-2(CD) (urban residential, conditional), TOD-R (transit oriented development - residential) and TOD-MO (transit oriented development - mixed-use, optional) districts.
    - Properties south of North Davidson Street are developed with single family detached, single family attached, residential condominiums, retail and eating/drinking/entertainment establishments, and industrial warehouse uses in R-5 (single family residential), UR-1(CD), UR-2(CD) and UR-3(CD) (urban residential, conditional), MUDD-O (mixed use development, optional), MUDD(CD) (mixed use development, conditional) and I-2 (general industrial) zoning districts.
    - See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Petition 2012-01 approved a MUDD-O SPA (mixed use development, site plan amendment) for approximately 3.82 acres located on the northeast corner of North Davidson Street and East 36<sup>th</sup> Street to allow 250 residential units and up to 22,500 square feet of nonresidential uses.
    - Petition 2012-09 approved a UR-3(CD) SPA (urban residential, conditional, site plan amendment) for approximately 0.45 acres located on the south side of North Davidson Street between Herrin Avenue and Donatello Avenue to allow a maximum of 20 residential units and associated accessory structures and parking.
    - Petition 2012-72 rezoned approximately 0.53 acres located on the south side of Warp Street between Donatello Avenue and Herrin Avenue to UR-1(CD) (urban residential, conditional) to allow four single family detached dwellings.
    - Petition 2015-09 rezoned 6.98 acres located on the west side of East 36<sup>th</sup> Street between Cullman Avenue and North Davidson Street to TOD-MO (transit oriented development – mixed-use, optional) to allow all uses in the TOD-M (transit-oriented development – mixed-use) district with associated optional provisions.
    - Petition 2015-83 rezoned 0.122 acres located on the east side of North Davidson Street between Mercury Street and East 37<sup>th</sup> Street to MUDD-O (mixed use development, optional) to expand

and reuse an existing residential structure as either a residence or an office.

- **Public Plans and Policies**

- The *Blue Line Extension Transit Station Area Plans* recommend transit supportive uses for the proposed site.
- The area plan identifies the proposed alignment for the Little Sugar Creek Greenway along the north property line of the subject site.
- The area plan also shows Philemon Avenue along the south property line, and extending west to East 36<sup>th</sup> Street.

- **TRANSPORTATION CONSIDERATIONS**

- This site is on a collector road approximately 300 feet from a signalized intersection with a major thoroughfare. If CDOT's outstanding comments are incorporated, the Cross Charlotte Trail, Philemon Avenue, and Craighead Road bordering this site would provide direct multimodal access to the site from all sides. CDOT has significant concerns with the current site plan because it does not accommodate the cross sections needed to accomplish the connectivity and multimodal character envisioned in this area. Additionally, if CDOT's comments for the Cross Charlotte Trail are not incorporated this segment and connecting segments may encroach into the floodplain and require additional permitting that was not anticipated in preliminary design of the trial alignment.
- See Outstanding Issues, Notes 5 through 10.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 64 trips per day (based on existing 2,682-square foot religious institution and 11,135 square feet of warehouse uses)  
Entitlement: 940 trips per day (based on 262,850 square feet of entitled warehouse uses)  
Proposed Zoning: Too many uses to determine trips per day.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The proposed district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing six-inch and 12-inch water distribution mains located along East Craighead Road and an existing two-inch water distribution main located along Philemon Avenue. Sewer system availability for the rezoning boundary is via an existing eight-inch gravity sewer main located along East Craighead Road and Philemon Avenue. There is also a 24-inch sewer main located along the northern portion of the petition area and a 15-inch gravity sewer main located in the southwest portion of the petition area.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** Development of this site may require submission of an asbestos Notification of Demolition and Renovation to Mecklenburg County Air Quality (MCAQ) due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.

Ground Water Services records indicate a contamination site(s) exist on or within 1,500 feet of the properties included in the petitions. An established Area of Regulated Groundwater Usage (ARGU) as defined by the Mecklenburg County Groundwater Well Regulations extends 1,500 feet around the contamination sites.

- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Note 4.

**OUTSTANDING ISSUES**

Site and Building Design

1. Amend Note 6A under Architectural and Design Standards to state that entrances that face the trail and Philemon Avenue for ground floor units shall be provided for all units viewable from the Cross Charlotte Trail.

2. Amend Note 6C to specify whether nonresidential uses are referred to as being leasable and usable.

#### Environment

3. Show and label all areas to be dedicated or the area that will revert back to the developer in case a split trail is used.
4. Park and Recreation requests the petitioner dedicate and convey the 100-foot SWIM Buffer to Mecklenburg County for future greenway use. The dedication and conveyance shall occur prior to the issuance of the first Certificate of Occupancy.

#### Transportation

5. The proposed zoning district has a setback measured from an existing or proposed future curb line. The location of the future curb line for Craighead Road and Philemon Avenue is still an outstanding issue for CDOT.
6. CDOT requests that the petitioner revise the proposed typical section for Philemon Avenue shown on sheet RZ-2 to include on-street parallel parking and bike lane.
7. The petitioner should revise the site plan to add a Transportation Note stating that the final design alignment and full cross section of Philemon Avenue, as determined through coordination with the City's Engineering & Property Management Project Manager, will be accommodated on this site. A half-section is not adequate.
8. CDOT requests that the petitioner install the back of curb along Craighead Road in a location that adds a six-foot bike lane, on-street parallel parking, eight-foot planting strip, eight-foot sidewalk while maintaining existing centerline and travel lane width.
9. The petitioner should revise the site plan Greenways notes as follows:
  - a. Correct cross section label from "Little Sugar Creek Greenway" to "Cross Charlotte Trail"
  - b. Note H:
    - i. Remove "Greenway" from the second sentence.
    - ii. Add to fourth sentence: "Petitioner shall grant to the City a minimum of 35-foot wide easement..."
    - iii. Replace the fourth sentence with "The developer shall not be responsible for the maintenance of the Cross Charlotte Trail."
  - c. Note I – Remove "Greenway" from the third sentence.
  - d. Replace Note J with – Petitioner agrees to obtain permits for and construct an eight-foot wide pedestrian pathway and a separated 12-foot wide two-way bicycle facility within the minimum 35-foot Cross Charlotte Trail easement. The final alignment and cross section of the Cross Charlotte Trail will be determined during permitting in coordination with the CDOT's Project Manager. Specific details for partnering between the City and the Developer for this facility will be determined during permitting.
  - e. Note K – Petitioner may dedicate right of way as noted for Cross Charlotte Trail but City really only needs the public greenway/trail easement. Petitioner may change note to this effect if desired.
  - f. Remove Note M.
10. The petitioner should revise the site plan to add a note stating: "All transportation and greenway commitments must be completed and approved before the site's first building certificate of occupancy is issued."
11. Craighead Road is classified as a Collector Street and will require 36 feet of right-of-way to be dedicated from the existing center line, per the Subdivision Ordinance.
12. The portion of Philemon Avenue abutting the site must be constructed to an Office/Wide cross section in conjunction with development of the site.

### **REQUESTED TECHNICAL REVISIONS**

#### Land Use

13. Specify proposed uses under heading of permitted uses.
14. Provide additional detail on type and characteristics of leasable and usable space fronting on Philemon Avenue.

#### Infrastructure

15. Amend Note 7D under Streetscape and Landscaping to add that the curb on the other side of Craighead Road will also be built.
16. Amend Note 7A under Streetscape and Landscaping as follows: "Use of tree grates along Philemon Avenue streetscape shall be conditional based on coordination with the City of Charlotte."
17. Amend Note 9E under Parks, Greenways and Open Space to add that meter banks will be screened from public right-of-way.
18. Amend Note 12A under Lighting to add that pedestrian scaled lighting will be installed on Philemon Avenue and provide maximum distance between lights on each side of the street.

**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 Fire Department 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

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