



Rezoning Petition 2016-107
Zoning Committee Recommendation
September 28, 2016

REQUEST	Current Zoning: CC (commercial center) and UR-C(CD) (urban residential - commercial, conditional) Proposed Zoning: UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights
LOCATION	Approximately 15.86 acres located on the southeast side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to amend the existing development rights on an undeveloped parcel located across North Tryon Street from the Settlements and Withrow Downs neighborhoods to allow up to 275 multi-family dwelling units, at a density of 17.3 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Trevi Partners, LLC Trevi Partners, LLC ColeJenest & Stone, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be inconsistent with the <i>Northeast Area Plan</i>, as amended by rezoning petition 2010-047, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends residential, institutional, office and retail uses on the subject site.• However, 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:<ul style="list-style-type: none">• The proposed multi-family, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan; and• This site provides an internal street and pedestrian network which will connect to abutting properties and enhance connectivity for the larger area when fully implemented; and• The proposed buffers and large tree save areas provide a transition to the existing single family neighborhood to the west; and• The site plan provides usable open space;
	By a 6-1 vote of the Zoning Committee (motion by Spencer seconded by Majeed).
ZONING COMMITTEE ACTION	The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none">1. The petitioner submitted a revised administrative amendment request for the property that was part of rezoning petition 2010-047 but not included with the rezoning submittal. The administrative amendment reduces the total square footage on the remaining portion of the site included in rezoning petition 2010-047. The reduction in square footage is in proportion to the reduction in acreage for the remainder of property included in the prior rezoning.2. The site plan was revised to include a 12-foot wide multi-use path along the site's US 29 frontage, which is separated a minimum of

- eight feet from the closest US 29 travel lane in most places.
3. Provided connections from each building to the sidewalk along the proposed Public Road A.
 4. Deleted optional requests as they are not allowed in the proposed district and removed all reference to the optional provisions.
 5. Deleted reference to a 20-foot greenway access, which will no longer be provided.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition noting that all outstanding issues have been addressed. Staff noted that the greenway easement to be dedicated to Mecklenburg County has been eliminated because the site is not contiguous to the greenway and is separated by a water treatment facility. Staff also noted that this petition is inconsistent with the *Northeast Area Plan*.

A committee member asked the petitioner's agent, Kevin Ammons, why five-year vested rights were requested. Mr. Ammons responded that they have a right to request an increase in vested rights of up to five years, adding that the developer plans to move forward with development within a year, and that a master developer is proposed to develop all multi-family components. However, they wanted to have the extended vested rights, in case there was a delay. Another committee member asked the petitioner's agent about the targeted market for the multi-family units. Mr. Ammons replied that there will be a predominance of one and two-bedroom units, with a low number of three bedroom units that will be marketed toward young professionals.

There was no further discussion of this petition.

MINORITY OPINION

A minority of the committee had concerns about the impact of the proposed multi-family dwelling units on school capacity, and is of the opinion that an extension of vested right to five years is too much.

STAFF OPINION

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

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Relocation of the westernmost street, as shown on the 2010 approved site plan, to the east.
- Relocation of the northernmost east/west street, as shown on the 2010 approved site plan, to the south and elimination of the second east/west street shown on the 2010 plan.
- A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 17.34 dwelling units per acre.
- Building height limited to four stories.
- A minimum 30 percent of a building façade abutting a public or private street will be comprised of brick, natural stone or equivalent or better material approved by the Planning Director. Vinyl is prohibited as an exterior building material except for soffits and trim.
- Buildings will be arranged and oriented to front network required public and private streets, and will provide a minimum of 50 percent of the total street frontage on the site.
- Building placement and site design will focus on and enhance the pedestrian environment.
- Building massing will be designed to break up long monolithic building forms. Architectural elevations will be designed to create visual interest and roof form/roof lines will be designed to

- avoid the appearance of a large monolithic roof structure.
- Site access will be off US Highway 29 via a proposed private driveway and a public road.
 - A ten-foot wide multi-use path will be provided along the site's frontage on US Highway 29.
 - Provides usable open space.
 - A minimum 36-inch high masonry screen wall will be installed on the Tract 6 frontage along the public street to the treatment plant.
 - A 37.5-foot wide "Class C" buffer will be provided abutting R-3 (single family residential) zoning.
 - The petitioner submitted a revised administrative amendment request, prior to the Zoning Committee Work Session, for the property that was part of rezoning petition 2010-047 but not included with this submittal. The administrative amendment reduces the total square footage on the remaining portion of the site included in rezoning petition 2010-047. The reduction in square footage is in proportion to the reduction in acreage for the remainder of property included in the prior rezoning.
 - Provides a 12-foot wide multi-use path along the site's US 29 frontage, which is separated by a minimum of eight feet from the closest US 29 travel lane, except where constrained by culvert and topography. The multi-use path maintains profile (i.e. not ramped to pavement) at intersections with right-in/right-out site drives.
 - Connections from each building to the sidewalk along the proposed Public Road A.
- **Public Plans and Policies**
 - The *Northeast Area Plan* (2000), as amended by Rezoning Petition 2010-047, recommends residential, institutional, office, and retail uses for the subject property.
 - **TRANSPORTATION CONSIDERATIONS**
 - This site is located along a major thoroughfare. This current site plan substantially incorporates CDOT's requests for new public streets, greenway dedication, and a multi-use path along US 29/North Tryon.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: 0 trips per day (based on vacant land).
Entitlement: Uses cannot be determined due to the impact of the revised road alignment on the currently approved site plan for the subject site (based on rezoning petition 2010-047).
Proposed Zoning: 1,790 trips per day (based on 275 apartment units).

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 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 101 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 101 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Stoney Creek Elementary from 126% to 134%;
 - James Martin Middle from 87% to 88%; and
 - Vance High from 116% to 118%.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located near the northern corner of the parcel, on North Tryon Street. Sewer system availability for the rezoning boundary is via an existing eight-inch gravity sewer main located within the parcel and along the creek.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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Attachments Online at 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 Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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