

REQUEST	Current Zoning: O-15(CD) (office) Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)
LOCATION	Approximately 4.51 acres located on the west side of North Tryon Street between East McCullough Drive and Ken Hoffman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	This petition proposes to redevelop a site located adjacent to the proposed McCullough Transit Station with up to 280 multi-family dwelling units and related amenities and accessory uses, and a minimum of 5,000 square feet of ground floor area devoted to non-residential uses permitted in the TOD-M (transit oriented development – mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	ATAPCO UEP, INC. ATAPCO UEP, INC. John Carmichael, Robinson Bradshaw & Hinson
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to uses, sidewalks, pedestrian entrances, and building elevations and minor technical revisions.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>University City Area Plan</i> recommendation, which calls for office, hotel, civic and/or retail uses and deems residential uses appropriate if developed as part of a mixed use development with ground floor retail or other commercial uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • This property is located along North Tryon Street in an existing business park, adjacent to the McCullough Street station on the LYNX Blue Line Extension. • The area in which the site is located is beginning to transition from single-use, auto-dependent sites to more integrated, mixed-use form of development, and the proposed urban development supports this transition. • The multi-family project will provide a housing option in close proximity to transit as well as to an employment district. • Although the majority of the building square footage is planned for residential uses, a portion of the ground floor will be designated for retail uses which will provide goods and services for area residents, employees, and transit riders. • The petition enhances the station area’s walkability and connectivity by providing new pedestrian connections and improved street network at desired block lengths between the existing streets. • The building design will further support pedestrian activity by including ground floor entrances, nonresidential ground floor uses, and urban open space along North Tryon Street.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Construction of a maximum of 280 multi-family dwelling units with incidental and accessory uses, and a minimum of 5,000 square feet of nonresidential uses allowed in the TOD-M (transit oriented development – mixed-use) district will be located on the ground floor of the building.

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- The amount of gross floor area devoted to nonresidential uses may exceed 5,000 square feet.
 - A minimum of 2,000 square feet of the gross floor area located on the ground floor of the building shall be devoted to uses accessory to the multi-family residential use such as a fitness center or a resident's lounge.
 - Maximum building height is limited to five stores and 62 feet.
 - The floor to floor height of the first floor of the building will be approximately one foot taller than the floor to floor height of the other floors.
 - Three building entrances are provided on North Tryon Street.
 - Building elevations reflecting all four sides of the building, in addition to 3D views from various corners and frontages, have been provided.
 - Vehicular access to the building is provided via a private street connecting North Tryon Street and University Executive Park Drive, and an additional driveway off University Executive Park Drive.
 - Petitioner shall dedicate and convey to the City 41.5 feet of right-of-way from the existing centerline of University Executive Park Drive prior to the issuance of a certificate of occupancy for the new building.
 - The proposed half street located between University Executive Park Drive and North Tryon Street will be comprised of a 12-foot travel lane, a six-foot bike lane and on-street parking spaces, and will be constructed by the petitioner prior to the issuance of a certificate of occupancy for the new building.
 - A minimum eight-foot wide sidewalk will be provided along the site's frontage on University Executive Park Drive.
 - A minimum 10-foot wide multi-use path will be installed along the southern boundary of the site that provides a pedestrian connection from North Tryon Street to University Executive Park Drive.
 - A minimum 10-foot wide sidewalk will be provided along portions of the frontage on the northern boundary. Planters may be located within the 10-foot wide sidewalk.
 - Urban open spaces identified on the site plan will contain landscaping and community space.
 - **Existing Zoning and Land Use**
 - The subject property was rezoned as part of an overall 30.58 acre rezoning in the University Executive Park area from RE-1 (research) to O-15(CD) (office, conditional) via Petition 1988-19c, to allow a total of 371,000 square feet of building area for all uses permitted in the O-15 (office) district.
 - The subject property is currently developed with 44,800 square feet of office uses in two buildings.
 - Properties fronting either side of North Tryon Street contain office, retail/commercial, office, hotel, indoor recreation, and eating/drinking/entertainment establishment uses in O-15(CD), O-6(CD) (office, conditional), B-1(CD) (neighborhood business, conditional), B-2(CD) (general business, conditional), O-2(office), TOD-M (transit oriented development - mixed-use), and INST (institutional) districts.
 - Surrounding properties located behind North Tryon Street are zoned R-5 (single family residential) O-15(CD), O-6(CD) and O-1(CD)(office, conditional), O-2(office), B-1(CD) (neighborhood business, conditional), TOD-M (transit oriented development - mixed-use), MUDD-O (mixed use development, optional), I-2 (CD) (general industrial, conditional), and INST (institutional) and developed with various single family and multi-family dwellings, office, and retail/commercial uses.
 - Lots along Ikea Boulevard and East McCullough Drive contain single family and multi-family residential, hotel and office uses in NS (neighborhood services), O-2(office), O-15(CD) and O-1(CD) (office, conditional), B-1 (CD) (neighborhood conditional), and CC (commercial center).
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - Petition 2015-109 rezoned 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W. T. Harris Boulevard and University Executive Park Drive from O-2(CD) (office, conditional) to MUDD-O (mixed use development, optional) to develop a vacant site located within a half mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.
 - Petition 2014-86 rezoned 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use) to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.

- **Public Plans and Policies**

- The *University City Area Plan* (2015) recommends transit oriented development for this site located in the McCullough Transit Station Area.
- The plan identifies this site within the core of the transit station area. The core of the transit station area should be the most intensely developed part of the transit station area. As redevelopment occurs, this area should continue to be developed primarily with office, hotel, civic and/or retail uses. Residential uses may be appropriate if developed as part of a mixed-use development with ground floor retail or other commercial uses.
- Design Policies:
 - Structured parking should be lined with active uses along the street or screened from view from streets and sidewalks
 - Within the core of the transit station area, buildings should be multi-storied and be placed at or near the back of the sidewalk. All surface parking should be located to the rear of the building and should not be visible from the sidewalk.
 - Development should create a cohesive corridor along North Tryon Street, but building and landscaping placement will depend on retaining wall construction, easements, and location of right of way.
 - Buildings should be designed to avoid the appearance of having a long, continuous building wall and to break up visual mass and bulk.
 - Both residential and nonresidential buildings should be designed to activate the public realm (i.e. sidewalks, streets, parks, plazas, greenways, trails, open space). Street level building activation will promote walking and cycling, thus enhancing the area's safety and security and contributing to better public health.
- Streetscape Policies:
 - The mobility policies in the *University City Area Plan* recommend upgrading University Executive Park Drive to an 'Avenue' street classification. The adopted streetscape is a six-foot sidewalk, eight-foot planting strip, option to widen for recessed on-street parking, a six-foot bike lane, and one 11-foot travel lane in each direction. The setback is recommended as 24 feet for residential uses and 16 feet for nonresidential uses.
 - The adopted streetscape for North Tryon Street (within ¼ mile of transit station), is an eight-foot sidewalk eight-foot planting strip, five-foot bike lanes, and two eleven-foot travel lanes in each direction. The recommended setback is 40 feet measured from back of curb.
- Connectivity Policies:
 - An interconnected network of local streets should be developed, with typical block lengths of 400 feet to supplement the primary street network.
 - Mid-block pedestrian connections through/between sites to adjacent parcels and/or streets should be provided as redevelopment occurs. The intent is to provide an interconnected pedestrian network.
 - Open space such as plazas, courtyards, green space, and recreation areas should be incorporated into new development.

- **TRANSPORTATION CONSIDERATIONS**

- The site is adjacent to the McCullough LYNX Blue Line Transit Station and is bordered by a major thoroughfare and a private local street. The current site plan enhances the station area by providing new pedestrian connections and improved street connections at desired block lengths between the existing streets. Additionally, the current site plan commits to dedication of right-of-way and construction of the street cross section along the site's University Executive Park frontage that complies with the vision for this street to transition into the public street network. CDOT is concerned with the current site plan that maintains the existing cross access to the adjacent property to the north because it is too close to the intersection with North Tryon Street.
- See Transportation Issues, Notes 8 to 10.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 715 trips per day (based on 44,800 square feet of office uses).
 - Entitlement: 715 trips per day (based on 44,800 square feet of office uses).
 - Proposed Zoning: 3,340 trips per day (based on 280 multi-family dwellings and 10,000 square feet of nonresidential uses).

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 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 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 38 students.
 - The proposed development is projected to impact the school utilization (without mobile classroom units) as follows:
 - University Meadows Elementary utilization to increase from 120% to 124%;
 - James Martin Middle to remain at 87%; and
 - Vance High to increase from 116% to 117%.
- **Charlotte-Mecklenburg Storm Water Services:** The stormwater detention facilities on this site were recently relocated as part of the CATS Blue Line Extension Project. The relocated facilities were designed to meet standards effective at the time the site was originally developed and were not designed to comply with the City's Post Construction Stormwater Ordinance. The proposed redevelopment outlined in the rezoning plan will require compliance with the Post Construction Stormwater Ordinance and may require reconstruction of the existing stormwater management facilities on the site.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along North Tryon Street. Sewer availability for the rezoning boundary is via an existing eight-inch gravity sewer main along University Executive Park Drive.
- **Engineering and Property Management:** See Outstanding Issues, Notes 11 and 12.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Add a mid-block pedestrian connection to University Executive Park Drive from North Tryon Street, and provide direct connections to the sidewalk for ground floor units, where feasible, as recommended in the adopted area plan.
2. Amend the building entrance reflected on the East elevation (Sheet A3.01) to make the entrance more prominent and include doors and windows to make it appear to be a primary entrance. This should include articulation that is evident in the architecture of upper floors. Ground floor unit entrances on the South elevation (sheet A3.01) should be primary entrances, not secondary entrances, with sconces, stoops and other front door design features. The Southern façade (Sheet A3.04) to reflect ground floor entrances to the pedestrian connection.
3. Amend the West elevation (Sheet A3.01) to add a note specifying that the height of the brick wall to the ground floor window should be no more than five feet above sidewalk grade.
4. Amend the West elevation (Sheet A3.01) to provide ground floor entrances for ground floor units, with direct connections to the sidewalk/entrances per the adopted area plan, more detailing, as well as a connection from the unit to the sidewalk.
5. Amend the North elevation (Sheet A3.01) to reflect ground floor commercial spaces that are a minimum of 14 feet in height and 20 feet in depth.
6. An entrance is reflected on the East elevation that is not shown on the Eastern façade (Sheet A3.02). Reflect as an entrance and show how the entrance is connected to the sidewalk.
7. Amend Sheet RZ-1 to make the existing entrance along North Tryon Street more prominent.

Transportation

8. Revise the site plan to include a conditional note and depict that the petitioner will coordinate with the property owner of tax parcel 04721119 to permanently close the existing joint access driveway near North Tryon Street and restore the new cross-access easement driveway to align with the site's proposed deck entrance driveway.
9. Revise the site plan to add a conditional note committing to a pedestrian crossing along the site's University Executive Park Drive frontage. The exact location will be determined during permitting.
10. Amend Note 5b under "Transportation" to commit to an eight-foot minimum clear width between the building and planter area.

Environment

11. Show the 15 percent tree save area on the site plan and show all trees within the right-of-way as being protected.

REQUESTED TECHNICAL REVISIONSSite and Building Design

12. Amend the "Zoning Code Summary" "Proposed Building Height" to indicate a maximum of five stories and 62 feet and eliminate "As allowed by the applicable zoning district."
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Attachments Online at 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
 - 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

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