

<b>REQUEST</b>	Current Zoning: B-2 (general business) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
<b>LOCATION</b>	Approximately 6.97 acres located north of the intersection of North Tryon Street and Old Concord Road, between Northchase Drive and Austin Drive. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop a site in the Hidden Valley neighborhood located within ½ mile walk distance of the Old Concord Transit Station on the LYNX Blue Line Extension to allow up to 90 multi-family dwelling units.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	TDK, Inc. NRP Properties, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STATEMENT OF CONSISTENCY</b>	<p>The Zoning Committee found this petition to be consistent with the <i>Blue Line Extension Transit Station Area Plan</i>, 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 uses for sites located within ½ mile walk distance of the Old Concord Transit Station. In addition, the height complies with the 50-foot limit recommended in the adopted area plan.</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 site is within ½ mile walk distance from the Old Concord Station on the LYNX Blue Line Extension; and</li> <li>• The proposal will provide walkable residential development within the transit station area; and</li> <li>• The petition proposes to redevelop an infill site, which will minimize environmental impacts while accommodating growth; and</li> <li>• The petition provides public street connections to abutting properties located to the north and west of the site, supporting enhanced connectivity in the area; and</li> <li>• In addition, the development will include a ten-foot multi-use path through the site, and the path will promote alternative modes of transportation;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Fryday).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition as modified and upon resolution of the one outstanding issue:</p> <ol style="list-style-type: none"> <li>1. Revised site plan to reflect dedication of right-of-way for a future public street along the site's southern property line to create desirable transit station area block lengths between Old Concord Road and Northchase Drive.</li> <li>2. Added Note 4G as follows: "Any right of way required to be dedicated and conveyed by petitioner to the City shall be dedicated and conveyed prior to the issuance of the first certificate of occupancy for a building to be constructed on the site or phased per the site's development plan."</li> <li>3. Added Note 4F as follows: "All transportation improvements shall</li> </ol>
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be constructed and approved prior to the issuance of the first certificate of occupancy for a building to be constructed on the site or phased per the site's development plan."

4. Included entrances from the sidewalk to units on the porch.
5. Provided more details for the roof of the clubhouse. Increased roof pitch of the clubhouse to 8/12.
6. Eliminated vinyl as an exterior building material. Vinyl may be utilized on windows, soffits, trim and railings.
7. Amended Note 2A under 'Optional Provisions' to eliminate the request to allow a surface parking lot to cover more than 35% of the total lot width.
8. Revised site plan to address transportation issues as follows:
  - Note 4E. Prior to the issuance of the first certificate of occupancy for a building constructed on the Site, the following transportation improvements and signal modifications shall be completed at or near the intersection of the Fourth Leg and North Tryon Street by Petitioner or others:
    - 1) Modification of the south leg of North Tryon Street, including the extension of the raised median, the relocation of accessible ramps, striping of the crosswalk and other sign and marking modifications as required;
    - 2) Modification of the traffic signal, including the relocation of the signal controller, installation of additional signal heads, installation of additional pedestrian signals, installation of an additional mast arm and pavement marking adjustments on the west leg of Old Concord Road, related overhead and underground connections as needed to operate the signal within the existing intersection and coordinated system, and the payment of CDOT's design and construction administration costs;
    - 3) The construction of the Fourth Leg approach, including curb returns, accessible ramps, sidewalk and crosswalk; and
    - 4) Other elements of design and construction may be required as the final design is developed during the permitting process.
  - Note 4F. Nothing herein shall prevent Petitioner from seeking and obtaining funding from the City of Charlotte (the "City") or another governmental entity to pay for the costs and expenses associated with the transportation improvements and signal modifications set out above in paragraph E.
  - Note 4G. Prior to the issuance of the first certificate of occupancy for a building constructed on the site petitioner shall dedicate and convey to the City right-of-way for a future local public street to be constructed by others and not petitioner along the western property line of the site measuring 27.5 feet from the western property line as generally depicted on the rezoning plan.
9. Petitioner committed to continue working with staff to craft a note pertaining to fencing and landscaping around the storm water BMP that addresses the following outstanding issue: Include a note that the stormwater BMP will not have a chain link fence, and will include additional landscaping to make it visually appealing.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition, noting that there is one minor outstanding issue pertaining to the environment that staff and the petitioner are currently working to resolve. Staff noted that the petition is consistent with the *Blue Line Extension Transit Station Area*

*Plan.*

A committee member asked about the improvements to Northchase Drive via this petition. CDOT staff responded that this petition does not front Northchase Drive and there are not proposed improvements but there will be interconnectivity between this petition and abutting Petition 2017-08. She added that that neither this petition nor the abutting Petition 2017-08 generated enough trips to require a traffic study. Creation of the street network required by the Subdivision Ordinance will distribute the trips out onto North Tryon Street.

A committee member asked if there would be safe passage to Martin Luther King, Jr. Middle School. Staff responded that a 10-foot multi-use path runs between Petitions 2017-07 and 2017-08. The path will connect to sidewalks that provide pedestrian access to the school.

A member asked what use under the B-2 zoning would create 64 students as opposed to the lesser number of students generated by this rezoning? Staff responded that the B-2 district allows residential density of 22 dwelling units per acre. CMS uses a specific formula based on the type of units to generate the potential number of students. Single family generates higher numbers than certain types of multi-family uses. The formula is slightly different when generating numbers for a TOD area. Planning and CMS will look at ways to more clearly communicate the difference.

A committee member cautioned that the Blue Line Extension will cause more development with school aged children than the development in the Southend area. A committee member remarked that the proposed development provides an income stratification that will be helpful to the community.

**STAFF OPINION**

Staff agrees with the recommendation 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 90 multi-family residential dwelling units. Petition will ensure that a minimum 50% of the total number of units will have a monthly rent of 60% or less of the Area Median Income (AMI) for a minimum of 15 years.
- A new public street to the north and west property lines, which will function as the fourth leg of the intersection of North Tryon Street and Old Concord Road. Petitioner is responsible for construction of the public street, and all other improvements and costs relating to the intersection will be installed and borne by others.
- Petitioner will provide a sidewalk and planting strip along the southern side of the proposed public street located along the northern boundary line. The sidewalk and planting strip on the north side of this public street will be constructed by others when the northern portion is redeveloped.
- Building 1 and Building 2 are located to the west of the proposed public street and Building 3 is located to the east of the proposed street.
- Building height limited to 46 feet and three stories.
- Building elevations for the multi-family and clubhouse buildings that reflect primary building materials as cementitious siding, brick and brick veneer. Vinyl may be utilized on windows, soffits, trim and railings.
- Providing an 8/12 roof pitch on the clubhouse.
- Providing entrances from the sidewalk to units on the porch.
- Minimum eight-foot wide planting strips and sidewalks along portions of the internal streets as reflected on the site plan.
- Minimum eight-foot wide planting strips and a minimum 10-foot wide multi-use path along portions of the internal streets as reflected on the site plan.

Optional Provisions:

- Development shall not be required to meet the TOD-R (transit oriented development – residential) minimum residential density requirement of 15 dwelling units per acre, and instead will provide a minimum density of 12.9 units per acre.
- If the site is phased and Building 2 is constructed prior to Building 1, the parking area located to the east of Building 2 may be located between Building 2 and the new public street extension of Old Concord Road.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit supportive uses for this site, located within ½ mile walk distance of the Old Concord Transit Station.
  - The *Blue Line Extension Transit Station Area Plan* recommends a height limit of 50 feet for the subject parcel.
- **TRANSPORTATION CONSIDERATIONS**
  - The petitioner has provided a local residential wide street connection to North Tryon Street, which will stub to the site's northern property line for a possible future connection to Dawn Circle (a possible NECI project). This new street connection to North Tryon Street will be the extension of Old Concord Road through the site.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 2,600 trips per day (based on 7.9 acres of manufactured housing units, 2,000 square feet of warehouse uses, 2,260 square feet of coffee shop use with a drive-through, and 3,000 square feet of eating/drinking/entertainment establishment uses).
      - Entitlement: 7,600 trips per day (based on 118,500 square feet of retail uses).
    - Proposed Zoning: 630 trips per day (based on 90 multi-family units).

**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 64 students, while the development allowed under the proposed zoning will produce 33 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
  - The proposed development is projected to impact the school utilization (without mobile classroom units) as follows:
    - Hidden Valley Elementary to increase from 162% to 164%;
    - Martin Luther King Jr. Middle remains the same at 93%; and
    - Vance High remains the same at 109%.
- **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 on North Tryon Street, and sanitary sewer availability via an existing eight-inch gravity sewer main located in the western portion of tax parcel 08920101 and North Tryon Street.
- **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 Fire Department 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