

<b>REQUEST</b>	Current Zoning: B-2(CD) (general business, conditional) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
<b>LOCATION</b>	Approximately 5.47 acres located on the east side of Northchase Drive north of North Tryon Street. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to develop a vacant 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 120 multi-family dwelling units.
<b>PROPERTY OWNER</b>	Judith M. Abernethy, John B. Abernethy, William Scott Abernethy, Donna K. Abernethy, Thomas E. Hough, William Sydney Abernethy, III, W.S. Abernethy, Jr. (deceased), Margaret Abernethy
<b>PETITIONER AGENT/REPRESENTATIVE</b>	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. The proposed maximum height of 56 feet exceeds the recommended maximum of 50 feet.</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 a ½ mile walk distance from the Old Concord Transit Station on the LYNX Blue Line Extension; and</li> <li>• The proposed development will provide a pedestrian oriented residential development within the transit station area; and</li> <li>• While the height is technically inconsistent with the plan, the maximum height is a minimal increase over the plan recommendation, and the buildings are separated from abutting single family residential by garden areas and a buffer; and</li> <li>• The petition redevelops an infill site, thereby minimizing further 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, thus supporting area connectivity;</li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Majeed).</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. Added Note 4E as follows: "Any right of way required to be dedicated and conveyed by petitioner to the City of Charlotte shall be dedicated and conveyed prior to the issuance of the first certificate of occupancy for a building to be constructed on the site."</li> <li>2. Added Note 4D as follows: "All transportation improvements shall be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan."</li> </ol>
--------------------------------	---

3. Labeled Front Elevation on Sheet RZ-4 as "Street view elevation from new public street."
4. Eliminated vinyl as an exterior building material. Vinyl may be utilized on windows, soffits, trim and railings.
5. Petitioner committed to continue working with staff to craft a note pertaining to fencing and landscaping around the storm water BMP that address 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 questioned the outstanding issue regarding a chain link fence, and wanted to ensure that the petitioner is not being denied a chain link fence if needed as a safety feature. Staff responded that we are seeking additional plantings if a chain link fence is provided to make the fencing surrounding the BMP area as attractive as possible, which is consistent with what is sought on other petitions.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**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 120 multi-family residential dwelling units. Petitioner 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.
- Site access via Northchase Drive. A public street will be provided off Northchase Drive and will stub to the east property line.
- Maximum building height of four stories and 56 feet.
- Building elevations for the multi-family buildings that reflect primary building materials as cementitious siding, brick and brick veneer. Vinyl as an exterior building material is prohibited except vinyl may be utilized on windows, soffits, trim and railings.
- Minimum eight-foot wide planting strips and sidewalks along portions of the internal street as reflected on the site plan.
- Minimum eight-foot wide planting strips and a minimum 10-foot wide multi-use path will be along portions of the internal street as reflected on the site plan.
- All transportation improvements shall be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

• **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 Northchase Drive, which also extends to the site's eastern property line. To the east, the petitioner will incorporate a 10-foot multi-use path through the site and along the site's Northchase Drive frontage, which will

be a possible alignment of the Cross Charlotte Trail to the east. This pedestrian path also provides direct connection to CAT's BLE Old Concord Station.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 4,600 trips per day (based on 55,000 square feet of retail uses).

Proposed Zoning: 840 trips per day (based on 120 multi-family dwelling 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 zero students, while the development allowed under the proposed zoning will produce 44 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 44 students.
    - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
      - Hidden Valley Elementary from 162% to 165%
      - Martin Luther King Jr. Middle from 93% to 94%
      - Vance High remains at 109%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located on Northchase Drive, and sanitary sewer availability via an existing eight-inch gravity sewer main along Northchase Drive and along the northwestern edge of tax parcel 08912102.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

**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