

REQUEST	Current Zoning: B-2(CD) (general business, conditional) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
LOCATION	Approximately 5.47 acres located on the east side of Northchase Drive north of North Tryon Street. (Council District 4 - Phipps)
SUMMARY OF PETITION	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 to allow up to 120 multi-family dwelling units, 50% of which will have a monthly rent of 60% or less of the Area Median Income (AMI).
PROPERTY OWNER	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
PETITIONER AGENT/REPRESENTATIVE	NRP Properties, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to dedication of right-of-way, transportation notes, and treatment of the storm water facility along with other technical revisions.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plan's</i> recommendation for 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.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The site is within ½ mile walk distance from the Old Concord Transit Station on the LYNX Blue Line Extension. • The proposed development will provide a pedestrian oriented residential development within the transit station area. • 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. • The petition redevelops an infill site, thereby minimizing further environmental impacts while accommodating growth. • The petition provides public street connections to abutting properties located to the north and west of the site, thus supporting area connectivity.
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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 vinyl lap siding, brick and brick veneer.

- 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 along portions of the internal street as reflected on the site plan.
- **Existing Zoning and Land Use**
 - The subject property, which is vacant, was rezoned via Petition 1998-117, and is identified as Area A consisting of 10.8 acres that allow 100,000 square feet of building area. Parcel A would only be developed as an automotive dealership. However, if Parcel A remained vacant until a full service access at the North Tryon/Eastway Drive intersection was established, then Parcel A may be developed with any use permitted in the B-2 (general business) district.
 - Adjacent properties to the north fronting North Tryon Street are zoned B-2 (general business) and B-2(CD) (general business, conditional) and are developed with retail, automotive sales, automotive repair, eating/drinking/entertainment establishments, office/warehouse uses and a manufactured housing development.
 - Properties at the end of West Eastway Drive and Northchase Drive are zoned R-5(CD) (single family residential, conditional), and INST(CD) (institutional, conditional), and contain a single family dwelling and Martin Luther King, Jr. Middle School. Parcels along Dawn Circle and Austin Drive are zoned R-4 (single family residential) and are developed with single family detached dwellings and interspersed with vacant lots.
 - Properties in the southwest quadrant of North Tryon Street and Old Concord Road are developed with office, retail, and warehouse uses; a strip retail shopping center; eating/drinking/entertainment establishments; automotive sales lots; and a private high school in B-2 (general business), TOD-M (transit oriented development - mixed-use) and I-2 (general industrial) zoning.
 - Properties in the southeast quadrant of North Tryon Street and Old Concord Road are zoned I-2 (general industrial) and INST (institutional) and contain retail, office, warehouse, warehousing within an enclosed building, religious institution, group home, and indoor recreation/bowling alley uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Pending petition 2017-007 proposes to rezone 6.97 acres located north of the intersection of North Tryon Street and Old Concord Road, between Northchase Drive and Austin Drive. This site abuts the subject property to the east. The petition is scheduled for a January 17, 2017 public hearing.
 - Petition 2013-025 rezoned 20.9 acres located on the south side of Old Concord Road at the intersection of North Tryon Street and Old Concord Road to TOD-M (transit oriented development - mixed-use) to allow all uses permitted in the district.
- **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 has been working closely with CDOT and Planning to incorporate a 10-foot multi-use path through the site and along the site's Northchase Drive frontage, which could 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.
 - See Transportation Issues, Notes 1 and 2.
 - **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.

OUTSTANDING ISSUES

Transportation

1. The petitioner should revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued.
2. The petitioner should revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued or phased per the site's development plan.

Environment

3. Best Management Practice (BMP) should include screening, landscaping, and be an amenity for the development. No chain link fence will be allowed.

Site and Building Design

4. Label Front Elevation on Sheet RZ-4 as 'Street view elevation from new public street.
5. Add note under 'Architectural Standards' that no vinyl is allowed except as soffits, windows, etc.

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 Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327