

<b>REQUEST</b>	Current Zoning: R-4 (single family residential), O-1 and O-2 (office), B-1(CD) (neighborhood business, conditional) and B-2 (general business) Proposed Zoning: MUDD-O (mixed use development, optional) and NS (neighborhood services)
<b>LOCATION</b>	Approximately 13.18 acres located on the west side of East Independence Boulevard generally surrounded by Monroe Road, Idlewild Road, Independence Boulevard and Long Avenue. (Council District 5 - Ajmera)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop contiguous, vacant and occupied parcels located in the East Forest area as a mixed use development consisting of 68,000 square feet of uses permitted in the MUDD (mixed use development) district, and 12,000 square feet of uses permitted in the NS (neighborhood services) district. Proposed uses include retail, eating/drinking/entertainment establishments, personal service and office uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Tull Bros LLC, and R. Read Tull LLC and Charles W. Tull, LLC Selwyn Property Group Bridget Grant and Jeff Brown, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 47
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Independence Boulevard Area Plan's</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The area plan recommends mixed use development.</li> </ul> </li> <li>• 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: <ul style="list-style-type: none"> <li>• The subject site will serve as a transition between the more auto-oriented environment around the interchange of Independence Boulevard and Idlewild Road, and the desired pedestrian oriented environment along Monroe Road; and</li> <li>• The site plan allows for a mix of uses on the site, including retail and office, as called for in the area plan; and</li> <li>• The proposed development along Monroe Road will facilitate the desired pedestrian oriented environment on that street by placing the buildings near the sidewalk, not allowing parking between the buildings and the street, establishing pedestrian connections to the buildings from the sidewalk along Monroe Road, and providing an urban open space at the corner; and</li> <li>• The proposed development along Idlewild Road is designed to be more auto-oriented, consistent with the nature of Idlewild Road in this location and the connection of an on/off ramp to Independence Boulevard; and</li> <li>• The proposed site plan supports connectivity in the area by establishing an enhanced street network with smaller blocks and pedestrian and bicycle facilities;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Fryday).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:  <u>Environment</u> 1. Added the following note under Environmental Heading: "The
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location, size and type of storm water management systems depicted on the rezoning plans or referenced in the Development Standards on Sheet RZ-2 are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."

#### Transportation

2. Amended Note 4M under the heading of "Transportation" as follows: "The petitioner is responsible for any incidental signal modifications not to exceed \$10,000 that may be incurred by creating the fourth leg of the intersection (Proposed Street A)."
3. Revised site plan and the transportation notes to show installation of a 12-foot wide sidewalk along the entire Idlewild Road frontage.
4. Revised Note 4C under the heading of "Transportation" to include a commitment to right-of-way dedication upon request if segment is constructed by others.
5. Revised the site plan to extend the proposed right-of-way dedication hatching along Monroe Road and Idlewild Road.
6. Revised Note 4E to remove references to "sharrows," as pavement markings, if needed, will be determined during permitting.
7. Amend Note 4M under the heading of "Transportation" to remove the funding cap of \$10,000. This is the responsibility of the petitioner since the fourth leg of this intersection is to serve the site. If the petitioner determines he is unwilling to pay for these improvements then the fourth leg of the signalized intersection does not open for public access.
8. Amended Note 4G to remove the second sentence (Limited instances of deviation from the 12-foot width are permitted on Idlewild Road between the westerly margin of the intersection of Idlewild Road and Public Street A at the proposed traffic signal to accommodate utilities, parking areas, or similar), or limit to a pinch point dimension (e.g. 10 feet). During permitting CDOT will always consider pinch point constraints but does not feel comfortable with the blanket exemption across the frontage as currently described.

#### Site and Building Design

9. Amended Note 5C under Architectural and Site Design to add the following: If the building(s) in Development Area C front Long Avenue but do not principally orient to Long Avenue, 10 feet of landscape area with large maturing trees will be provided and planted with a minimum four inch caliper tree or greater between the building and the sidewalk on Long Avenue in Development Area C.
10. Updated the renderings and site plans as they do not match. Renderings reflect the size of the open space and the location the building at Monroe Road and Long Avenue and are annotated.
11. Added a note pertaining to the building in Development Area B located closest to Monroe Road that commits to bringing the building to the street and to not allowing parking and maneuvering between this building and the street, or move the building into Development Area A, which already has these commitments.
12. Clarified the location of the future back of curb on all streets and show setback measured from that location.

#### Land Use

13. Amended Site Development Data to add B-2 under existing zoning.
14. Amended Note 2H under Optional Provisions to replace "face" with "faces."
15. Deleted notes indicating that zoning ordinance requirements will be met or that simply reflects zoning ordinance standards.
16. Added Note 8 under heading of Signage as follows: Signage as

allowed by the MUDD area may be provided and allowed in the MUDD-O Optional provisions.  
 17. Amended legend for cross hatching to agree with the areas along Monroe Road and Idlewild Road.

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

**ZONING COMMITTEE DISCUSSION** Staff provided an update on the petition pointing out that there are three remaining outstanding issues. Staff noted that the petition is consistent with the *Independence Boulevard Area Plan*, which recommends mixed use development for the site.

Several committee members questioned the need for both landscaping and a low wall to screen drive through uses, noting that a wall may inhibit use of the area as a gathering spot, and may pose sight distance issues. Staff responded that the low wall will serve to screen and frame the pocket park located at the corner, in addition to providing seating. In addition, while the wall will be limited to no more than three feet in height, staff will ensure that there are no sight distance issues during permitting.

A committee member asked why staff requests a building height limit of 60 feet in Development Areas A and C. Staff responded that the 60-foot height limit is specified in the adopted area plan due to the site's adjacency to residential zoning and uses across Long Avenue. There was no further discussion.

**STAFF OPINION** Staff recommends approval upon resolution of the outstanding issues.

**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:
- Multi-use development consisting of uses permitted in the MUDD (mixed use development) district and NS (neighborhood business) districts, in no more than seven principal buildings.
- Site divided into Development Areas A, B, C, D, and E.
- Development Areas A, B, C and E
  - Proposed for the MUDD-O (mixed use development, optional) district.
  - A maximum of 68,000 square feet in Areas A, B and D. Uses allowed in the MUDD (mixed use development) district include office, residential, retail and civic uses.
  - Area E may be developed with tree save, storm water/PCCO facilities, and landscaped areas.
  - Two uses with accessory drive-through windows are permitted, only one of which may be allowed with an eating/drinking/entertainment establishment. However, this limitation does not apply to a limited service restaurant, which is a type of EDEE.
  - Building height in Areas A and C limited to 70 feet.
- Development Area D
  - Proposed for the NS (neighborhood services) district.
  - A maximum of 12,000 square feet. Uses allowed in the NS (neighborhood services) district include office, residential, retail and civic uses.
  - One automotive service station/convenience store is permitted on the site.
  - The area may be divided into two parcels to permit multiple uses including cobranded uses, in lieu of the single use depicted on site plan.
  - Two uses with accessory drive-through windows are permitted.
- Provides definitions for personal services and limited service restaurant.
- Site will be accessed from Long Avenue and Idlewild Road.
- Petitioner shall provide for extension of and improvements to Long Avenue in phases. The extension of Long Avenue from the intersection with Monroe Road to the intersection with new Public Street A shall be completed prior to issuance of the first certificate of occupancy for a building

within Development Area A or B, and C. The petitioner shall provide for right-of-way to support such improvements and extension of Long Avenue prior to completion of such improvements and extensions.

- Petitioner shall install Public Street A with six-foot sidewalks and an expanded section as the street approaches Idlewild Road.
- A 12-foot wide sidewalk will be provided along the entire Idlewild Road frontage.
- If the buildings in Development Area C front Long Avenue but do not principally orient to Long Avenue, the petitioner will provide 10 feet of landscape area with large maturing trees planted with a minimum four-inch caliper tree or greater between the building and the sidewalk on Long Avenue.
- The building in Development Area B located closest to Monroe Road commits to bringing the building to the street and to not allowing parking and maneuvering between this building and the street, or move the building into Development Area A.
- Provided a conceptual rendering.
- **Optional Requests:**
  - Allow wall signs up to 220 square feet of sign area or 10% of the wall area to which it is attached, whichever is less.
  - Allow one detached ground mounted sign per street front with a maximum height of 20 feet and containing up to 150 square feet of sign area.
  - Allow freestanding, single use buildings to have detached signs up to four feet in height with up to 32 square feet of sign area.
  - Allow up to two uses with accessory drive-through windows in the MUDD (mixed use development) area, limited to one eating/drinking/entertainment establishment. This limitation does not apply to a limited service restaurant.
  - Eliminates the requirement for doorways to be recessed into the face of the building when the width of the sidewalk is at least 10 feet or to eliminate the requirement for doorways to be recessed when emergency exits. To not require operational customer doorways in development Area A to be recessed.
  - Eliminate the required surface and structured parking areas, outdoor dining areas, and loading dock area from being counted as part of the allowed gross floor area for the site.
  - Allow parking and maneuvering between the buildings located in Development Area B and Idlewild Road and Monroe Road.
  - Allow parking to the side of buildings within Development Areas A and B.
  - Allow windows and window boxes located on the building within Development Area A that faces Monroe Road and Idlewild Road to have graphic images applied to 100% of the glazing of the window or window box.
- **Public Plans and Policies**
  - The *Independence Boulevard Area Plan* (2011) recommends vertically integrated mixed use development, with ground floor retail with office and/or residential above, at this location. The intent was to complement the future transit oriented development at the proposed station located in the area between Idlewild Road and Conference Drive and to serve as a transition to a mixed use node along Monroe Road. However, the plan also states that if vertical integration of uses is not feasible, the area should develop with a horizontally integrated mix of office, retail and/or residential up to 12 dwelling units per acre that is interconnected so that buildings function collectively with common pedestrian connections and open space.
  - The plan recommends that building heights should not exceed 60 feet.
  - The plan also calls for the future street network to include a new street connecting Idlewild Road at the outbound Independence Boulevard ramp to Long Avenue and for Long Avenue to be extended to connect to Independence Blvd.
  - The streetscape recommended in the adopted plan shows a six-foot pedestrian zone, eight-foot planting strip, 6.5-foot bike lane, 22 feet of travel lanes in each direction, and a 12-foot intermittent median/turn lane for both Monroe Road and Idlewild Road.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the signalized intersection of major thoroughfares and is also bordered by a local street. The current site plan commits to right-of-way dedication for the City's intersection improvement project at Monroe and Idlewild Roads and cross section improvements along the site's Long Avenue frontage. CDOT continues to request the extension of the wide sidewalk along Development Area D to maintain a consistent facility for users of the Independence Sidewalk and Bikeway Project until they reach the signalized crossing of Idlewild Road.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 4,418 trips per day (based on 38,000 sf of office; 19,960 sf retail; 9,000 sf tire store; 2,000 sf eating/drinking/entertainment establishment; 9,040 sf

- retail grocer; and 1,600 sf barber shop).
- Entitlement: 9,750 trips per day (based on 71,820 sf office uses; 106,000 sf of retail uses in B-1(CD) and B-2 zoning; and three single family detached dwellings in R-4 zoning).
- Proposed Zoning: 5,784 trips per day (based on 80,000 sf of retail uses).

**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:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No comments received.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No comments received.
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**OUTSTANDING ISSUES**Transportation

1. Revise Note 4I under the heading of "Transportation" to include temporary construction easements needed by the Monroe Idlewild Capital Improvement Program Project, at such time they are requested by the City. CDOT prefers right-of-way at two feet behind back of walk.

Site and Building Design

2. Provide a height limit of 60 feet in Development Areas A and C that are adjacent to residential zoning and uses.
  3. Amend Note 5J as follows: In addition, landscaping and a low wall treatment along Idlewild Road and Monroe Road will be installed in connection with any accessory drive through window uses (other than an bank), in which maneuvering is between the street and building in connection with a convenience store/gas facility.
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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 Storm Water Services Review
  - City Arborist Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Transportation Review

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