

---

---

<b>REQUEST</b>	Current Zoning: R-22MF (multi-family residential) and UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional) and NS (neighborhood services)
<b>LOCATION</b>	Approximately 3.804 acres located on the west side of Statesville Avenue between Newland Road and Moss Lane. (Council District 2 - Austin)
<b>SUMMARY OF PETITION</b>	The petition proposes to develop a vacant site located in the Double Oaks/ Brightwalk neighborhood to allow up to 20,000 square feet of non-residential uses and up to seven residential dwelling units.
<b>PROPERTY OWNER</b>	Double Oaks Development, LLC and Charlotte Mecklenburg Housing Partnership Inc.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte Mecklenburg Housing Partnership Keith MacVean 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: 16
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"><li>• The Zoning Committee found this petition to be inconsistent and consistent with the <i>Central District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The plan recommends multi-family dwellings for the portion of the site proposed to be rezoned to allow retail uses; and</li><li>• The plan recommends residential dwelling units for the portion of the site for which seven residential dwelling units are proposed; and</li><li>• The <i>General Development Policies</i> support a residential density of 12.15 units per acre.</li></ul></li><li>• However, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• This petition is part of Brightwalk, which is a new urban neighborhood located off of Statesville Avenue; and</li><li>• The proposed rezoning will amend the entitlements for the site, replacing 75 age-restricted multi-family dwellings and 37 multi-family units with seven residential dwellings and 20,000 square feet of non-residential uses; and</li><li>• Although the proposed nonresidential uses are inconsistent with the area plan recommendation for multi-family dwellings, the area within Brightwalk which was previously rezoned for non-residential development has subsequently been developed with residential uses; and</li><li>• The proposed retail component will provide walkable, neighborhood oriented commercial uses for Brightwalk; and</li><li>• The rezoning also accommodates the future realignment of Newland Road and Norris Avenue, which would improve connectivity in the community;</li></ul></li></ul>

By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by Majeed).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Amended Note 3G as follows: The “petitioner shall enter into a Developer Signal Agreement with CDOT to fund the design and construction costs of a future traffic signal at the intersection of Statesville Avenue, Norris Avenue, and Newland Avenue, when warranted. It is understood that this improvement may be undertaken by the petitioner on its own or in conjunction with other development or roadway projects taking place within the broad central Mecklenburg area, by way of a private/public partnership effort or other public sector project support.”</li> <li>2. Added Note 4I as follows: “The residential units allowed on Development Area I will front on the adjoining public streets. Garages, if provided, will be rear loaded garages with access from the interior of Development Area 1.”</li> <li>3. Added the following notes:             <ol style="list-style-type: none"> <li>a. “All residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches (have a FFE that is one foot higher than the average grade of the sidewalk along the public street).”</li> <li>b. “If pitched roofs are provided, they shall be consistent with the established pattern of townhome development within Brightwalk. Attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.”</li> <li>c. “Sidewalks will be provided that connect the principal residential building entrance (the “front door”) to the sidewalk along the public street.”</li> <li>d. “Townhome buildings shall be limited to a maximum length of 120 feet.”</li> </ol> </li> <li>4. Clarified Note 4G to specify that Buildings within Areas 2 and 3 shall have a minimum height of 18 feet.</li> <li>5. Amended Note 4F under heading of Architectural Standards to add “awnings.”</li> <li>6. Amended Note 5F as follows: “A ten foot Class “C” buffer will be provided along the rear property line of Development Area 1 and within Development Areas 2 and 3 along the southern edge of the Duke Energy Easement to screen the UR-2(CD) from the abutting uses. Buffer materials within Areas 2 and 3 are subject to Duke Energy and Charlotte Water approval.”</li> </ol>
--------------------------------	--

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an update on the petition pointing out that the portion of the petition proposing to allow retail uses is inconsistent with the *Central District Plan*, which recommends multi-family dwellings for that site. The remaining portion of the site for which up to seven residential dwelling units are proposed is consistent with the district plan’s multi-family residential land use recommendation. The proposed residential density of 12.15 units per acre is supported by the *General Development Policies* locational criteria. There was no further discussion.

**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:

- Development is divided into Development Areas 1, 2, and 3.
- Area 1 (0.576 acres) allows up to seven residential dwelling units that are permitted in the UR-2 (urban residential) district at a density of 12.15 units per acre.
- Areas 2 and Area 3 (3.16 acres) allow a total maximum of 20,000 square feet of non-residential uses that are permitted in the NS (neighborhood services) district, which include office, retail, civic, entertainment and institutional uses. A total of four principal buildings are permitted.
- Automotive service stations, with or without convenience stores, and uses with accessory drive-through windows are prohibited.

Transportation

- Vehicular access is provided from Double Oaks Road, Samuel Street, and Tranquil Place.
- Vehicular access to Statesville Avenue will be prohibited.
- Development Area 2 may be developed prior to the extension of Tranquil Oaks Place and the realignment of Newland Avenue.
- Petitioner will realign Newland Avenue and construct the extension of Tranquil Place as part of the development of Development Area 3. Additional right-of-way needed for this realignment will be dedicated by fee simple conveyance to the City of Charlotte, and the roadway improvements will be completed or bonded prior to the issuance of a certificate of occupancy for the first building within Development Area 3.
- The petitioner will submit a Traffic Signal Warrant Analysis to CDOT/NCDOT when permitting plans for Development Area 3 are submitted to the City for review.
- Recessed on-street parking will be provided along the extension of Tranquil Oaks Place.
- Petitioner shall enter into a Developer Signal Agreement with CDOT to fund the design and construction costs of a future traffic signal at the intersection of Statesville Avenue, Norris Avenue, and Newland Avenue, when warranted. This improvement may be undertaken by the petitioner on its own or in conjunction with other development or roadway projects taking place within the broad central Mecklenburg area, by way of a private/public partnership effort or other public sector project support
- Additional right-of-way, if needed to align Newland Avenue with Norris Avenue, will be provided by the petitioner per CDOT intersection design standards. The final intersection will be designed to accommodate east/westbound Newland Avenue 11-foot left-turn lanes, a future traffic signal, and pedestrian signals.

Architectural Standards

- Building materials for principal buildings will consist of a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardiplank), stucco, EIFS, decorative block, architectural metal panels, and/or wood. Vinyl as a building material may only be used on windows, soffits, handrails/railings. A minimum 10% of masonry materials will be incorporated on the façade of the first/ground floor of buildings along public streets.
- The residential units allowed on Development Area 1 will front on the adjoining public streets. Garages, if provided, will be rear loaded garages with access from the interior of Development Area 1.
- Proposed buildings in Development Areas 2 and 3 will front on Newland Avenue, existing Double Oaks Road, or an open space area. No parking other than on-street parking will be allowed between the proposed buildings on Development Areas 2 and 3 and Newland Avenue, Double Oaks Road, Tranquil Oaks Place, and Statesville Avenue.
- Building walls within Development Areas 2 and 3 along Double Oaks Road, Newland Avenue, Tranquil Oaks Place, and Statesville Avenue will be designed to have store fronts with clear glass facing each street. The building facades fronting on the aforementioned public streets will include a minimum 60% transparent glass between two feet and ten feet on the first floor. The service side of these buildings will be allowed to be reduced to 30% of the amount of transparent glass between two feet and ten feet, with up to 10% of this requirement allowed to be comprised of display windows that maintain a minimum of three feet clear depth between window and rear wall. Display windows in this zone may not be screened.
- Buildings within Development Areas 2 and 3 that face Double Oaks Road and Newland Road will have building entrances that orient and connect to the sidewalks along both public streets. If more than one commercial establishment is constructed, then each will have an entrance to the abutting public street and each entrance will be an operable pedestrian door. Commercial uses with entrances on separate streets need only provide an operable pedestrian door on one entrance. Operable door spacing along Newland Avenue and Double Oaks Road shall not exceed

75 feet.

- Buildings within Areas 2 and 3 shall have a minimum height of 18 feet.
- Building elevations shall not have expanses of blank wall greater than 20 feet in length.
- All residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 12 inches (have a FFE that is one foot higher than the average grade of the sidewalk along the public street).
- If pitched roofs are provided, they shall be consistent with the established pattern of townhome development within Brightwalk. Attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
- Sidewalks will be provided that connect the principal residential building entrance (the “front door”) to the sidewalk along the public street.
- Townhome buildings shall be limited to a maximum length of 120 feet.

Streetscape Improvements, Buffers, Yards, and Landscaping

- An improved open space area will be provided within Development Area 2 or 3 at the intersection of Tranquil Oaks Place and Newland Avenue, and it will be improved with sitting areas, landscaping, and other amenities.
- An eight-foot planting strip and eight-foot sidewalk will be provided along the frontage of each public street. Trees in grates may be substituted for planting strips where retail uses front streets with on-street parking.
- Petitioner will construct a temporary sidewalk from the existing terminus of Tranquil Oaks Place to the buildings constructed within Development Area 2 until the road has been extended.
- A ten-foot “Class C” buffer will be provided along the rear property line of Development Area 1.
- Petitioner proposes to provide a future pedestrian connection between Development Area 1 and Double Oaks Park per final coordination with Duke Energy and Mecklenburg County, as requested by Mecklenburg County Park and Recreation Department.
- A ten-foot “Class C” buffer will be provided along the rear property line of Development Area 1 and within Development Areas 2 and 3 along the southern edge of the Duke Energy Easement to screen the UR-2(CD) from the abutting uses. Buffer materials within Areas 2 and 3 are subject to Duke Energy and Charlotte Water approval.

• **Public Plans and Policies**

- The *Central District Plan* (1993) recommends multi-family uses, with no designated density, for a majority of the proposed site (approximately 1.2 acres). The remainder of the site (approximately 1.9 acres) is recommended for multi-family uses up to 22 units per acre, as updated by rezoning petition 2013-032.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the *General Development Policies* locational criteria for consideration of up to 17 dwellings per acre as illustrated in the table below, for the area of the site for which the adopted plan did not designate a density.

Assessment Criteria	Density Category – up to 17 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (medium low)
Connectivity Analysis	4 (Medium-High)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes )
Other Opportunities or Constraints	NA
<b>Minimum Points Needed: 13</b>	<b>Total Points: 13</b>

• **TRANSPORTATION CONSIDERATIONS**

- The site is at the unsignalized intersection of a major collector and a major thoroughfare. The current site plan commits to relocation of the adjacent intersection including realignment and a new turn lane on Norris Avenue. Additionally, the site plan provides street and pedestrian connectivity features that create complete streets and a walkable place.
- **Vehicle Trip Generation:**  
 Current Zoning:  
     Existing Use: 0 trips per day (based on vacant property).  
     Entitlement: 610 trips per day (based on 75 age-restricted multi-family units and 37 dwellings).  
 Proposed Zoning: 2,460 trips per day (based on 20,000 square feet of retail/non-residential uses and seven single family attached 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 28 students, while the development allowed under the proposed zoning will produce three students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
    - The proposed development is not projected to increase the school utilization (without mobile classroom units) over existing conditions:
      - Bruns Avenue Pre-K-8 remains at 133%; and
      - West Charlotte High remains at 96%.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water has water availability to the rezoning boundary via existing eight-inch water distribution mains located along Newland Road and Double Oaks Road, in addition to an existing 12-inch main located along Statesville Avenue. Sewer availability is provided via an existing eight-inch gravity sewer main located along Newland Road, Double Oaks Road, Statesville Avenue, and within parcel 07511308.
  - **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)