

REQUEST	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)
LOCATION	Approximately 3.804 acres located on the west side of Statesville Avenue between Newland Road and Moss Lane. (Council District 2 - Austin)
SUMMARY OF PETITION	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.
PROPERTY OWNER	Double Oaks Development, LLC and Charlotte Mecklenburg Housing Partnership Inc.
PETITIONER AGENT/REPRESENTATIVE	Charlotte Mecklenburg Housing Partnership Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 16

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of issues pertaining to transportation and site and building design.</p> <p><u>Plan Consistency</u></p> <ul style="list-style-type: none"> The portion of the petition proposing to allow retail uses is inconsistent with the <i>Central District Plan</i>, 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 <i>General Development Policies</i> locational criteria. <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> This petition is part of Brightwalk, which is a new urban neighborhood located off of Statesville Avenue. 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. 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. The proposed retail component will provide walkable, neighborhood oriented commercial uses for Brightwalk. The rezoning also accommodates the future realignment of Newland Road and Norris Avenue, which would improve connectivity in the community.
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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.
- 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.
- 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 reduce to 30% 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.
- Building elevations shall not have expanses of blank wall greater than 20 feet in length.

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.
- **Existing Zoning and Land Use**
 - A portion of the subject property was rezoned to UR-2(CD) via Petition 2013-032 as part of approximately 2.05 acres located on the south corner at the intersection of Double Oaks Road and Newland Road near Statesville Avenue to allow up to 75 multi-family dwelling units for a density of 36.58 units per acre.
 - The subject property is currently vacant and zoned R-22MF (multi-family residential) and

UR-2(CD) (urban residential, conditional).

- The rezoning site is surrounded by single family attached and detached dwellings, religious institutions, recreation, and retail uses along the west side of Statesville Avenue in R-8 (single family residential), R-22MF (multi-family residential), UR-2(CD) (urban residential, conditional) and INST(CD) (institutional, conditional) zoning.
- A few retail uses front the east side of Statesville Avenue in B-1 (neighborhood business) zoning surrounded primarily by single family detached dwellings in R-5 and R-8 (single family residential) zoning, with an assisted living facility and religious institution interspersed.
- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2014-046 rezoned 3.38 acres located on the northwest corner at the intersection of Statesville Avenue and Moretz Avenue abutting Moss Lane and Tranquil Oak Place to UR-2(CD) (urban residential, conditional) to allow 118 units at 34.9 dwelling units per acre. The properties are part of the Double Oaks/Brightwalk development, and their addition to that development results in an overall density of 18.9 units per acre.
 - Petition 2013-031 rezoned approximately 6.05 acres located on the north side of Samuel Street between Newland Road and Statesville Avenue near the intersection of Interstate 77 and Atando Avenue to UR-2(CD) (urban residential, conditional) as part of the Brightwalk unified development project to allow the development of residential dwelling units and commercial uses as allowed per the urban residential district.
- **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
Minimum Points Needed: 13	Total Points: 13

- **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.
 - See Outstanding Issues, Note 1.
 - **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.

OUTSTANDING ISSUES

Transportation

1. Amend Note 3F as follows: The "petitioner shall be responsible to 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."

Site and Building Design

2. Commit to public street orientation for the residential units that are adjacent to a public street.
3. Add the following notes:
 - a. All residential entrances within 15 feet of the sidewalk must be raised from the average sidewalk grade a minimum of 24 inches.
 - b. If pitched roofs are provided, they shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed.
 - c. Usable porches and stoops shall form a predominant feature of the building design and be located on the front and/or side of the building. Usable front porches should be covered and at least six feet deep. Stoops and entry level porches may be covered but should not be enclosed.
 - d. All corner/end units that face a public or private street should have a porch or stoop that wraps a portion of the front and side of the unit or should provide blank wall provisions that limit the maximum blank wall expanses to 10 feet on all building levels.
 - e. Garage doors visible from public or private streets should minimize the visual impact by providing a setback of 12 to 24 inches from the front wall plane and additional architectural treatments such as translucent windows or projecting elements over the garage door opening.
 - f. Sidewalks should be provided to connect all residential entrances to sidewalks along public and private streets.
 - g. Townhouse buildings should be limited to five individual units or less and ideally alternate the number of individual units per building in adjacent buildings.

REQUESTED TECHNICAL REVISIONS

Site and Building Design

4. Clarify Note 4G to specify to what 18 feet pertains.
5. Add a note that the petitioner will file an administrative amendment to Petition 2013-013 to delete the 20,000 square feet of retail uses entitled.

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

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