

<b>REQUEST</b>	Current Zoning: MUDD-O (mixed use development, optional) and R-4 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
<b>LOCATION</b>	Approximately 14.56 acres located on the south side of West Tyvola Road across from City Park Drive and Speer Boulevard. (Council District 3 - Mayfield)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a multi-family residential development, including age-restricted units, on a vacant site located across West Tyvola Road from the City Park development. The site lies adjacent to the Renaissance Golf Course facility.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	City of Charlotte Laurel Street Residential, LLC 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: 2
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Southwest District Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The petition is consistent with the residential/office/retail land use adopted for this site, per the <i>Southwest District Plan</i> as amended by rezoning petition 2007-082.</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 is located on a vacant parcel that is surrounded by a mix of industrial, institutional, office, and residential uses and undeveloped and vacant acreage. The site abuts the Renaissance Golf Course; and</li> <li>• The proposed multi-family use is consistent with the adopted land use for the site as amended by rezoning petition 2007-082, which updated the Southwest District Plan recommendation to allow residential, office and/or retail development; and</li> <li>• Multi-family development on this site is consistent with the existing residential development that has occurred recently as part of the City Park development and will add more housing options, especially for employees in the Coliseum area which is predominately office and light industrial; and</li> <li>• Multi-family and elderly housing on this site would also complement the adjacent County golf course and proposed greenway;</li> </ul> </li> </ul> <p>By a 5-0 vote of the Zoning Committee (motion by Spencer seconded by Wiggins).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Petitioner has amended site plan so that the site is now divided into four Development Areas A, A-1, B, and C. Each of the Development Areas indicate how either land area or an easement will be provided to Mecklenburg County Park and Recreation to allow the implementation of the Sugar Creek Greenway by Mecklenburg County Park and Recreation. General Provisions Note 1e. (Unified Development) has also been modified to reflect the site's separation into development areas.</li> </ol>
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The petitioner has added a new section under Heading 11. Greenway Easement and Cart Path for Renaissance Golf Course (existing outdoor recreational use). The new language is as follows:

- a. The Petitioner will work with Mecklenburg County Park and Recreation to provide areas for the future development of the Sugar Creek Greenway on the Site.
  - b. The owner of Development Area A-1 will work with Mecklenburg County Park and Recreation to provide an easement area for the future Sugar Creek Greenway subject to the owner of Development Area A-1 staying in compliance with the City of Charlotte Tree Ordinance. The easement area will be provided to Mecklenburg County Park and Recreation when requested by Mecklenburg County Park and Recreation as part of its proposed plans for the construction of the Sugar Creek Greenway.
  - c. The owner of Development Area A-1 will work with Mecklenburg County Parks and Recreation to provide an area for a new Cart Path for the existing golf course when Mecklenburg County Park and Recreation builds the future Sugar Creek Greenway through Development Area A-1. The location and construction of the new Cart Path will be subject to the owner of Development Area A-1 staying in compliance with the City of Charlotte Tree Ordinance.
  - d. Prior to the sale of Development Area A-1 from the City of Charlotte to the Petitioner/new owner, the Petitioner/new owner of Development Area A-1 will grant a permanent easement to allow the continued use of the existing Cart Path across Development Area A-1. If an easement cannot be agreed upon, the Petitioner/new owner of Development Area A-1 will build a new Cart Path on land retained by the City of Charlotte (Development Area C).
  - e. The owner of Development Area B and C will also work with Mecklenburg County Park and Recreation to provide an area for the future Sugar Creek Greenway when requested by County Parks and Recreation.
2. Revised Note 6.a. to commit to 120 feet, with respect to minimizing scale and massing of buildings exceeding a certain length along a street.
  3. Revised Note 6.d(a) to state "...articulated architectural façade features which ~~may~~ shall include but not be limited to..."
  4. Amended Note 6.f. to read: "Common and/or private individual unit entrances shall be provided along Tyvola Road at intervals of no greater than 110 feet, except for the senior building, which will only be required to provide one entrance from the building to West Tyvola Road.
  5. Amended Streetscape, Buffers, Yards, and Landscaping Note 5.a. to state that Building #1 will provide a 30-foot setback as measured from the existing back of curb along West Tyvola Road. Building #2 will establish a 35-foot setback as measured from the existing back of curb subject to the petitioner being able to reduce the setback to 30 feet as measured from the existing back of curb. If due to site constraints a 35-foot setback as measured from the existing back of curb cannot be provided. Building #3 will provide a 35-foot setback as measured from the existing back of curb. Petitioner will revise site plan to show increased setbacks for Buildings 2 and 3.
  6. Site plan now identifies locations of outdoor recreation use (portions of an existing golf course), as part of noted Development Areas.
  7. Modified Streetscape, Buffers, Yards, and Landscaping Note 5.c. to state that along Tyvola Road an eight-foot planting strip or the existing planting strip will be maintained whichever is greater and a new six-foot sidewalk will replace the existing narrower sidewalk

along the site's frontage on Tyvola Road as generally depicted on the rezoning plan. The width of the planting strip may be narrowed or eliminated where West Tyvola Road crosses over Sugar Creek.

8. The site plan has been amended to indicate directional movement of lanes at entrance.
9. Petitioner has added a note stating that the site shall be developed with a minimum of 120 affordable/workforce residential dwelling units, to be set aside for households earning 120% or below the Charlotte median income. The specific time that the housing units will remain affordable will be finalized as the Housing Trust Fund commitments and other required financing is finalized.
10. Amended Access and Transportation Note 3.e. by adding this sentence: "This reserved right-of-way will be dedicated to the City when plans to extend Speer Boulevard across the site have been funded.
11. The site plan has been revised to separate the rezoning site into four development areas. General Provisions Note 1.e (Unified Development) states that the site may be developed into five separate lots or development areas. Petitioner will amend site plan accordingly to reflect consistency in the number of development areas proposed on the site.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Committee, noting outstanding issues addressed including a resolution of dedication of land for greenway purposes and inclusion of language pertaining to a commitment to affordable housing. Staff noted that this petition is consistent with the residential/office/retail land use adopted for this site, per the Southwest District Plan as amended by rezoning petition 2007-082.

A Committee member asked if there is a definition of affordable/workforce dwelling units and was directed to the language provided by the petitioner noting "a minimum of 120 affordable/workforce residential dwelling units, to be set aside for households earning 120% or below the Charlotte median income." Another Commissioner expressed an appreciation for a residential community for residents of all ages. There was no further discussion of this request.

**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:

- Proposes a residential development consisting of up to 200 multi-family residential units of which up to 80 units will be age-restricted.
- Divides into four Development Areas A, A-1, B, and C, which each of the Development Areas indicating how either land area or an easement will be provided to Mecklenburg County Park and Recreation to allow the implementation of the Sugar Creek Greenway by Mecklenburg County Park and Recreation.
- Allows building setback along West Tyvola Road to vary from 30 feet to 35 feet from the existing back of curb.
- Adds a note stating that the site shall be developed with a minimum of 120 affordable/workforce residential dwelling units, to be set aside for households earning 120% or below the Charlotte median income. The specific time that the housing units will remain affordable will be finalized as the Housing Trust Fund commitments and other required financing is finalized.

- Provides an area for a new Cart Path for the existing golf course when Mecklenburg County Park and Recreation builds the future Sugar Creek Greenway through Development Area A-1. The location and construction of the new Cart Path will be subject to the owner of Development Area A-1 staying in compliance with the City of Charlotte Tree Ordinance.
- Grants a permanent easement to allow the continued use of the existing Cart Path across Development Area A-1. If an easement cannot be agreed upon, the Petitioner/new owner of Development Area A-1 will build a new Cart Path on land retained by the City of Charlotte (Development Area C).
- Provides an outdoor recreation use (portions of an existing golf course).
- Proposes a combination of three and four story buildings.
- Limits total number of buildings to be developed on site to seven, not including accessory buildings and structures.
- Prohibits parking spaces and maneuvering areas from being located between the proposed buildings and West Tyvola Road.
- Commits to the following transportation and transit improvements:
  - Notes access to the site will be from West Tyvola Road.
  - Restripes West Tyvola Road to create a northbound left-turn lane into the site.
  - Installs a refuge island within the existing cross-section for West Tyvola Road.
  - Dedicates and conveys via fee simple deed 82 feet of right-of-way for the extension of Speer Boulevard. This reserved right-of-way will be dedicated to the City when plans to extend Speer Boulevard across the site have been funded.
  - Dedicates and conveys via fee simple any additional right-of-way prior to issuance of the first certificate of occupancy.
  - Constructs a pad for a bus shelter at the existing bus stop along the site's frontage on West Tyvola Road.
- Commits to the following design features:
  - Proposes building materials that will be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, and/or wood.
  - Limits use of vinyl or aluminum to windows, soffits, canopies, and on handrails.
  - Minimizes scale and massing of buildings longer than ~~450~~ 120 feet along a street frontage through use of a combination of options: varied roof lines; building corners; horizontal and vertical variations; or enclosed balconies.
  - Prohibits any floor facing West Tyvola Road from having blank walls exceeding 20 feet in length through utilization of a combination of options including: transparency; horizontal and vertical variations in wall planes; and/or architectural protrusion.
  - Commits to building elevations being designed with vertical bays or architectural façade features that ~~may~~ shall include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors.
  - Requires that building entrances serving more than 50% of the units in a proposed building when provided along West Tyvola Road be at or slightly above grade and architecturally treated as a prominent pedestrian entrance.
- Identifies an existing Duke Energy buffer in association with a substation south of the subject site.
- **Public Plans and Policies**
  - The adopted future land use for this site is mixed use (residential/office/retail), as per rezoning petition 2007-082 which amended the *Southwest District Plan* (1991).
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located on West Tyvola Road, a major thoroughfare, and will create the 4th leg of the City Park Drive intersection. The current site plan commits to improve pedestrian crossings across the new leg of the signalized intersection and reserve right of way for the future extension of Speer Boulevard. The proposed rezoning is anticipated to generate fewer trips than the existing entitlements.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 2,760 trips per day (based on 25,000 square feet of retail).
    - Proposed Zoning: 1,110 trips per day (based on 120 apartments and 80 age-restricted apartments).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.

- **Charlotte Department of Neighborhood & Business Services:** Developers seeking public funding for multi-family housing developments must comply with the City's Housing Policies. The proposed development is aligned with the Council's October 2016 Community Letter and will help achieve City Council's goal to increase the supply of affordable and workforce housing.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Charlotte-Mecklenburg Schools notes that adequacy of existing school capacity in this area is a significant problem. The development allowed under the existing zoning would generate 13 students, while the development allowed under the proposed zoning will produce 87 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 74 students.
    - The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
      - Steele Creek Elementary from 141% to 149%
      - Kennedy Middle from 113% to 115%
      - Olympic High from 163% to 165%.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 16-inch water transmission main located along West Tyvola Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing 54-inch gravity sewer main located along the western portion of parcel 143-13-301
  - **Engineering and Property Management:**
    - **Arborist:** No trees can be removed from or planted in the right of way of all City maintained streets without permission of the City Arborist's office. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way. In addition, the survey shall include all trees eight inches or larger in the setback.
    - **Erosion Control:** No issues.
    - **Land Development:** No issues.
    - **Storm Water Services:** No issues.
    - **Urban Forestry:** The site is in a wedge; 15% tree save area required to be shown on site. 15% minimum tree save area required based on gross acres. Tree save area must contain existing healthy tree canopy.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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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 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:** Claire Lyte-Graham (704) 336-3782