

<b>REQUEST</b>	Current Zoning: B-2(CD) (general business, conditional) Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)
<b>LOCATION</b>	Approximately 14 acres located at the northeast intersection of North Tryon Street and Sandy Avenue. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to rezone the vacant property abutting the Newell South neighborhood to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	McKinney Holdings NC II, LLC McKinney Holdings NC II, LLC David J. McKinney
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>University City Area Plan</i>, which recommends transit oriented development organized on a new network of streets and blocks designed to maximize access to the station, support walkability, and interconnect to adjacent surrounding development.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The subject site is located within a ½ mile walk of the University City Boulevard Transit Station on the LYNX Blue Line Extension.</li> <li>• The <i>University City Area Plan</i> recommends transit oriented development for the site. A mix of residential and office uses are appropriate and retail could be considered within a vertically mixed use building.</li> <li>• The TOD-M (transit oriented – mixed-use) zoning will allow these uses.</li> <li>• The <i>University City Area Plan</i> also recommends a new network of streets and blocks to support transit oriented development around the station including the alignment and design of a new "Avenue" and "Local" streets parallel to North Tryon Street.</li> <li>• These streets represent critical infrastructure necessary for the successful development of this unique station area which includes significant tracts of undeveloped land with no street connectivity.</li> <li>• The request shows the recommended street network and commits to dedicate the streets as public right-of-way.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Shows an internal street network to be constructed and general locations where the internal streets will connect to existing or future streets, as envisioned in the *University City Area Plan*. Proposed roadway connection points are as follows:
    - Connection Point A: one connection to Sandy Avenue within approximately 117 feet of property frontage along Sandy Avenue;
    - Connection Point B: one connection to the portion of tax parcel 04914120, which is not included in this rezoning petition. The alignment of this stub will be configured to provide

future continuation through tax parcels 04914120 and 04918104, and allow for the completion of the Avenue approved via Petition 2016-74;

- Connection Point C: continuation to the public street created with the approved land development plans for tax parcel 04914170; and
- Connection Point D: one connection to the portion of tax parcel 049-141-20, which itself is not a part of the subject property. The location of this connection will be determined through the subdivision process when a site specific development plan is created, but will be located southeast of the creek that runs through the property. The owner/developer of the parcel will have reasonable discretion to select the location of Connection Point D.
- All new proposed roadways will be dedicated as public streets.  
Additional right-of-way intended to be used at the time of future intersection improvements at Sandy Avenue and Glenbrown Road will be dedicated with the site-specific development plan, and at the time of subdivision platting.

**Existing Zoning and Land Use**

- Petition 1989-41C rezoned the subject property as part of a larger petition to rezone 105 acres to B-2(CD) (general business, conditional) to allow B-2 uses, with the exception of the following uses:

auction sales	room renting	trailer and overnight camping
outdoor commercial amusement	armories	exterminators
fabric assembly	fence retail sales	fertilizer retail sales
frozen foodlockers	marinas	mobile home sales
motorcycle sales and repair	commercial parking lots/structures	pawn shops
sign painting	trailers and overnight camping	truck sales and repair
drive-in restaurants	automobile sales except as part of a new car dealership	outdoor advertising signs
massage parlors	adult bookstores	flea markets

- Adjacent properties on the west side of North Tryon Street are zoned I-1 (light industrial), I-2(CD) (general industrial, conditional), TOD-M (transit oriented development - mixed-use), TOD-M(CD) (transit oriented development - mixed-use, conditional), B-2(CD) (general business, conditional), CC (commercial center) and MUDD-O (mixed use development, optional) and are developed with warehouse uses, an eating/drinking/entertainment establishment, medical office, and retail uses including IKEA.
- Properties located east of North Tryon Street are occupied with hotel, office, automotive repair, and retail uses, single family and multi-family dwellings, and vacant land in R-3 (single family residential), R-6(CD) (single family residential, conditional), B-2 (general business), B-2(CD) (general business, conditional), and TOD-M(CD) (transit oriented development – mixed use, conditional) zoning districts.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**

- Petition 2016-74 rezoned 15 acres located on the east side of North Tryon Street between Sandy Avenue and Rocky River Road to allow all uses in the TOD-M (transit oriented development – mixed-use) zoning district. Uses allowed in the TOD-M district include office, residential, retail, and civic uses.
- Petition 2015-047 rezoned 22 acres located on the east side of Macfarlane Boulevard near the intersection of North US 29 By-Pass Highway and North Tryon Street to TOD-M(CD) (transit oriented development - mixed-use, conditional) to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
- Petition 2013-89 rezoned 11.44 acres located on the north side of North Tryon Street and I-85 Service Road, between Macfarlane Boulevard and Stetson Drive to TOD-M (transit oriented development - mixed-use) to allow all uses within the TOD-M (transit oriented development - mixed-use) district.
- Petition 2013-52 rezoned 39.06 acres located on the southeast corner at the intersection of Interstate 85 and University City Boulevard across from IKEA Boulevard to B-2(CD) (general business, conditional) to allow development of a 275,000-square foot automotive mall consisting of up to four separate dealerships and accompanying retail services.

**Public Plans and Policies**

- The *University City Area Plan* (2015) recommends transit oriented development for this site, located within a ½ mile walk distance from the University City Boulevard Transit Station on the LYNX Blue Line Extension.
- Specific mobility policies for this site include:

- Policy 1a (11): Provide a new street parallel to North Tryon Street (between Interstate 85 connector and Rocky River Road West). This street provides parallel connectivity along the North Tryon Street corridor and supports new development opportunities. It should be designed as an "Avenue" and should include bike lanes, wide sidewalks and on-street parking where warranted by adjacent land uses.
  - Policy 1a (12): Provide an additional new street parallel to North Tryon Street between Periwinkle Hill Avenue and Rocky River Road West as an extension of Twitter Lane. It should be designed as a "Local" street including wide sidewalks and on-street parking where warranted by adjacent land uses.
  - Policy 1a (13): Develop an interconnected network of local streets, with typical block lengths of 400 feet to supplement the new streets described above.
- **TRANSPORTATION CONSIDERATIONS**

This site is on the east side of North Tryon Street, a major thoroughfare that carries the LYNX Blue Line Extension. The current site plan shows the connections and parallel routes of the future transportation network, as envisioned in the *University City Boulevard Transit Station Area Plan* that must be in place to support transit oriented development. Additionally, the current site plan commits to dedication of right of way for an ultimate intersection configuration upon development of adjacent parcels.

    - **Vehicle Trip Generation:**

Current Zoning:  
Existing Use: N/A trips per day (based on vacant property).  
Entitlement: 11,000 trips per day (based on 210,000 square feet of retail uses).  
Proposed Zoning: Too many uses to determine trips per day.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Fire Department:** No on street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along Sandy Avenue, and sewer system availability via an existing eight-inch gravity sewer main located within the rezoning boundary.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed or planted in the right of way of North Tryon Street without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. The petitioner must submit a tree survey for all trees two inches or larger located in the rights of way and eight-inches or larger in the setback.
  - **Erosion Control:** No issues.
  - **Land Development:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** Site must comply with Tree Ordinance
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Park and Recreation Department:** No issues.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist Review
    - Erosion Control

- Land Development
- Storm Water
- Urban Forestry
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Transportation Review

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