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| <b>REQUEST</b>  | <p>Current Zoning: CC (commercial center) and UR-C(CD) (urban residential - commercial, conditional)</p> <p>Proposed Zoning: UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment) with 5-year vested rights</p>   |
| <b>LOCATION</b>   | <p>Approximately 23.3 acres located along the south side of North Tryon Street between Wednesbury Boulevard and Caprington Avenue. (Council District 4 - Phipps)</p>  |
| <b>SUMMARY OF PETITION</b>                                    | <p>The petition proposes to amend the existing development rights on an undeveloped parcel located across North Tryon Street from the Settlements and Withrow Downs neighborhoods. The request proposes to retain the 275 multi-family dwelling units, at a density of 11.8 units per acre, and eliminate the nonresidential uses permitted via previously approved rezoning petitions 2016-107 and 2010-47.</p>  |
| <b>PROPERTY OWNER<br/>PETITIONER<br/>AGENT/REPRESENTATIVE</b> | <p>Trevi Partners, LLC<br/>Trevi Partners, LLC<br/>ColeJenest &amp; Stone, PA</p>   |
| <b>COMMUNITY MEETING</b>                                      | <p>Meeting is required and has been held. Report available online.<br/>Number of people attending the Community Meeting: 1</p>  |
| <b>STATEMENT OF<br/>CONSISTENCY</b>                           | <ul style="list-style-type: none"><li>• The Zoning Committee finds the 15.5-acre portion of the petition proposing multi-family residential dwellings is consistent with the <i>Northeast Area Plan</i> as amended by rezoning petition 2016-107, which allowed residential dwellings at a density of up to 22 units per acre. The remaining acreage is inconsistent with the <i>Northeast Area Plan</i>, as amended by rezoning petition 2010-047, which recommends institutional uses for approximately 0.80 acres of the site adjacent to the single family neighborhood and a mix of residential, office, and retail uses for the remaining approximately 6.5 acres of the site closest to the wastewater treatment facility, 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 residential at a density of up to 22 units per acre, for a 15.5-acre portion of the site;</li><li>• The plan recommends institutional, and a mix of residential, office and retail uses for the remainder of the site.</li></ul></li><li>• However, 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 proposed multi-family use, which is associated with the non-residential development approved for the adjoining property, will provide a balanced land use pattern with a mixture of uses including residential, shopping, employment and institutional uses as recommended by the adopted plan; and</li><li>• Development density will be 11.8 units per acre, which is less than the 17.3 units per acre per the previously approved plan for petition 2016-107; and</li><li>• This site provides internal pedestrian connections between the sidewalk, street, and multi-family structures, and also to the greenway and abutting properties, which will enhance pedestrian connectivity for the larger area when fully</li></ul></li></ul> |

- implemented; and
- The proposed greenway, buffers, and large tree save areas provide a transition to the existing single family neighborhood to the west; and
- The site plan provides usable open space, preservation of natural features, and a greenway easement to be dedicated to Mecklenburg County. It also provides a trailhead and parking for future greenway connection, which is also part of Cross Charlotte Trail;

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

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| <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. Added the following note under the ENVIRONMENTAL FEATURES heading: "Development or disturbance within the PCSO or SWIM Stream Buffer shall be coordinated with Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."</li> <li>2. Checked and confirmed potential 100-foot water quality buffer widths and locations, as 200-foot Post Construction Stormwater buffers are not located in this watershed.</li> <li>3. Deleted existing Note 1(d) in its entirety, and replaced with the following: "Future amendments to the rezoning plan may be applied for in accordance with Chapter 6 of the zoning ordinance. Alterations to the zoning plan are subject to Section 6.207 of the ordinance."</li> <li>4. Amended Note 1(b) by deleting the following: "Subject to the optional provisions set out below, the regulations established under the ordinance for the UR-C(CD) zoning district classification shall govern development taking place on the site."</li> <li>5. Specified the maximum building height as 60 feet and four stories.</li> <li>6. Amended Note 4(c)(i) and (iii) to replace "network required streets (public or private) with "public street on the site."</li> <li>7. Clearly delineated and labeled the two existing zoning districts on Sheet RZ-200 of the site plan.</li> </ol> |
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**VOTE**

Motion/Second: McClung/Majeed  
 Yeas: Fryday, Majeed, McClung, McMillan, Spencer and Sullivan  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff noted that there are no outstanding issues, and the 15.5-acre portion of the petition proposing multi-family residential dwellings is consistent with the *Northeast Area Plan* as amended by rezoning petition 2016-107, which allowed residential dwellings at a density of up to 22 units per acre. The remaining acreage is inconsistent with the *Northeast Area Plan*, as amended by rezoning petition 2010-047, which recommends institutional uses for approximately 0.80 acres of the site adjacent to the single family neighborhood and a mix of residential, office, and retail uses for the remaining approximately 6.5 acres of the site closest to the wastewater treatment facility. 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****• Background**

- In 2010, Trevi Partners, LLC rezoned the subject property to CC SPA (commercial center, site plan amendment) and UR-C(CD) (urban residential, conditional), with five-year vested rights, as part of a larger mixed use development that included independent and dependent living, office, and retail uses. The site plan associated with the 2010 rezoning separated the property into eight development tracts.
- In 2016, Trevi Partners, LLC rezoned 15.86 acres of the subject property to UR-C(CD) (urban residential - commercial, conditional) and UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment), with five-year vested rights, to amend the zoning standards and uses for Tract 3A, Tract 4, and portions of Tract 1A, 1B, and 3B. In addition, the proposal moved the westernmost public street to the east, where the road to the treatment plant is currently located. A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 17.34 dwelling units per acre were permitted.
- The proposed zoning will rezone 23.3 acres to retain the 275 multi-family dwelling units, at a density of 11.8 units per acre, and eliminate the nonresidential uses permitted via previously approved rezoning petitions 2016-107 and 2010-47, to amend the site layout.

**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum of 275 multi-family residential dwelling units in eight buildings, and permitted accessory uses, at a density of 11.8 dwelling units per acre.
- Building height limited to sixty feet and four stories.
- A minimum 30 percent of a building façade abutting a public or private street will be comprised of brick, natural stone or equivalent or better material approved by the Planning Director. Vinyl is prohibited as an exterior building material except for soffits and trim.
- Building placement and site design will focus on and enhance the pedestrian environment through the following standards:
  - Buildings will be arranged and oriented to front public streets, and will provide a minimum of 50 percent of the total street frontage on the site.
  - Driveways for private residential garages and/or parking will be prohibited on network required streets.
- Building massing will be designed to break up long monolithic building forms by including modulations of the building massing/façade plan for buildings exceeding 120 feet in length, and limiting building height to four stories, excluding architectural features such as spires, mansards, domes, roof top mechanical equipment, and screening devices for roof top equipment/structures.
- Architectural elevations will be designed to create visual interest and roof form/roof lines will be designed to avoid the appearance of a large monolithic roof structure.
- Site access will be off US Highway 29 via a proposed private driveway and a public road.
- A ten-foot wide multi-use path will be provided along the site's frontage on US Highway 29.
- A 37.5-foot wide "Class C" buffer will be provided abutting R-3 (single family residential) zoning.
- 6.24 acres will be dedicated tree save area.
- A 10-foot greenway shall be located in a 40-foot wide easement. The public access easement will be dedicated to Mecklenburg County for future greenway maintenance.
- Petitioner will provide two 10-foot wide shared use paths between Public Street "A" and the proposed greenway, which will be located in public access easements to be dedicated to the City of Charlotte.
- Pending adjacent property owner approval, the petitioner will provide a 10-foot wide shared use path between the western property boundary and proposed greenway, which will be located in public access easement to be dedicated to the City of Charlotte.
- Public greenway improvements will be approved and constructed prior to the issuance of the first certificate of occupancy for the first new building completed on the site. Petitioner will be responsible for constructing a private driveway connection to Highway 29 to the edge of the proposed curb return. Petitioner will also be responsible for grading a pad for the future trailhead parking lot and structures. Mecklenburg County Parks and Recreation will be responsible for permitting and constructing the paved parking surface, required utility infrastructure, and any structures. Final pad location will be determined during construction documents and permitting of the greenway.

**• Public Plans and Policies**

- The *Northeast Area Plan* (2000), as amended by rezoning petition 2016-107, recommends

multi-family residential at a density of up to 17.3 dwelling units per acre for approximately 15.5 acres of the site adjacent to US Highway 29.

- The *Northeast Area Plan* (2000), as amended by rezoning petition 2010-047, recommends institutional uses for approximately 0.80 acres of the site adjacent to the single family neighborhood and a mix of residential, office, and retail uses for the remaining approximately 6.5 acres of the site closest to the wastewater treatment facility.
- The plan recommends a greenway within this vicinity and the *Mecklenburg County Greenway Master Plan* (2008) recognizes the future extension of the Mallard Creek Greenway through this area.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located along a major thoroughfare and was evaluated under rezoning 2016-107. This current petition adds a greenway trailhead site as requested by Mecklenburg County Parks and Recreation to connect to the Cross Charlotte Trail. The current site plan substantially incorporates CDOT's requests for greenway connections to adjacent sites and multi-use path along US 29/North Tryon Street. CDOT will continue to work with the petitioner through permitting to increase the path width and separation from travel lanes across the pinch point along North Tryon to create a more comfortable path for bicycles and pedestrians.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: N/A trips per day (based on vacant land).
      - Entitlement: 1,790 trips per day (based on 275 multi-family dwellings).
    - Proposed Zoning: 1,790 trips per day (based on 275 multi-family dwellings).

**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.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 101 students, while the development allowed under the proposed zoning will produce 101 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
  - The proposed development is projected to increase the school utilization (without mobile classroom units) over current conditions as follows:
    - Stoney Creek Elementary from 119% to 127%;
    - James Martin Middle remains at 83%; and
    - Vance High from 109% to 110%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 16-inch water transmission main located along Highway 29, and sewer system availability via an existing eight-inch gravity sewer main located along Highway 29 and within the rezoning boundary.
- **Engineering and Property Management:**
  - **Arborist:** No trees can be planted in the right of way of all state maintained streets (Highway 29) without permission of NC Department of Transportation and the City Arborist's office.
  - **Erosion Control:** No issues.
  - **Storm Water Services:** No issues.
  - **Urban Forestry:** Site must comply with Tree Ordinance. NCDOT maintained streets (Highway 29) require NCDOT planting permit for Tree Ordinance required trees planted in ROW. Allowable planting distance from lane of travel is dictated by NCDOT Guidelines.
- **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
- 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 Water Review
  - Engineering and Property Management Review
    - City Arborist
    - 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