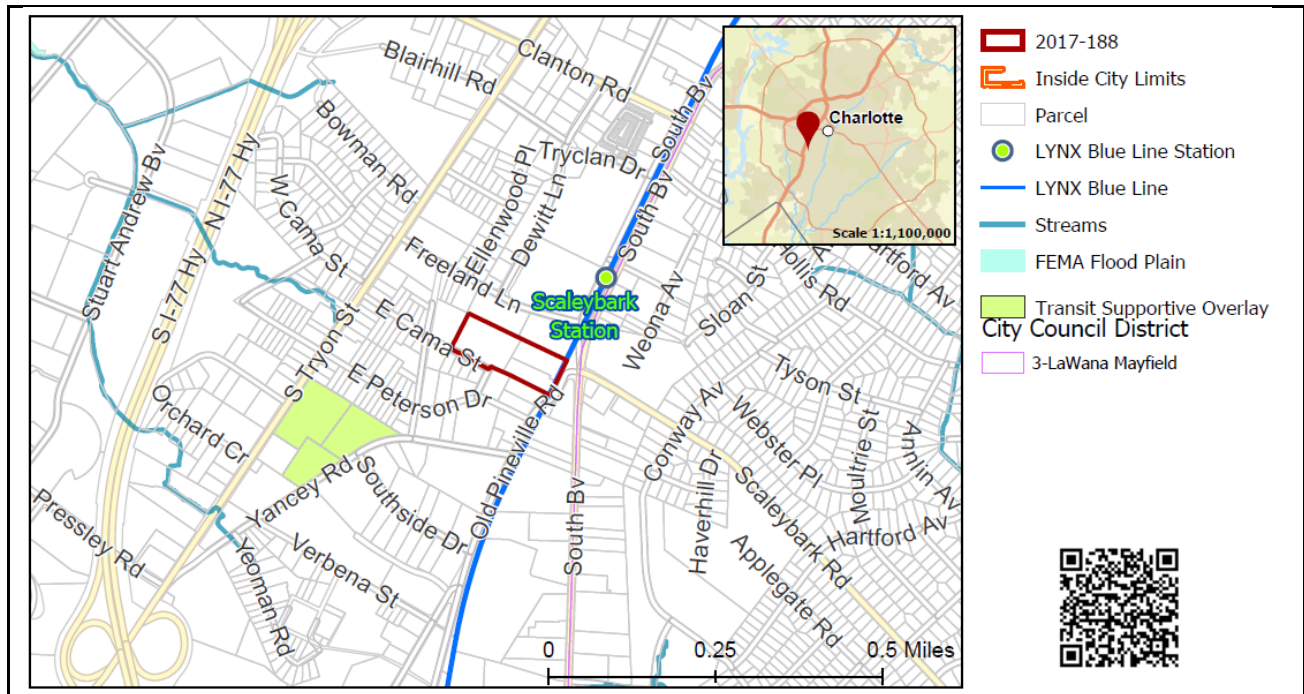


REQUEST

Current Zoning: TOD-M (transit oriented development – mixed-use)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION

Approximately 5.96 acres located on the west side of Old Pineville Road, south of Freeland Lane, north of East Person Drive.
(Council District 3 - Mayfield)



SUMMARY OF PETITION

The petition proposes to allow the reuse of two buildings with approximately 52,139 square feet for all non-residential uses in the TOD-M (transit oriented development – mixed-use district).

PROPERTY OWNER

Barringer Partners, LLC

PETITIONER

Providence Group Capital, LLC

AGENT/REPRESENTATIVE

Keith MacVean & 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: 7

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to site design, rail corridor, and technical data.

Plan Consistency

The petition is consistent with the *Scaleybar Transit Station Area Plan* recommendation for transit supportive development.

Rationale for Recommendation

- The subject site is within ¼-mile walk of the Scaleybar Road Transit Station on the LYNX Blue Line.
- The proposal will maintain the existing buildings and improve the lot with surface parking.
- The proposal allows a site previously used for industrial/office to convert to a mix of residential, office, retail and entertainment uses.
- The requested optional provisions related to parking, screening, streetscape and setback are needed due to the reuse of the existing building.

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permitted uses include all non-residential uses allowed in the TOD (transit oriented development) district. Uses allowed in the TOD-M district include office, retail, eating/drinking/entertainment establishments, and civic uses.
- The two existing four-sided buildings will be retained but can be removed and redeveloped at a later time.
- Note allowing a 10,000 square foot expansion area for each existing building.
- Provision that allows a new north/south public street if the existing buildings are removed with redevelopment.
- Optional provisions for the following allowances:
 - To allow existing and new parking areas for existing buildings between Old Pineville Road and East Cama street.
 - To require one space per 300 square feet for eating/drinking/entertainment establishments. Not the one per 150 square feet as required by the zoning ordinance.
 - Eliminate the required streetscape improvements along Old Pineville Road as part of a change of use.
 - To allow more than 35% of parking along the frontages of Old Pineville Road and East Cama Street.
 - To allow the proposed parking to exceed the maximums allowed per TOD-M district in the code.
 - To allow an expansion of 10,000 square feet for each existing building.

Existing Zoning and Land Use



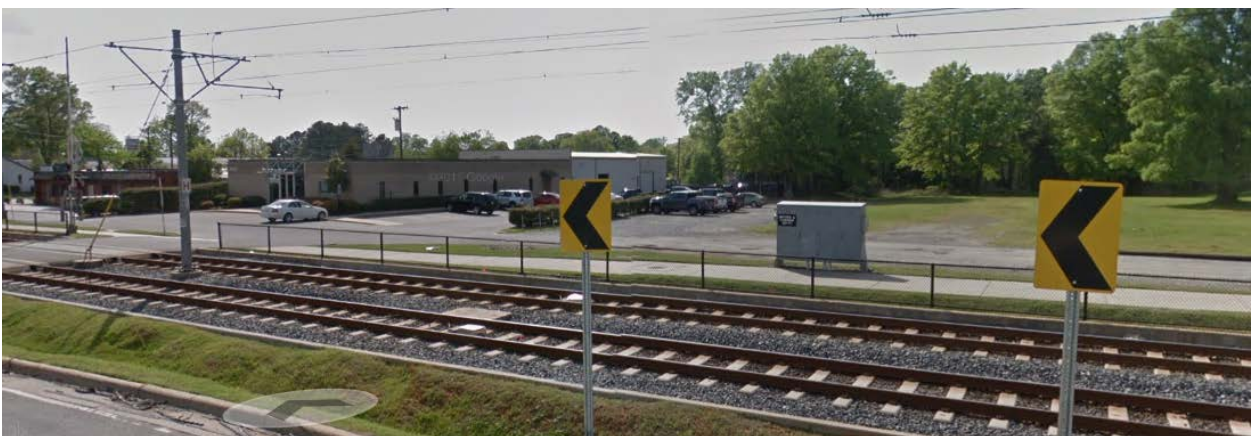
- The subject site was rezoned to TOD-M by petition 2007-090 to allow all uses in the TOD-M district.
- The subject parcel is currently developed with office/warehouse buildings.
- The surrounding parcels are zoned R-8 (single family), TOD-M (transit oriented development – mixed-use), TOD-MO (transit oriented development – mixed-use, optional), I-1 (light industrial), and I-2 (general industrial) and developed with residential, and office/ warehouse structures.



The property is currently developed with office/warehouse uses.



The adjacent property to the north is developed with warehouse uses.



The property abuts the Lynx Blue Line.



Single family homes are located to the east of the property on East Cama Street.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-102	Rezoned 9.52 acres to I-2 (TS-O) (general industrial, transit supportive, optional) for a eating/drinking/entertainment establishment.	Approved
2016-098	Rezoned 5.1 acres to MUDD-O (mixed use development, optional) to allow the use of 74,877 existing building for an eating/drinking/entertainment establishment.	Approved
2016-011	Rezoned 1.18 acres to MUDD-O (mixed use development, optional) to allow the use of 17,455 existing building for all uses allowed in the MUDD (mixed use development) district. Allowed uses in MUDD generally include retail, office, residential, institutional, and eating/drinking/entertainment establishments (EDEE).	Approved
2015-113	Petition to rezone 0.93 acres to MUDD(CD) (mixed use development, conditional) for a general contractor's office with accessory storage and parking.	Pending

• **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* recommends transit supportive development.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a major collector with additional access to a local street. The Scaleybark Transit Station Area Plan envisions the extension of Scaleybark Road to the east and E. Cama Street to the north to improve street network connectivity and create a safer vehicular movement at the light rail and Old Pineville Rd crossing. However, this conceptual plan disrupts the reuse of the existing building. The current site plan commits to working with CDOT to accommodate the public street network as envisioned in the area plan if the site redevelops.
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 290 trips per day (based on 48,200 square feet of office/ warehouse uses).
 Entitlement: Allows a wide variety of uses.
 Proposed Zoning: Allows a wide variety of uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Notes 5-11.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The TOD-M (transit oriented development – mixed-use) district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing six-inch distribution main located along Cama Street and 12-inch distribution main along Old Pineville Road.

The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. It is recommended that the applicant contact the Charlotte Water New Services group at (704) 432-5801 for further information and to discuss options regarding sanitary sewer system capacity.

- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.

OUTSTANDING ISSUESSite and Building Design

1. Under optional provisions remove note "g" related to additional square footage.
2. Replace note 3 "B" with: "The north south public street will be provided upon redevelopment of the site."
3. Add a note that if the site goes through a redevelopment the proposed new buildings will comply with the TOD-M standards.
4. Add a note that the developer will provide cross access agreements prior to the issuance of change of use or building permits.

Transportation

5. Add a note that the petitioner will provide documentation to the Planning Department rezoning staff and General Manager of Rail Operations and Facilities in CATS of the legal right to use the at-grade crossing along the Blue Line. If documentation cannot be provided, the crossing may not be used for access to this site and documentation of alternative access must be provided.
 6. Add a note that the proposed sidewalk connection to the rail trail shall be approved by Charlotte Area Transit System.
 7. Remove the rail corridor from the building envelope and/or area to be rezoned.
 8. Add a note that no work will be allowed in the Rail Corridor without executed agreement with Charlotte Area Transit System.
 9. Show and label the 35-foot setback from the centerline of the rail transit line and bold the Rail Corridor right-of-way line.
 10. Add a note that no new parking will be allowed in the rail corridor.
 11. Add existing Charlotte Water Easement (17789-523) to the site plan.
-

Attachments Online at 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
 - 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: Solomon Fortune (704) 336-8326