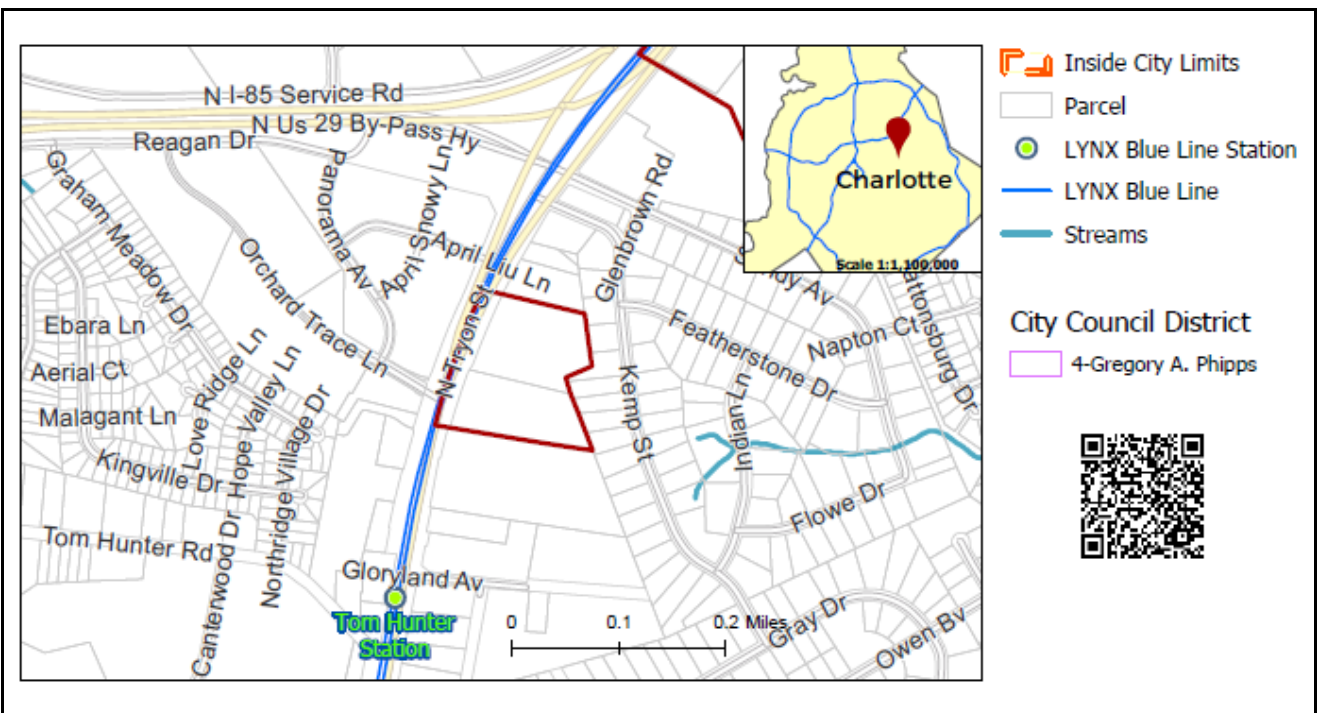


REQUEST

Current Zoning: B-2 (general business) and B-2(CD) (general business, conditional)
Proposed Zoning: TOD-M(O) (transit oriented development, mixed use, optional)

LOCATION

Approximately 8.5 acres located on the east side of N. Tryon Street, across from Orchard Trace Lane, south of Sandy Avenue (Council District 4 - Phipps)



SUMMARY OF PETITION

The petition proposes to redevelop the site to allow up to 275 multi-family dwelling units, at a density of 32 dwelling units per acre.

PROPERTY OWNER

JSK Investments Company, LLC and Cardinal Property Holdings LLC

PETITIONER

LIV Development

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr., K&L Gates

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design.

Plan Consistency

The petition is consistent with the transit oriented use recommended in the adopted *Blue Line Transit Station Area Plan*.

Rationale for Recommendation

- The site is within a ¼ mile of the Tom Hunter Transit Station, and the proposed 250 multi-family dwelling units add to the mix of transit supportive land uses within the transit station area.
- The scale and massing of the development is consistent with the desired streetscape in proximity to transit.

- The proposed development provides new streets that extend Orchard Trace Lane across N. Tryon Street into the site, and a southern connection off this extension toward Gloryland Avenue, and as a result will increase area connectivity.
- Building setback of 24 feet from existing back of curb along N. Tryon Street is consistent with the street cross-section set forth in the adopted *Blue Line Extension Transit Station Area Plan*.
- The building height of five stories, in excess of 50 feet, will read as four stories from N. Tryon Street, reducing its visual impact.

PLANNING STAFF REVIEW

• Proposed Request Details

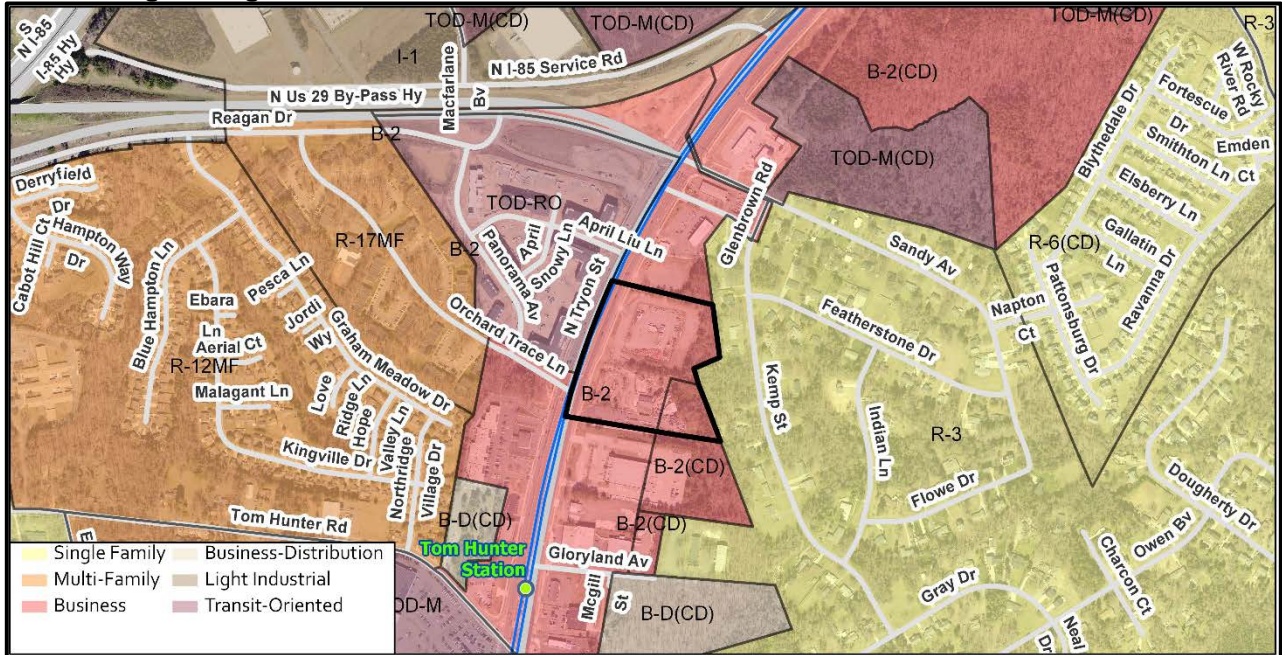
The site plan accompanying this petition contains the following provisions:

- Maximum of 275 multi-family residential dwelling units, at a density of 32 units per acre.
- Site access via N. Tryon Street.
- Future street connections provided to abutting properties located to the south and east.
- Building height limited to four stories, except the building fronting N. Tryon Street may contain up to five stories on the back portion of the building to accommodate grade differences, which will appear as a four-story building from N. Tryon Street.
- Buildings 150 feet or greater in length will be divided into shorter segments by façade modulation or mass separation occurring at intervals of no more than 60 feet.
- Vinyl is prohibited as a building material except for windows, trim and soffits.
- A minimum transparency of 25% will be provided on all upper floors of multi-family buildings.
- Surface parking shall be located to the side or rear of buildings.
- An eight-foot planting strip and eight-foot sidewalk will be provided along internal streets adjacent to multi-family buildings, **and along the site's frontage on N. Tryon Street.**
- A minimum of 3,000 square feet of common open space will be provided, which may include amenitized areas.
- Petitioner commits to enter into a signal agreement with CDOT to modify the existing traffic signal at the intersection of N. Tryon Street and Orchard Trace Lane and upgrade it to accommodate the proposed road as the fourth leg of the intersection.
- All transportation improvements will be substantially completed prior to issuance of the site's first building certificate of occupancy.
- **An opaque fence or wall will be provided along the site's eastern property boundary adjacent to existing single family homes.**
- **Common open space area will total a minimum of 10% of the total site area, and include amenitized areas that will contain, but not be limited to, landscaping, hardscaping, benches, garden artwork, pools, clubhouses, pet parks, and /or walking paths.**

Optional Requests:

- **Ability to construct a maximum of 60 feet of building height for the buildings proposed along the site's frontage of North Tryon Street. Buildings closest to the existing single family residential lots shall not exceed the ordinance height standards.**
- **Flexibility to allow parking along New Road A and New Road B that exceed 35% of the total lot width, as generally depicted on the rezoning plan.**

• **Existing Zoning and Land Use**



- Petition 1986-024 rezoned a portion of the subject property to B-2(CD) (general business, conditional) to allow any use permitted in the B-2 (general business) district.
- The subject property is developed with a retail/outdoor amusement/clubhouse use, and an office use.



The subject property is developed with a retail/outdoor amusement/clubhouse use, and an office use.



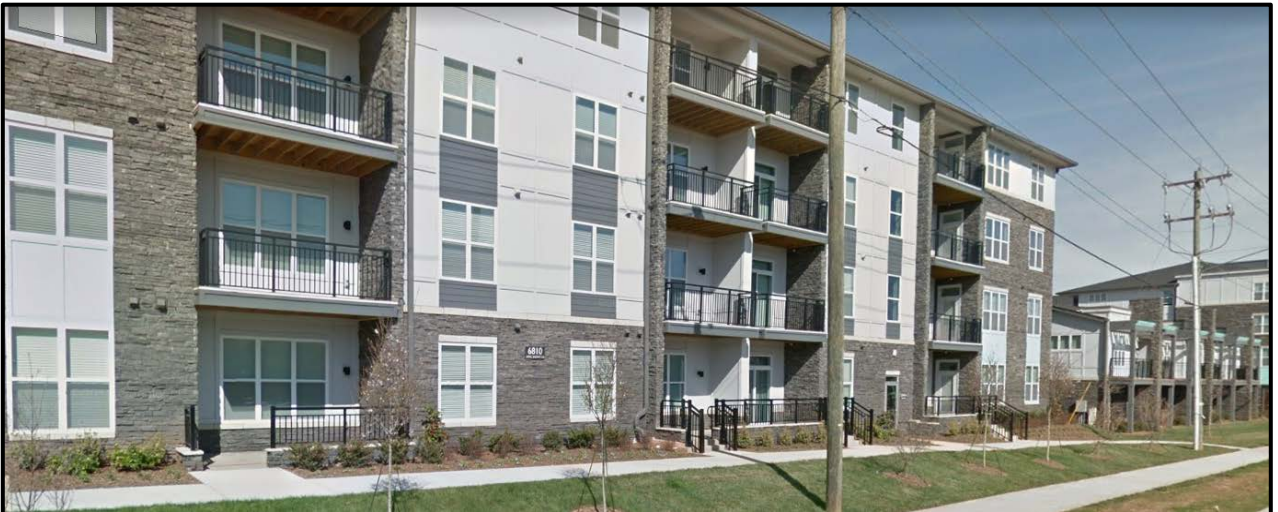
The property to the north along North Tryon Street is undeveloped.



The properties to the east along Kemp Street are developed with single-family homes.

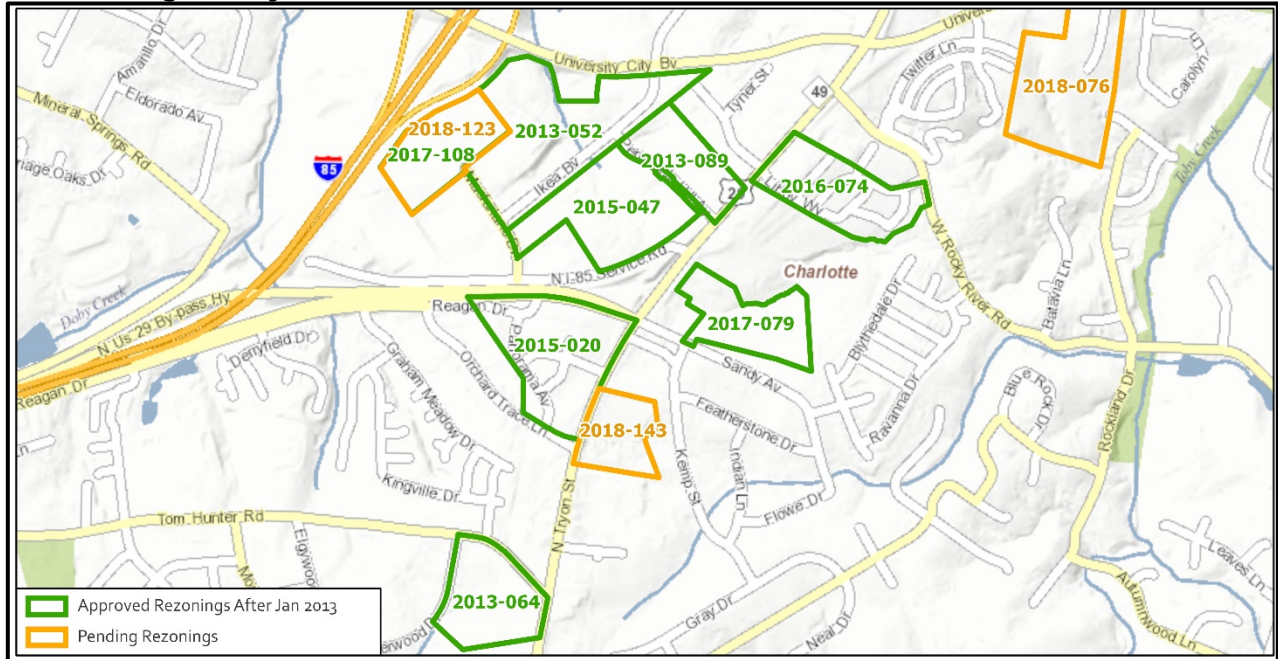


The property to the south along North Tryon Street is a US Post Office.



The property to the west along North Tryon Street is developed with apartments.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-123	Proposes a MUDD-O site plan amendment for 14.2 acres to allow two additional ground mounted signs not exceeding a total of 3,000 square feet in area and 30 feet in height, associated with an approved eating/drinking/entertainment establishment (EDEE), while retaining the existing development entitlements.	Pending
2018-076	Proposes to rezone 25.47 acres to UR-2(CD) to allow up to 258 multi-family residential dwelling units.	Pending
2017-108	Rezoned 14.2 acres to MUDD-O for an 80,000 square foot eating/drinking/entertainment establishment (Type 1 and/or Type 2) with golf-related outdoor entertainment or other uses.	Approved
2017-079	Rezoned 14 acres to TOD-M(CD) to allow all uses in the TOD-M zoning district.	Approved
2016-074	Rezoned 15 acres to TOD-M(CD) to allow all uses in the TOD-M zoning district.	Approved
2015-047	Rezoned 22 acres to TOD-M(CD) to allow all uses in the TOD-M zoning district.	Approved
2015-020	Rezoned 15.43 acres to TOD-RO to allow all uses in the TOD-R district and limits multi-family units to 375 units.	Approved
2013-089	Rezoned 11.44 acres to TOD-M to allow all uses permitted in the TOD-M zoning district.	Approved
2013-064	Rezoned 14.4 acres to TOD-M to allow all uses permitted in the TOD-M district.	Approved
2013-052	Rezoned 39.06 acres to B-2(CD) to allow a 275,000-square foot automotive mall consisting of up to five separate dealerships and accompanying retail services.	Approved

- **Public Plans and Policies**



- The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit oriented development. The plan's structure map limits building height to a maximum of 50 feet.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located along a major thoroughfare. The site commits to extending an adopted plan road and upgrading necessary improvements for the signalized intersection, **a cross-section at the signal to provide a more affective lane delineation, and upgrading the existing sidewalk to eight feet to meet the area plan for this area.** CDOT is requesting the petitioner commit to a cross access so that future developments may utilize the new signal. CDOT is also requesting the petitioner redesign the cross section at the signal to provide a more affective lane delineation. The area plan for this area requires an eight-foot planting strip and an eight-foot sidewalk, CDOT is requesting the petitioner update the site plan to construct and commit to this required cross section.
 - See Outstanding Issues, Notes 1-5: **Addressed**
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 350 trips per day (based on multi-purpose recreational facility and parking lot uses).
 - Entitlement: 7,950 trips per day (based on 127,500 square feet of retail uses).
 - Proposed Zoning: 1,500 trips per day (based on 275 multi-family apartment units).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 51 students, while the development allowed under the proposed zoning will produce 71 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 20.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Newell Elementary from 115% to 121%
 - Martin Luther King, Jr. Middle from 96% to 97%
 - Zebulon Vance High from 119% to 120%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 20-inch water transmission main located along North Tryon Street. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along North Tryon Street.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development** See Outstanding Issues, Note 10.
 - **Storm Water Services:** See Outstanding Issues, Note 10.
 - **Urban Forestry:** No Outstanding Issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUES

Transportation

1. ~~Amend site plan and Note V1 under Transportation to construct an eight-foot planting strip and eight foot sidewalk as required by Section 9.1209 of the City Code and the Blue Line Extension Area Plan along N. Tryon Street. Note language needs to state the petitioner is committing to the construction.~~ Addressed
2. ~~Revise the site plan and conditional notes under Transportation to state the petitioner commits to constructing New Road and intersecting it as a Local Residential Wide public street.~~ Addressed
3. ~~Revise the site plan and conditional notes to commit to constructing a minimum of a three-lane section at the intersection of New Road with N. Tryon Street. Update site plan to show the alignment of New Road with existing access Orchard Trace Lane to make sure the turning movements will align with each other. Update the site plan to show a dedicated right lane, thru-left, and one ingress lane.~~ Addressed
4. ~~Revise the site plan to add a left-turn lane into the first access on the northern portion of the site.~~ Addressed
5. ~~Revised the site plan and conditional notes to commit to future cross-access to the northern property.~~ Addressed

Site and Building Design

6. ~~Add a note committing to New Roads A and B as public streets, and label as such on Sheet RZ2 or add a note that the petitioner understands the assumption of responsibility for future maintenance of New Roads A and B as private streets with public access easements.~~ Addressed
7. ~~Add a note committing to provision of a fence or fencing option along eastern property boundary per discussion at community meeting.~~ Addressed
8. ~~Shift building fronting New Road A so that the parking field does not exceed 35% of the total lot width or add an optional request to allow the area to exceed 35% of the total lot width.~~ Addressed
9. ~~Add optional request to allow a maximum building height of 60 feet and five stories for a specified portion of the site.~~ Addressed

Environment

10. ~~Add the following note under heading of Environmental Features: Development within the PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance.~~ Addressed

New outstanding issues based on review of revised site plan

11. Add the following architectural conditions:
 - (a) Minimum ground floor height (floor to floor) will be 16 feet unless ground floor is nonconvertible residential, then 12-foot minimum for at least 70% of the total ground floor frontage per building. Outstanding
 - (b) ~~Prominent entrance spacing will be 150 feet maximum for building over 150 feet in length or more.~~ Addressed
 - (c) ~~The vertical distance between ground floor building entrances or individual unit entrances and the sidewalk will be one-foot minimum and seven feet maximum, if provided.~~ Addressed
 - (d) ~~Upper floor transparency will be 15%.~~ Addressed
12. Amend Note 4 under heading of Streetscape and Landscaping to add that an additional four-foot transition zone will be provided adjacent to the setback where encroachments of stoops and stairs would be permitted. Reflect minimum setback as no less than 20 feet. Outstanding

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13. ~~Amend Note 2 under heading of Open Space to commit to provide common open space area totaling a minimum of 10% of the total site area.~~ Addressed
 14. ~~Amend Note 2 under heading of Open Space as follows: "to include amenitized areas which will contain, but not be limited to, landscaping, hardscaping, benches, garden artwork, pools, clubhouses, pet parks, and /or walking paths."~~ Addressed
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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 Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327