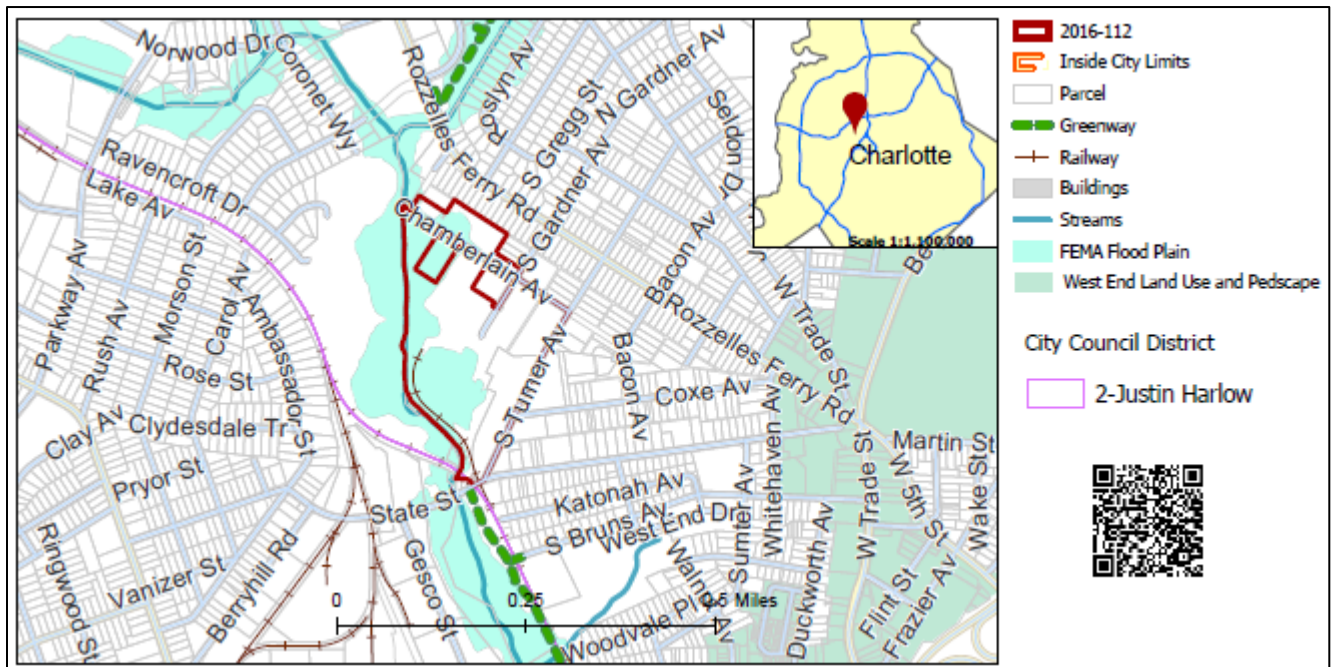


REQUEST

Current Zoning: I-1 (light industrial) and I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional) with five-year vested rights

LOCATION

Approximately 28 acres generally surrounded by Stewart Avenue, Chamberlain Avenue, Turner Avenue, State Street and Stewart Creek.



SUMMARY OF PETITION

The petition proposes to reuse existing industrial buildings (including Savona Mill) to allow a mix of residential and non-residential uses on a site generally located between Stewart Creek and Five Points.

PROPERTY OWNER

Savona II, LLC, Savona, LLC

PETITIONER

Argos Real Estate Advisors, Inc.

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr.

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 37

**STAFF
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the industrial land use recommendation for this site as per the *Central District Plan*.

Rationale for Recommendation

- While the petition is inconsistent with the industrial land use recommendation, the proposed revitalization of the site for residential/office and/or retail uses is compatible with the surrounding residential neighborhood, and with the goals established by the West Trade/Rozzelles Ferry CNIP in 2015.

- The industrial land use is no longer compatible with the surrounding residential uses along Turner Avenue and State Street.
- The proposed site plan includes commitments to maintain and restore the existing mill building unless determined unfeasible by a third party.
- The conditional notes provide commitments to both on-site and off-site transportation improvements to mitigate impacts from the re-development of the site.
- The petition will provide pedestrian improvements to create a more walkable environment and better integrate into the surrounding area.

The approval of this petition will revise the adopted future land use as specified by the *Central District Plan*, from industrial uses to office/retail/residential uses for the site.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 290,000 square feet of commercial and/or office uses. Retail uses will not exceed 45,000 square feet.
- Up to 240 residential units.
- Notes that in the event 290,000 square feet of commercial uses are not constructed on the site, unused commercial square footage may be converted to residential dwelling units at the rate of 1 residential dwelling unit per 1,000 square feet of commercial square footage so converted. The total number of multi-family units may not exceed 465.
- Identifies Development Areas A-F on the site plan.
- Prohibits car washes; automobile service stations; and, eating drinking entertainment establishments (EDEE) with drive-through service windows.
- Prohibits the following uses in Area A: adult establishments; nursing homes; police and fire stations; and motels.
- Limits building height to 8 stories for buildings internal to the site and 4 stories around the perimeter of the site.
- Requests the following optional provisions:
 - Allow existing structures to remain and to permit changes of use within existing buildings without having to bring buildings into full compliance with MUDD design or streetscape standards during "Adaptive Reuse of Existing Buildings" conditions, as further described in Paragraph 2.g. and 6.b. (which requires minor building enhancements not to exceed 10% of the building façade). However, when an existing structure in any development Area is demolished, the petitioner must comply with all MUDD design standards for newly constructed buildings (partially or entirely) within the demolished building's footprint and all MUDD streetscape standards for that area. For the sake of clarity, if one building within an Area is demolished but other existing structures remain, those existing structures shall not also immediately be required to come into full MUDD compliance, but the streetscape standards shall be updated for the entire Area to comply with MUDD standards or as otherwise agreed upon.
 - Allow existing off-street, surface level, vehicular parking and maneuvering areas to remain between existing buildings and public and private streets in the areas generally depicted on the Rezoning Plan during "Adaptive Reuse of Existing Buildings" conditions.
 - Not require doorways to be recessed into the face of existing buildings during "Adaptive Reuse of Existing Buildings" conditions.
 - Allow water quality and stormwater detention facilities to be located beneath sidewalks and private streets, but outside of the public right-of-way.
 - Allow alternative cross sections if approved by CDOT.
 - Allow the following signage:
 - Computer programmable L.E.D. systems with full-color, full-matrix and/or digital display (visible from the interior to the site only).
 - Full color outdoor video display (visible from the interior to the site only).
 - Signs with moveable parts (signs with parts that revolve, adjust, are interactive or are similar in nature to artwork).
 - Movie-type projected images from either direct projection or rear screen projection.
 - Murals/artwork.

- Sculpture signs.
- Landscape wall signs (landscape walls are low walls associated with landscape features or amenity areas).
- Temporary banners hung on a supporting structure or above pedestrian or vehicular connection on public streets or proposed connections; and
- Other such signs having substantially the same characteristics as the foregoing or developed in response to innovative technology.
- In “New Flexible Frontage Zones” and during “Adaptive Reuse of Existing Buildings” conditions, the petitioner requests flexibility from the MUDD ordinance provisions related to design standards to allow for the following:
 - In Areas C and E, the petitioner requests the opportunity to discuss approval for design flexibility with the Planning Director or its assignee related to the internal streetscape and design standards, such as the proposed Trolley connection and other similar innovative design elements that are consistent with the intent of the redevelopment.
 - If non-residential uses are not oriented to an existing or new network required street and cannot meet the design standards for blank wall articulation (for example, modular commercial, pre-existing conditions contributing to site character, and/or fire code limitations), alternative innovative design solutions may be considered for approval by the Planning Director or designee.
 - Loading/unloading and service, including refuse collection.
 - Driveway spacing.
 - Flexibility for existing grade related to the active use requirement on the ground floor of existing buildings.
 - Relief from “blank” walls provision; and
 - Relief from storefront and entrance spacing requirements.
- Commits to the following transportation improvements:
 - Improvements along both sides of the site’s frontage of Chamberlain Avenue to be improved to streetscape conditions depicted in noted cross-sections will be provided when the earliest of the following occur:
 - New buildings are constructed in Areas A, B, D or F, at which time the Chamberlain Avenue improvements shall be completed before the first certificate of occupancy is issued for Area A, B, D or F;
 - The Site’s total occupancy exceeds 75% (irrespective of whether that occupancy is in existing buildings or new buildings throughout the Site); and/or
 - Five (5) years from the date of this rezoning approval by Charlotte City Council. Until the Chamberlain Avenue streetscape improvements are triggered, the Petitioner shall work in coordination with the Planning Director (or its assignee) and CDOT to create a safe and enjoyable pedestrian experience along Chamberlain Avenue that is consistent with the intent of the redevelopment, to be determined during the permitting phase of Land Development, and may include solutions such as creative color striping, movable pots and planters, or other temporary solutions to define the designated pedestrian areas.
 - Improvements to the Site’s frontage of South Turner Avenue, to be improved to street conditions as depicted in the cross-sections provided on the site plan, or as otherwise mutually agreed upon in coordination with CDOT, shall be provided when the earliest of the following occur:
 - New buildings are constructed within Area A, at which time the South Turner Avenue improvements shall be completed before the first certificate of occupancy is issued for Area A;
 - The Site’s total occupancy exceeds 75% (irrespective of whether that occupancy is in existing buildings or new buildings throughout the Site); and/or
 - Five (5) years from the date of this rezoning approval by Charlotte City Council.
 - However, if said improvements required to the South Turner Avenue streetscape fronting Area C is contradictory to the requirements of historic preservation of the existing Savona Mill so as to affect the Mill’s eligibility for historic tax credits, historic preservation shall prevail so as not to impact historical tax credits for Savona Mill. If necessary, Alternative Compliance or Alternative Improvements as related to the streetscape improvements along Area C shall be coordinated with the Planning Director (or its assignee) and CDOT to provide pedestrian safety and aesthetics consistent with the intent of the redevelopment.
 - Improvements to the new public street connection shown as the South Gardner Avenue Extension and New Private Street Connection (not including the portion of the New Private Connection labeled as “Potential Connection (with public access easement) to be provided with future new development in Area E shall be provided as depicted in the cross-sections

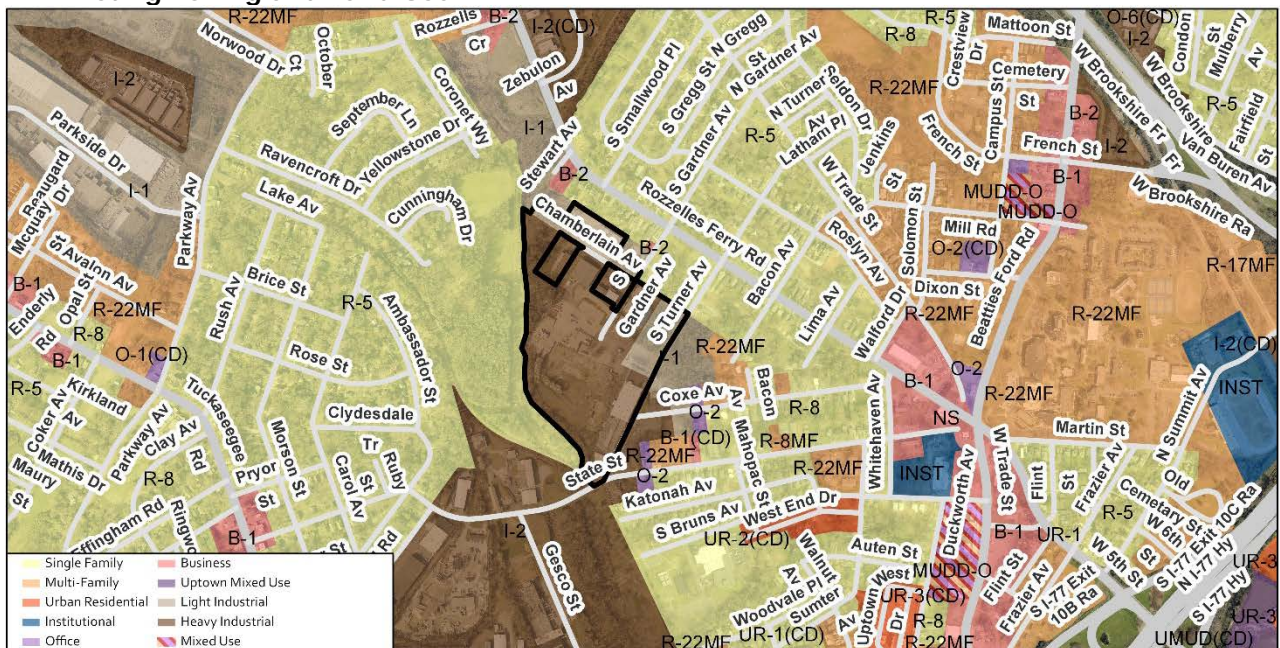
shown on the site plan, or as otherwise mutually agreed upon in coordination with CDOT, if either of the following occur:

- Any new development in Area E, at which time this connection shall be provided prior to the first certificate of occupancy for Area E; and/or
- Five years from the date of this rezoning approval by Charlotte City Council.
- Proposes the following off-site improvements:
- Intersection of Rozzelles Ferry Road and South Gardner Avenue
 - Install a westbound left turn lane with 100 feet of storage on Rozzelles Ferry Road (pavement re-mark of "road diet") (to be completed prior to the issuance of the first certificate of occupancy for Area C).
 - Construct a new northbound left turn lane with 150 feet of storage on South Gardner Avenue.
 - Construct a new pedestrian refuge island across the west leg of Rozzelles Ferry Road (to be completed prior to the issuance of the first certificate of occupancy for Area C or any new building construction).
- Intersection of Rozzelles Ferry Road and South Turner Avenue
 - Install a westbound left turn lane with 150 feet of storage on Rozzelles Ferry Road (pavement re-mark of "road diet") (to be completed prior to the issuance of the first certificate for Area C).
 - Construct a new pedestrian refuge island across the west leg of Rozzelles Ferry Road (to be completed prior to the issuance of the first certificate of occupancy for Area C or any new building construction).
 - Construct a new northbound right turn lane with 125 feet of storage on South Turner Avenue.
- Stewart Avenue Multi-Use Path
 - Petitioner will construct an 8-foot wide multi-use (non-vehicular access) connection into the Site from the termination point of Stewart Avenue, as shown on the site plan, subject to the necessary approval by FEMA and applicable permitting requirements as related to potential floodplain issues. In coordination with CDOT, this improvement will not require the installation of new curb or gutter along Stewart Avenue or the newly constructed multi-use path.
 - Unless otherwise indicated, these improvements will be completed at the earlier of either: (i) the Site's total occupancy exceeds 75% (irrespective of whether that occupancy is in existing buildings or new buildings throughout the Site); or (ii) 5 years from the date of this rezoning approval by Charlotte City Council.
- Commits to the following building design guidelines:
 - Proposes a combination of the following materials: glass, brick, stone, simulated stone, pre-cast stone, architectural pre-cast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), or wood. EIFS as a building material will not be allowed, except as back-up for architectural trim on stucco-clad buildings. Vinyl, as a building material, will only be allowed on windows, soffits, and trim features.
 - Permissible parking areas facing public and private streets adjacent to required open spaces will be screened at a level that exceeds the ordinance requirement. The first floors of any parking structures that face streets or require open spaces will be screened from view and designed to encourage and complement pedestrian-scale activity and will incorporate at least 3 of the following design features: works of art; fountains and pools; covered porches, canopies, awnings or sunshades; street furniture; landscaping and garden areas; and/or architecturally articulated facades.
 - Proposes building entrances to be at or slightly above grade, visible, and architecturally treated as prominent pedestrian entrance through a combination of at least 5 of the following features:
 - Decorative pedestrian lighting/sconces
 - Architectural details carried through to upper stories
 - Covered porches, canopies, awnings or sunshades
 - Archways
 - Transom windows
 - Terraced or raised planters that can be utilized as seat walls
 - Common outdoor seating enhanced with specialty details, paving, landscaping or water features
 - Double doors
 - Stoops or stairs
 - Contrasting pavement from primary sidewalk
 - Expanses of blank or unarticulated walls greater than 20 feet in length will be treated with a minimum of 3 options: higher level of transparency on the ground floor; horizontal and

vertical variations; architectural protrusion to accentuate enclosed balconies; utilization of corners for visual interest at the pedestrian level; amenity landscaping; and other allowable architectural improvements.

- Scale and massing of buildings longer than 150 feet along a street or public open space or greater than 30,000 horizontal square feet will be minimized by utilizing at least 3 options: minimum 4-foot step back for buildings taller than 4 stories above the first or second floor; varied roof lines; utilization of corners for visual interest at the pedestrian level; architectural protrusion to accentuate enclosed balconies; amenity landscaping; any other allowable architectural improvements.
- Notes the majority of amenitized publicly accessible open space may include elements such as: water features, specialty graphics, landscaping, specialty paving, seating areas, signage.
- Notes that prior to issuance of a certificate of occupancy for greater than 100,000 square feet of development throughout the site, the petitioner will provide at least 10,000 square feet of amenitized, publicly accessible open spaces designed as amenity areas throughout the site. The majority of the required open space will be at the ground level in locations that are visible and accessible from streets or sidewalks. These areas may include elements such as: water features; specialty graphics; landscaping; specialty paving; seating areas; signage; art work and/or other site elements.
- Proposes adaptive reuse of existing buildings will not trigger installation of required sidewalks, street trees, and open space amenities unless otherwise noted.

• **Existing Zoning and Land Use**





The subject property is developed with industrial buildings.



A brewery currently operates on a portion of the site.



Single family homes fronting along Rozzelles Ferry Road are to the north.

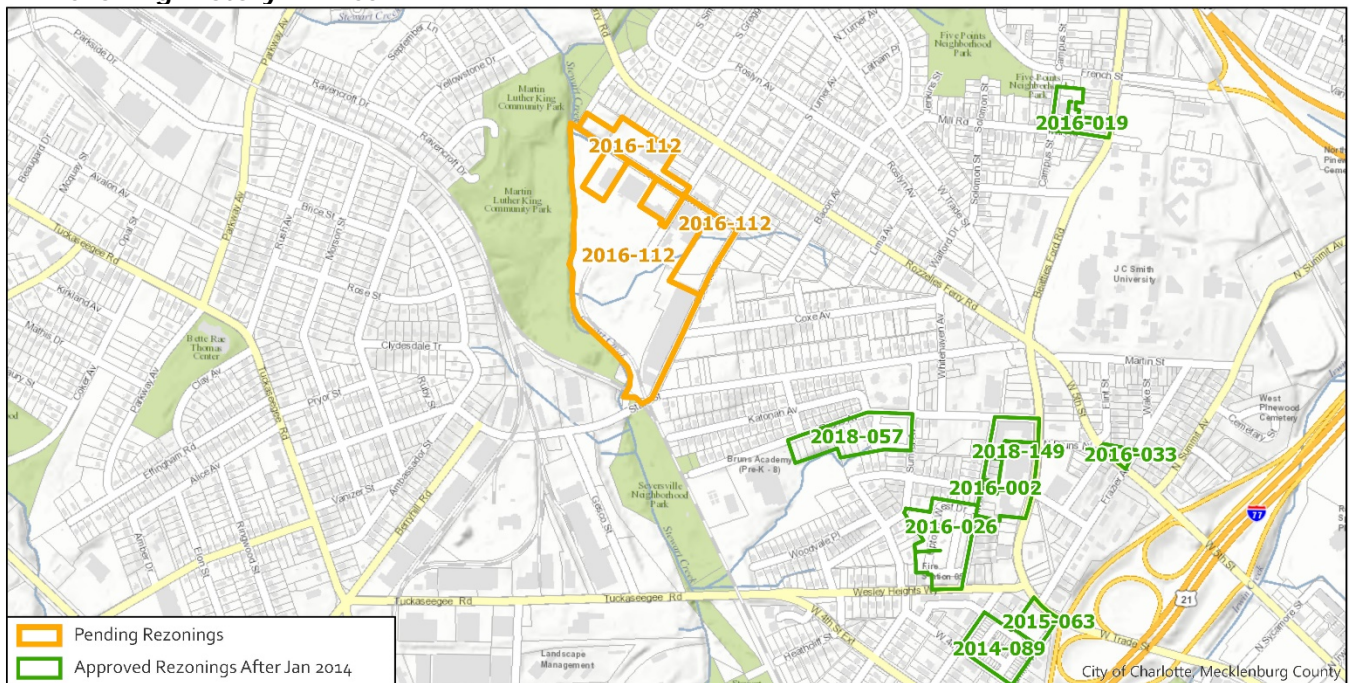


Industrial buildings are to the south.



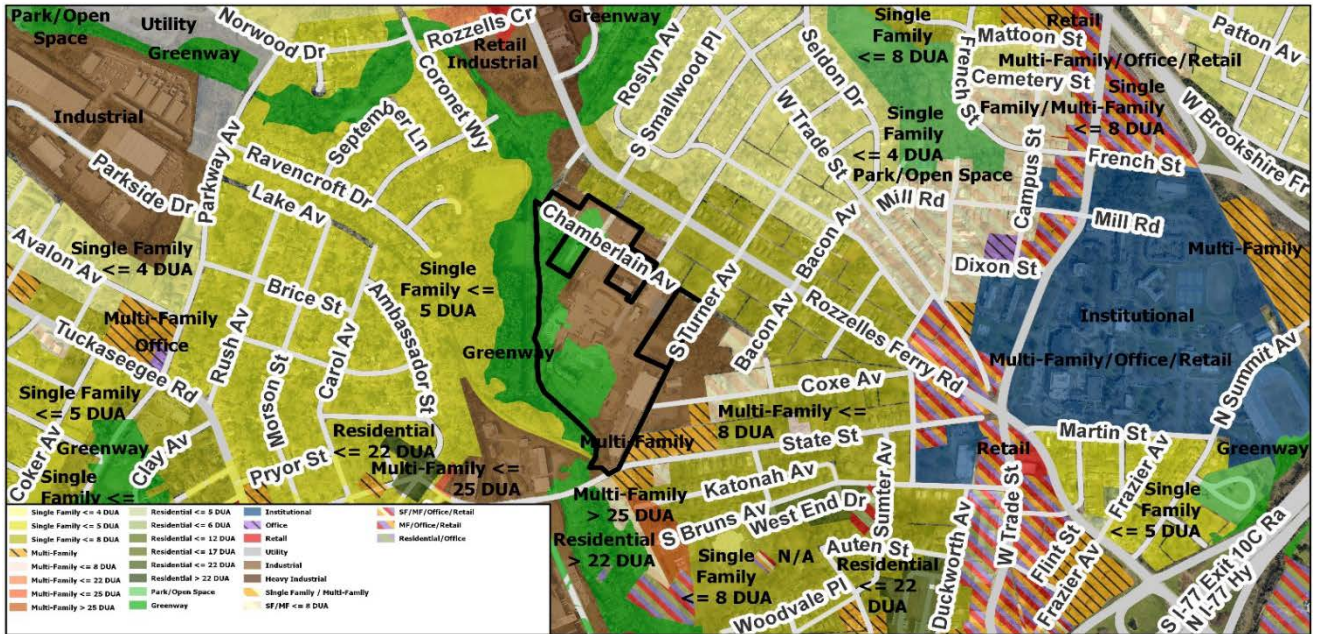
Stewart Creek and Martin Luther King Park are to the west.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-149	Rezoned approximately 4.13 acres from B-1 PED, R-8, and R-8(CD) to MUDD-O and MUDD-O PED with 5-year vested rights to accommodate the expansion of Mosaic Village and allow all uses in MUDD.	Approved
2018-057	UR-2(CD) site plan amendment on approximately 3.87 acres to allow 57 townhomes.	Approved

- **Public Plans and Policies**



- The *Central District Plan* (1993) recommends industrial land use for this site. The plan details how declining “no growth” industrial areas are in jeopardy of continued decline where buildings will become obsolete and the City should do more to actively promote revitalization of these areas.
- The site is within the West Trade/Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP) area. The CNIP program makes strategic investments in larger, multi-neighborhood geographies to more comprehensively address a broad array of community needs. The *West Trade/Rozzelles Ferry CNIP Area Playbook* (2015), detailed the goals of the CNIP program to foster vibrant, diverse, and economically strong communities, that will have a highly connected network of streets around mixed-use activity nodes.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is located a minor collector south of a major thoroughfare. The site plan is committing to improvements identified in the traffic impact study. CDOT continues to request the outstanding items be addressed.
 - See Outstanding Issues, Note 1-4.
 - **Vehicle Trip Generation:**
Current Zoning:
Existing Use: Unknown trips per day (based on industrial mix).
Entitlement: 4,120 trips per day (based on 450,000 square feet of office).
Proposed Zoning: 7,330 trips per day (based on 45,000 square feet of retail, 245,000 square feet of office, and 240 apartments).

DEPARTMENT COMMENTS (see full department reports online)

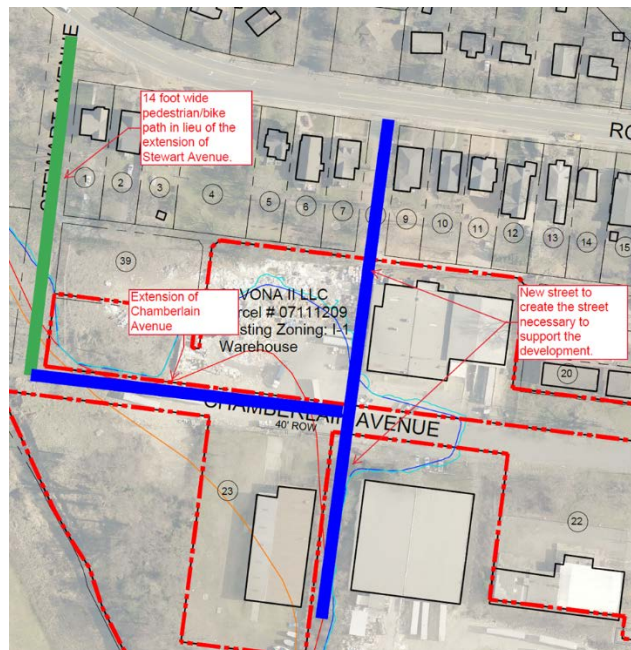
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate no students, while the development allowed under the proposed zoning may produce 28 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 28 students.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Example Elementary from 72% to 74%
 - Example Middle from 109% to 109%
 - Example High from 85% to 85%.

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via existing 8-inch water distribution mains located along Chamberlain Avenue, South Turner Avenue and South Gardner Avenue. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. Due to the limited project details that were provided, Charlotte Water cannot provide concurrence for this rezoning boundary at this time.
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **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 comments submitted.
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Note 4.

OUTSTANDING ISSUES

Transportation

1. The proposed zoning district has a setback measured from an existing or proposed future curbline. The location of the future back-of-curb for:
 - a. Chamberlain Avenue (west of South Gardener Avenue): 19.5 feet from centerline of the road
 - b. Chamberlain Avenue (east of South Gardener Avenue): existing back-of-curb is in the correct future location
 - c. South Gardener Avenue: 14.5 feet from centerline of the road (without on-street parking)
17 feet from centerline of the road (with on-street parking)
 - d. South Turner Avenue: existing back-of-curb is in the correct future location
 The future back of curbs and the setbacks measured from them need to be shown clearly on the site plan and on the street cross-sections.
2. Revise the site plan to show the extension of Chamberlain Avenue to Stewart Avenue.
 - a. Show the extension of Chamberlain Avenue to the proposed non-vehicular connection or
 - b. Update site plan and conditional notes showing the proposed non-vehicular connection from Stewart Avenue connecting to where Chamberlain Avenue terminates.



3. Revise the site plan to reserve right-of-way and incorporate cross section features as appropriate for West Trade / Rozzelles Ferry Area Comprehensive Neighborhood Improvement Program (CNIP) identified projects adjacent to or within the site.
4. Revise the site plan and conditional notes to show street cross-sections that meet City standard and the location of the back-of-curbs as noted in the curbline section of this memo.

Environment

5. Parcels listed above are adjacent to the Stewart Creek Greenway corridor as indicated on the 2014 Greenway Master Plan Update. We request the petitioner dedicate and convey the 100-foot SWIM Buffer to Mecklenburg County prior to the issuance of the first certificate of occupancy for future greenway use. In addition, we request 0.06 acre south area between the Railroad ROW, the 100-foot SWIM Buffer, the wall and State Street (see sketch below) for the necessary overland connection from the existing Greenway to future Stewart Creek Greenway.

Site and Building Design

6. Reduce the number of hotel rooms from 300 to 150 in what is a predominantly residential area.
7. Please include site sections and/or a massing 3d model as previously requested to depict proposed building heights compared to adjacent existing structures. The proposed height is not supported without this additional information.
8. Add the following language to Optional Provisions Note 2(a)-*Existing adaptively re-use building(s) shall not be renovated in a manner that makes them more nonconforming with MUDD design architectural standards.*
9. Petitioner has included murals/artwork in an Optional Provision regarding signage. Murals/artwork are not considered signage. Petitioner should clarify if this referring to large wall painted advertisement which may be supported but should be differentiated from murals and artwork.
10. Explain where the percentages in Design Guidelines Notes 6(b)1 and 6(b)3 come from and how these activities will be tracked.
11. Design Guidelines Note 6(c)10 language regarding "open space or horizontal square feet" is confusing—please delete.
12. Under Open Space and Amenity Areas Note 9(a) please define by how much new development will exceed the urban open space requirements.
13. Proposed Street Section with New Development D on Sheet RZ-2 illustrates a 6-foot sidewalk. The office and residential densities in this proposed development would necessitate an 8-foot wide sidewalk.
14. Clarify intent and desired outcome outlined in General Provisions Note 1(d) and language regarding "public/private street frontage requirements"

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782