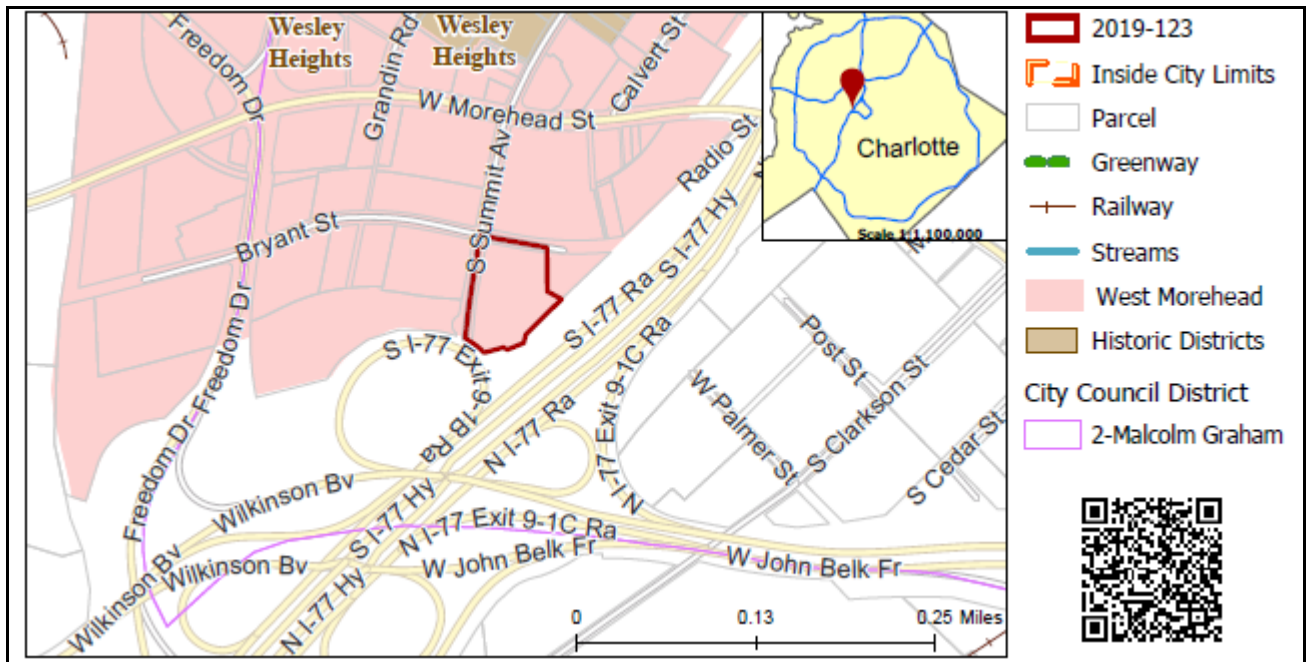


**REQUEST**

Current Zoning: I-1 PED (light industrial, pedestrian overlay)  
Proposed Zoning: I-1 PED-O (light industrial, pedestrian overlay, optional)

**LOCATION**

Approximately 1.99 acres located on the south side of Bryant Street, east of South Summit Avenue, west of Interstate 77.



**SUMMARY OF PETITION**

The petition proposes to develop the site with an office building.

**PROPERTY OWNER**

935 Summit Magnus LLC

**PETITIONER**

Magnus Capital Partners, Vishal Aurora

**AGENT/REPRESENTATIVE**

Bridget Grant, Dujuana Keys, and 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: 1

**STAFF**

**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the adopted land use for the site of mixed use as per the *West Morehead Land Use and Streetscape Plan*.

Rationale for Recommendation

- The petition is consistent with the land use plan recommendation for mixed uses per the *West Morehead Land Use and Streetscape Plan*.
- However, the petition does not comply with the urban design standards of the pedestrian overlay, due to the development constraints within the floodplain, and ground floor activity would be limited. In lieu of active ground floor uses, public art and architectural articulation is provided.
- The conditional plan provides a preserved corridor for the future alignment of the CATS Silver Line.

- Through recent redevelopment, the area is becoming more intense than the previous development in the area and the proposed rezoning would provide a transition from uptown to the West Morehead area.

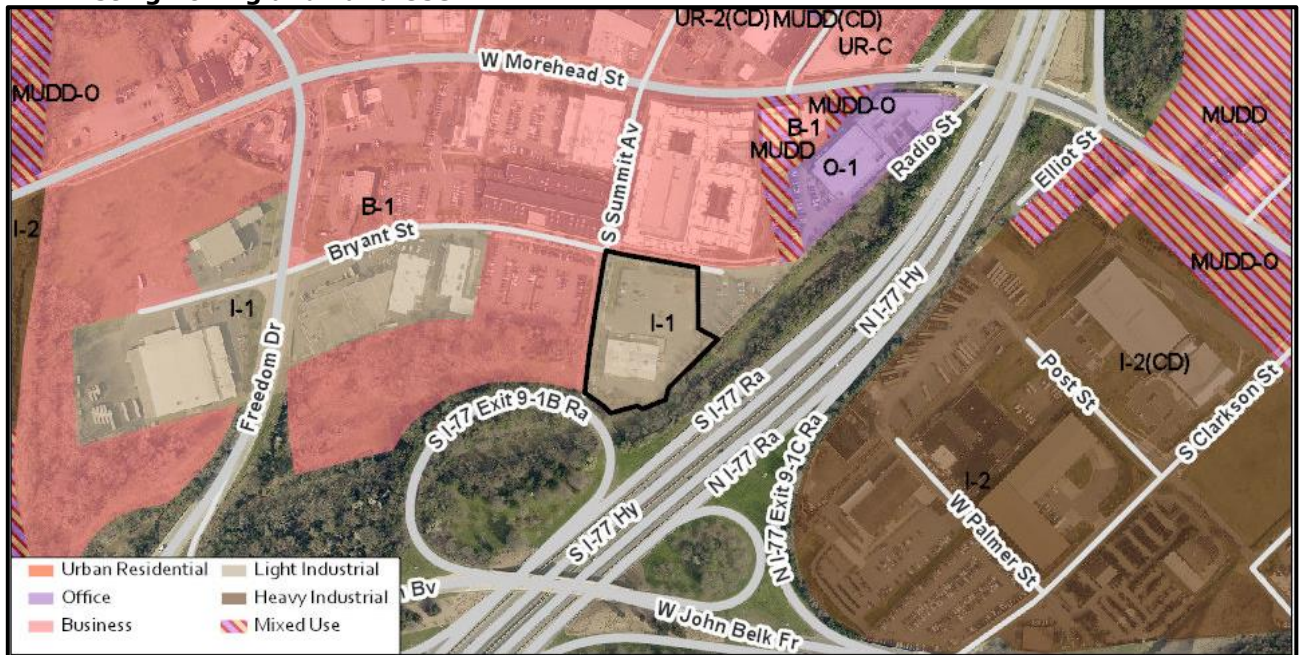
## PLANNING STAFF REVIEW

### Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Applies the following optional provisions:
  - To allow structured parking that is not designed and/or used for active uses on the ground floor.
  - To allow a maximum building height of 200 feet
  - To eliminate the requirement to screen parking on the ground level of a structured parking facility if necessary to meet floodplain regulation.
- Limits the number of principal buildings to one.
- Reserves a 70-foot wide transit corridor along the southern property line for the future light rail line(s).
- Proposes an 8-foot sidewalk and planting strip.
- Prohibits various industrial units on site including but not limited to: Automotive repair and sales, car washes, contractors' offices, recycling centers, distributive businesses, landfills, manufacturing, and petroleum storage.

### Existing Zoning and Land Use



Surrounding land uses include industrial and multi-family residential.





The subject property is developed with a commercial building.



The property to the north is developed with multi-family residential.



The property to the west is developed with a surface parking lot.





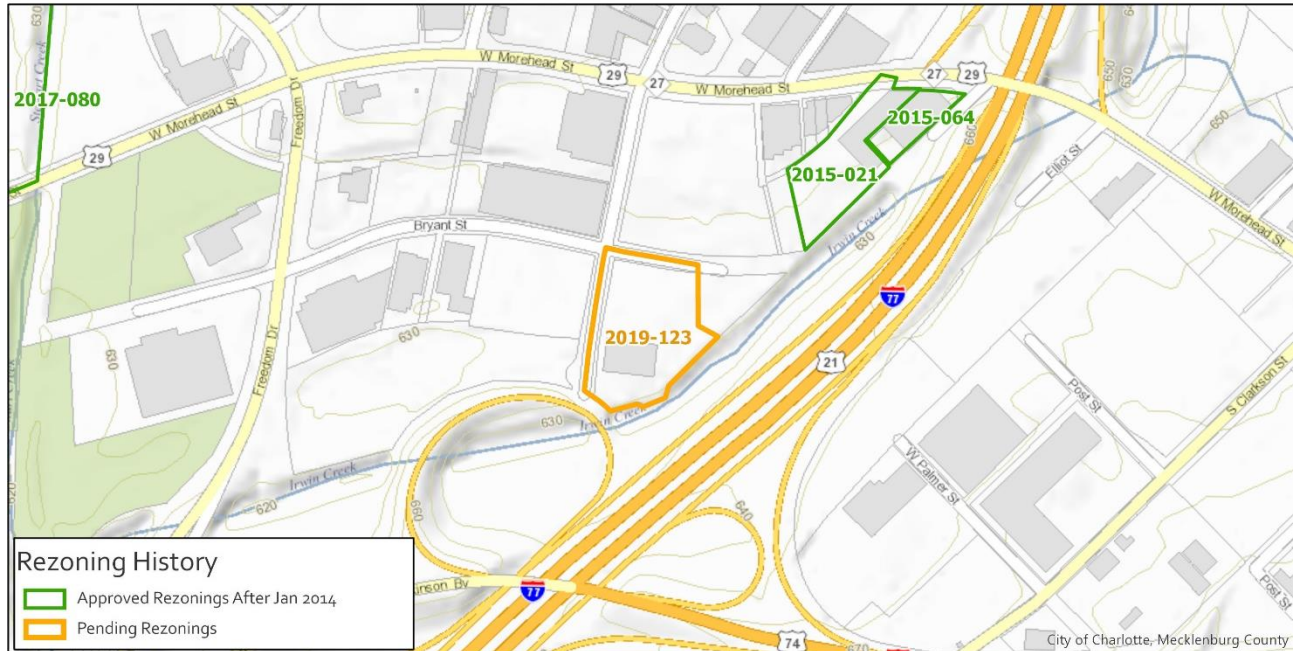
The properties to the east are developed with a parking lot and Interstate Highway 77.



The properties to the south are developed with highway property.



- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2015-021	The petition rezoned site to B-1 (PED) (neighborhood business, pedestrian overlay) to allow all uses permitted in B-1.	Approved
2015-064	The petition rezoned site to O-1(PED) (office, pedestrian overlay) to allow all uses permitted in O-1.	Approved
2017-080	The petition rezoned site to MUDD-O (mixed use development, optional) to allow a new residential community containing up to 280 dwelling units.	Approved

- Public Plans and Policies**



- The *West Morehead Land Use & Streetscape Plan* (adopted 2004) recommends park/open space for properties within the FEMA Floodplain. The plan recommends that in the event Mecklenburg County does not acquire the parcels for open space, the land use recommendation would be for mixed use (office/commercial/residential) development.
- The parcel is adjacent to the proposed CATS Silver Line light rail alignment, along Irwin Creek.

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**• TRANSPORTATION CONSIDERATIONS**

- The site is located on local roads south of a major thoroughfare and west of Interstate 77. The site plan commits meeting the streetscape identified in the *West Morehead Land Use and Pedscape Plan* for Bryant Street and South Summit Avenue. The petitioner should coordinate with NCDOT locating and dedicating any additional right-of-way for the I-77 project. If during the permitting process, the site generates more than 2,500 daily trips, a traffic impact study will be required. See Outstanding Issues, Note 1.
- **Vehicle Trip Generation:**
  - Current Zoning:
  - Existing Use: 460 trips per day (based on 14,900 SF drinking place).
  - Entitlement: 460 trips per day (based on 14,900 SF drinking place).
  - Proposed Zoning: Too many uses to determine.

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

- **Charlotte Area Transit System:** See Outstanding Issues, Note 2
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along South Summit Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along South Summit Avenue. No outstanding issues.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, Notes 3 and 4.

**OUTSTANDING ISSUES**Transportation

- ~~1. Coordinate with NCDOT the I-77 widening project (TIP# I-5718A) as this may affect the proposed development. Update the site plan by labeling, and dimensioning the future right-of-way needed for the NCDOT project. In addition, the petitioner should also dedicate any additional right-of-way needed for the NCDOT project.~~ **Addressed**
2. Revise note 4Ab to dedicate land to CATS for Silver Line when requested by CATS. **Addressed**

Environment

- ~~3. Mecklenburg County Parks and Recreation requests the remainder of the 100-foot SWIM Buffer outside of the CATS 70-foot Silver Line Easement be dedicated and conveyed to Mecklenburg County for future greenway use.~~ **Addressed**

**REQUESTED TECHNICAL REVISIONS**Environment

- ~~4. Add note to 7a "Development within the SWIM/PCSO Buffer shall be coordinated with and subject to approval by Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."~~ **Addressed**

Site and Building Design

- ~~5. Modify optional note to require ground floor treatment (public art or architectural treatment) when allowed in floodplain.~~ **Addressed**
  - ~~6. Add note to include improved public open space near intersection of Bryant Street and Summit Avenue.~~ **Addressed**
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Lisa Arnold (704) 336-5967