

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007 - 79

Property Owner: Construction Brick & Tile Company
Carpenter Investment Properties, LLC

Petitioner: Cambridge Properties
Charter Properties

Location: Approximately 74.4 acres located on the south side of
North Tryon Street and the east side of Pavilion Boulevard

Request: B-1 (neighborhood business), B-1(CD) (neighborhood
business, conditional) and R-3 (single family residential, up
to 3 dwelling units per acre) to NS (neighborhood services)

Summary

This petition proposes to rezone approximately 74.4 acres to accommodate up to 304 multi-family residential units at a density of 5.54 units per acre, and a maximum 100,000 square feet neighborhood center containing retail and service uses.

Consistency and Conclusion

The proposal is consistent with the *Northeast Area Plan* (2000), which recommends retail and residential (up to 8 du/a) land uses for this site. Therefore, staff supports consideration of approval of this request subject to resolution of outstanding site plan comments.

Existing Zoning and Land Use

The subject property is surrounded by predominantly undeveloped land, some residential and limited commercial development. To the north is a church, single family residential homes, and vacant land zoned B-1, R-3, and R-12MF. Single family homes, a car lot, business, and vacant land are located to the east on properties zoned R-3, R-4(CD), and B-1. To the south is the Verizon Pavilion, single family homes, and vacant land zoned R-4(CD), MX-2, and R-3. To the west the properties are vacant land and commercial centers zoned R-12MF(CD) and CC.

Rezoning History in Area

There have been no recent rezonings in the immediate area.

Public Plans and Policies

Northeast Area Plan (2000). The *Northeast Area Plan* recommends retail land uses for the portions zoned B-1 and B-1(CD) and residential land uses, up to 8 dwelling units per acre, for the portion zoned R-3. The retail uses should not exceed 100,000 square feet.

Northeast Transit Corridor. The *Northeast Transit Corridor* – Refined Locally Preferred Alternative identifies a terminus station south of I-485 on North Tryon.

Proposed Request Details

This request proposes to rezone approximately 74.4 acres to accommodate up to 304 multi-family residential units at a density of 5.54 units per acre, and a maximum 100,000 square feet neighborhood center containing retail and service uses. The proposed development divides the parcel into Tracts “A” and “B”. Further details regarding this development proposal include the following:

- Construction of up to 100,000 square feet of retail and service uses on Tract A, with building heights not to exceed 60’.
- Prohibition of certain uses on Tract A.
- Construction of up to 304 multi-family residential units with an overall density of 5.54 units per acre on Tract B, with building heights to not exceed 60’.
- Provision of a recreational amenity area consisting of, at a minimum, a swimming pool and clubhouse, on Tract B.
- Provision of landscaped parking areas and internal pedestrian facilities.
- Provision of minimum 15% tree save area.
- Installation of a 10’ planting strip and 6’ sidewalk along the site’s frontage along NC Highway 29.
- Installation of a 6’ planting strip and 5’ sidewalk along both sides of all internal private streets.
- Dedication of areas as “greenway area” to Mecklenburg County for greenway purposes.
- Provision of common open space throughout the site.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT has reviewed this petition and indicates that the site could generate approximately 3,800 trips per day as currently zoned. The proposed zoning designation could generate approximately 8,800 trips per day, having a significant impact on the surrounding thoroughfare. CDOT has requested submittal of a Traffic Impact Study to evaluate the impacts that site generated traffic will have on the thoroughfare system. In addition, CDOT has indicated that since access is proposed off US 29 (N Tryon Street), NCDOT may also require a Traffic Impact Study as part of their driveway permit approval process. CDOT has also provided comments pertaining to installation of planting strips and sidewalks along N. Tryon Street and within the proposed development; construction and connectivity to the Mallard Creek Greenway; and, construction of a pedestrian bridge for access to the adjacent Verizon Wireless Amphitheater site. See attached memo for more information.

Connectivity. Access to the site is proposed via two ingress/egress points on NC Highway 29. In addition, a pedestrian connection from the subject site to the adjacent greenway is proposed.

CATS. CATS has no comments on this petition.

Storm Water. Mecklenburg County Land Use and Environmental Services Agency and City of Charlotte Storm Water Services have provided comments pertaining to air quality, solid waste

and the presence of the closed landfill on the property, S.W.I.M. buffers, stream buffers, storm water quality treatment, and storm water volume and peak controls. Storm Water Services has identified this site as draining to a stream listed as impaired by the NC Division of Water Quality.

School Information. Charlotte-Mecklenburg Schools has reviewed the petition and indicates the proposed development will add approximately 48 students to the schools in this area. The development allowed under existing zoning would generate 129 students, while the development allowed under the proposed zoning will produce 48 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 0.

Outstanding Issues

Land Use. The *Northeast Area Plan* is the current policy document for this site and recommends retail land uses for the portions zoned B-1 and B-1(CD) and residential land uses, up to 8 dwelling units per acre, for the portion zoned R-3. The retail uses should not exceed 100,000 square feet.

Site plan. The following site plan issues are outstanding:

- Maintain 20-foot setback along NC Hwy 29.
- Determine how the rear of grocery store will be screened from residential units. Provide detail.
- Provide a separate plan/detail on proposed drive-in service lanes/windows for Tract A to ensure no conflicts or circulation issues. This plan must be approved by CDOT.
- Provide public street stub if the Martin Marietta parcel exists. It is a landlocked parcel.
- Provide architectural building elevations, including information on style and materials.
- Show refuse area(s) on plan.
- Construct a portion of greenway trail to County standards within area to be dedicated to Mecklenburg County Park and Recreation Department. The trail will serve as an amenity for the residents of the development.