

**\*PRE-HEARING STAFF ANALYSIS\***

**Rezoning Petition No. 2007-113**

**Property Owner:** See Exhibit A

**Petitioner:** Budget Development Partners, LLC

**Location:** Approximately 1.85 acres located on the south side of W. Morehead Street, just west of I-77

**Center, Corridor or Wedge:** Corridor

**Request:** B-1 (PED), neighborhood business, pedestrian overlay district to B-D(CD)(PED-O) distributive business, pedestrian overlay district, optional.

**Summary**

This petition seeks to rezone 1.88 acres to B-D (CD) (PED-O) to allow a self-storage facility of between 183,500 – 187,500 square feet of self-storage, and 18,000 – 26,000 square feet of office uses, for a total of 205,500 square feet along W. Morehead Street, near I-77. The office uses are proposed on the first and sixth floor of the building.

**Consistency and Conclusion**

As such, the proposed uses are considered acceptable at this edge location within the PED overlay district, and consistent with the *West Morehead Land Use and Pedscape Plan*. If a variance is granted to allow parking in the Community Floodplain or Floodway, and the outstanding site plan issues are resolved, then this petition would be considered appropriate for approval.

**Existing Zoning and Land Use**

The parcel is bounded to the north by West Morehead Street; to the east by I-77; to the south by Irwin Creek and Radio Street, an old public right-of-way used for parking and site access; and to the west by P&N Railroad right-of-way. The 1999 Mecklenburg County Greenway Master Plan identifies Irwin Creek as a future greenway corridor.

Properties to the northwest are zoned UR-C, urban residential-commercial, and MUDD-O, mixed-use development, optional. Land uses range from office and commercial buildings, some of which are vacant. The properties to the west of the site are zoned MUDD, mixed-use development and consist of vacant land and vacant buildings.

The subject parcels are constrained by floodway restrictions along Irwin Creek, state right-of-way restrictions along West Morehead Street, Radio Street (City street) right-of-way restrictions along I-277, and P&N Railroad right-of-way along the west side of the site. Combined, these all impair the site's ability to provide parking for traditional uses such as office, residential and retail uses.

### **Rezoning History in Area**

In 2005, approximately 57 acres, including these three parcels, were zoned to add the PED (pedestrian overlay district), under petition #2005-144, based upon the recommendations of the *West Morehead Land Use and Pedscape Plan*. At the same time, approximately 51.4 acres in the same area, were rezoned under petition 2005-145 to B-1, neighborhood business and I-1, light industrial, also in accordance with the *West Morehead Land Use and Pedscape Plan*.

In 2003, under petition # 2003-108, approximately .13 acres to the west of the subject parcels were rezoned to MUDD-O, mixed-use development district, optional.

### **Public Plans and Policies**

*West Morehead Land Use and Pedscape Plan* (adopted 2004) recommends mixed-use development on the site, including office, commercial, and residential uses.

### **Proposed Request Details**

Three alternative site plans are provided with this rezoning request to construct a 205,500 square foot self-storage facility with office uses wrapping the building on a portion of the first and sixth floors. The alternatives vary in their use of the Radio Street (City) right-of-way, the location of the loading spaces and some parking spaces:

- Alternative A: Access to parking spaces and loading areas located on the southeast side of the building is via Radio Street, with allowed 2 way traffic access into W. Morehead Street. Assumes the City will abandon Radio Street.
- Alternative B: Access to parking and loading areas located on the southeast side of the building is made through the parking lot to the rear of the building, with access to the back half of Radio Street. The part of Radio Street between W. Morehead and the loading dock area is closed to traffic, and a fire access turf block or similar type materials are used in this area. The sidewalk along W. Morehead is extended across Radio Street. Again, this alternative assumes the City will abandon Radio Street.
- Alternative C: Access to all parking and loading spaces is made to the rear of the building. This alternative does assume the City will abandon Radio Street, but the street will remain open, but will not access the parking or loading areas. This configuration impacts the location of the dumpsters which are relocated to the rear of the parking lot. Alternative C also includes a different design treatment on the corner of Radio Street and W. Morehead, with removal of the low block wall with decorative iron fence, removal of the decorative fountain with bubblers, and some accent plantings and deciduous trees.

The building materials consist of brick with pre-cast accents and stucco detailing on the top of the building. The overall height is limited to 75'. Direct access to the individual self-storage units will be provided by internal hallways. Improvements proposed for this site include:

- 8' sidewalk and 8' planting strip along W. Morehead will be provided.
- Twenty-two shared parking spaces are shown partially located on this site, and part on an adjoining site. The site plan notes indicate that these parking spaces would be constructed and maintained by the adjoining owner. An easement will be granted to the adjoining owners during construction and for maintenance and use thereafter.
- All light fixtures will be fully shielded and capped.
- Architectural lighting will be provided at the base of the bricked window recesses, to give the impression of real windows.

Optional provisions being requested include:

- A reduction in the number of PED required parking spaces, to permit .25 parking spaces per 1,000 square feet of floor area devoted to self-storage uses. The office rate would be unchanged (1 per 600 square feet).
- To allow vehicles trucks to maneuver within Radio Street, a public right-of-way.

A variance has been filed with the Zoning Board of Adjustment (public hearing on 12-11-07) to permit the parking area to be located within the Community Floodplain or Floodway.

## **Public Infrastructure**

**Traffic Impact / CDOT Comments.** This site could generate approximately 1,900 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 900 trips per day. This will have a lesser impact on the surrounding thoroughfare system.

CDOT has the following specific comments that are critical to their support of the rezoning petition:

- If part of this site falls within the 175' transitional setback from I-77 (measured from the centerline of the roadway) then the petitioner needs to indicate on the site plan that fee-simple conveyance of the right-of-way to meet this requirement will be made.
- No new building, access, or required parking is permitted in the transitional setback.
- Remove references to abandon Radio Street because it will be incorporated into the existing I-77 right-of-way, and could be used for future expansion of I-77.
- Only Alternative B's use of Radio Street and its access to W. Morehead Street is acceptable. This alternative eliminates the access and removes a portion of the street.
- Alternative A and C are not acceptable since a modified access east of the building will not be approved by CDOT or NCDOT.
- The I-77 Ramp/Morehead Street intersection and the limits of the I-77 controlled-access right-of-way need to be shown and identified on the site plan.
- A connection and cross-access easement with the parcel to the south of the site (DB 19763, Page 595) needs to be provided in order to construct the connection to the adjacent property, and this needs to be indicated on the site plan.

- The site plan shows the “decorative fountain with bubblers” and an unidentified feature within the public right-of-way and setback. These items require a separate right-of-way encroachment agreement and may not be permitted by CDOT and/or NCDOT.

**CATS.** CATS has the following comments:

- CATS is concerned that the development of self-storage units at this location along a streetcar line, within 2 blocks of a proposed rapid transit stop at Summit Avenue, may be inconsistent with the City’s goals for transit supportive development along the corridor.

**Storm Water.** Stormwater Services notes downstream complaints consisting of erosion and blockage. This site drains to a stream listed as impaired by the NC Division of Water Quality. Stormwater Services also requests their normal provisions for water quantity control, water quality treatment, and volume and peak control. See attached memo.

**Mecklenburg County Parks & Recreation.** In previous correspondences MCPR has requested the construction and dedication of an 8’ wide sidewalk path along the I-77 Right-of-Way for Irwin Creek Greenway. While the majority of the requested corridor is shown with an 8’ sidewalk, an approximately 150’ stretch of sidewalk closest to West Morehead St. is shown as “5’ wide concrete walk” on Alternates A, B, and C of the site plan dated 11/12/07. MCPR maintains its request that the entire length of the sidewalk be 8’ wide. In addition, as previously requested, MCPR requests that the 8’ wide sidewalk be dedicated to MCPR. The note should read “8’ wide sidewalk to be constructed and dedicated to MCPR for Irwin Creek Greenway connection”. See attached memo.

**LUESA.** Land Use and Environmental Services has the following comments:

- Revisions to the Floodplain Regulations went into effect on July 1. One of the changes is the requirement regarding flood depths for parking spaces associated with new buildings. Specifically, all parking areas for new improved non-single family habitable buildings must be at an elevation such that water depths would be less than 6” deep in any parking space during the occurrence of a Community Based Flood. See attached memo.
- Mecklenburg County Solid Waste requests the petitioner to submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. See attached memo.
- Mecklenburg County Water Quality Program cannot support the rezoning unless the site plan is revised with notes and schematics that ensure that applicable ordinances are met. See attached memo.

**School Information.** This petition will not impact the school system.

## **Outstanding Issues**

**Land Use.** This request is consistent with the *West Morehead Land Use and Pedscape Plan* which recommends mixed-uses in this location. Although interior self-storage uses are not considered a use compatible with a Pedestrian Overlay District, these uses would require less parking than a similarly sized building with other uses. In addition, the location along a raised portion of the interstate limits the negative impact that self storage might have on adjoining uses, and the heavy vegetation along the right-of-way limits view of the site from the interstate highway

**Site Plan.** The approval of this rezoning is contingent upon a variance being granted to allow parking in the Community Floodplain or Floodway. The following site plan issues are outstanding:

- The petitioner should remove references to abandon Radio Street because it will be incorporated into the existing I-77 right-of-way, and could be used for future expansion of I-77. The City wants to reserve the right-of-way for future widening of I-77. CDOT will only support Alternative Site Plan B, with regard to the use of Radio Street. This alternative eliminates the access to W. Morehead Street, and removes a portion of the street. The petitioner should modify all three site plans to reflect this fact, and revise development notes #1.2, 1.4 and 9.4 accordingly.
- The petitioner should reconfigure Alternative Site Plans A and B to locate the required loading spaces and vehicle parking spaces on the site such that these spaces/areas do not require maneuvering in the Radio Street right-of-way (as shown on Alternative C). If other configurations are still proposed, the petitioner runs the risk of the inability to use the Radio Street right-of-way in the future, if and when I-77 is widened. Staff does not support the optional request to allow maneuvering in the Radio Street right-of-way.
- If the petitioner wants to propose an Alternative Site Plan where the loading/unloading spaces access Radio Street, then the petitioner should also modify Development Standards Note #14.2 under the Optional Provisions to state that maneuvering areas for vehicle parking spaces and required truck loading/unloading spaces may be located within the right-of-way of Radio Street.
- The I-77 Ramp/Morehead Street intersection and the limits of the I-77 controlled-access right-of-way should be shown and identified on the site plan.
- The petitioner needs to indicate on the site plans where the I-77 right-of-way line is located.
- If any of the transitional right-of-way (measured 175' from the centerline of I-77) is located on the property, then the petitioner needs to indicate this on the site plan.
- No new buildings, access, or required parking is permitted within the 175' transitional setback. Site plans may need to be revised accordingly.
- A connection and cross-access easement with the parcel to the south of the site (Parcel ID# 07325407) needs to be provided during the urban review process in order to construct the connection to the adjacent property. The petitioner needs to indicate this on the site plans.
- Alternative Site Plans A and B provide a detail for the plaza that shows a portion of the "decorative fountain with bubblers" and an unidentified feature within the public right-of-way and setback. These features require a separate right-of-way encroachment agreement with CDOT and/or NCDOT, and may not be permitted. The petitioner should revise these

site plans to either move these features, or add a development note that encroachment agreements will be pursued by the petitioner, and obtained prior to construction.

- While the majority of the requested Irwin Creek Greenway connection connection is shown with an 8' sidewalk, an approximately 150' stretch of sidewalk closest to West Morehead St. is shown as "5' wide concrete walk" on Alternative Site Plans A, B, and C. The petitioner should show the entire length of the sidewalk as 8' wide and dedicated to Mecklenburg County Parks and Recreation. The note should read "8' wide sidewalk to be constructed and dedicated to MCPR for Irwin Creek Greenway connection". The petitioner should commit to constructing and dedicating an 8' wide sidewalk along the entire length of Radio Street, and continuing alongside the property line adjacent to the parking lot in the rear of the property for a greenway connection. The dedication should be clearly labeled and illustrated on all three site plans and the acreage to be dedicated should be noted.
- The petitioner needs to more fully indicate which recessed panels on the building elevations will have architectural lighting, the materials used for door entrances, which faux windows will have brick patterns in recesses (all or only a few?), and that the aluminum storefront consists of glass panes.
- Note 9.2 and 9.3 are one note, and the petitioner should revise them accordingly, and modify the note to refer to one access point, not "each access point".
- The petitioner should revise item #4 under "Proposed Uses" on Alternative Site Plans A, B, and C, regarding the number of parking stalls required. The correct PED parking rates is 1 space/600 square feet of self-storage uses, not 1 space/4000 square feet.
- The provision of, and width of parking lot screening should be labeled on all three sides on Alternative Site Plans A, B, and C.
- The width of the screening along the rear parking area should be labeled on all three site plans. (2<sup>nd</sup> request)
- The required 10' rear yard should be labeled on all three site plans.
- The petitioner should modify Development Standards Note #14.2 under the Optional Provisions to state that maneuvering areas for vehicle parking spaces and required truck loading/unloading spaces may be located within the right-of-way of Radio Street.
- The petitioner should commit to providing covered long-term bicycle spaces on all three site plans by modifying the description label accordingly.
- The petitioner should revise Development Standard #11.1 and 11.2 under "Sidewalks" by removing the word "generally" in both notes.
- The petitioner should revise note # 3 under "Proposed Uses" on each site plan and in development note #12.1 to state that the maximum height of the building to be constructed on the site is "75', not to exceed 6 stories".
- The petitioner should add a note to the Development Standards, stating how far the new structure will be above flood elevation.
- The petitioner should add the following note to the General Provisions on the Development Standards page:

"The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other

standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply."

- CATS, CDOT, LUESA, Storm Water, and Mecklenburg County Park & Recreation comments are attached.

**Date:** November 27, 2007

**To:** Keith MacVean  
Charlotte-Mecklenburg Planning Department

**From:**   
Scott L. Putnam  
Development Services Division

**Subject:** Rezoning Petition 07-113: Located on the south side of West Morehead Street, just west of I-77 (revised 11/26/07)

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We previously commented on this petition in our July 31 and October 15, 2007 memoranda to you.

**Consistency with Transportation Action Plan (TAP):** The two goals of the TAP that most directly affected the staff's review of this petition define the integration of land use and transportation, and the provision of transportation choices.

- Goal 1 of the TAP relies on the Centers, Corridors and Wedges land use strategy to be implemented. This project site is located in a Corridor and does not appear to support the Centers, Corridors and Wedges land use strategy.
- Goal 2 of the TAP describes various connectivity and design features that are important for motorists, pedestrians and bicyclists. Specific comments are identified below that need to be addressed for CDOT's support of the petition and to bring the site plan into compliance with the TAP and best practices for multimodal transportation.

#### Vehicle Trip Generation

This site could generate approximately 1,900 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 900 trips per day. This will have a lesser impact on the surrounding thoroughfare system.

We have the following specific comments that are critical to CDOT's support of the rezoning petition:

1. I-77 is Class I facility, expressway, requiring a minimum of 175 feet of right-of-way, and the developer/petitioner needs to indicated on the plan the fee-simple conveyance of right-of-way to meet this requirement, measuring 175 feet from the centerline of the roadway. No new building, access, or required parking is permitted in the transitional setback area.  
(*Previous Review Comment – 1*)
2. There does not appear to be a separate right-of-way for Radio Street as it is incorporated into the existing I-77 right-of-way. Additionally, due to I-77's future right-of-way requirement,

Radio Street will be absorbed into the I-77 right-of-way, so any reference to it being abandoned and any future access to Morehead Street at this location needs to be removed from the site plan. Additionally, its connection with West Morehead Street has inadequate sight distance and the right-of-way is constrained.

3. CDOT can only consider Alternate “B” with respect to the use of Radio Street and its access to West Morehead Street. This alternative eliminates the access and removes a portion of the street. Alternatives “A” and “C” need to be removed from this conditional plan set, since a modified access east of the building will not be approved by CDOT or NCDOT.
4. The I-77 Ramp/Morehead Street intersection and the limits of the I-77 controlled-access right-of-way need to be shown and identified on the site plan. (*Previous Review Comment – 2*)
5. A connection and cross-access easement with the parcel to the south of the site (DB 19763, Page 595) needs to be provided during the urban review process in order to construct the connection to the adjacent property and needs to be indicated on the conditional site plan. (*Previous Review Comment – 2*)
6. The revised site plan includes a detail for the plaza that shows a portion of the “decorative fountain with bubblers” and an unidentified feature within the public right-of-way and setback. These items require approval by CDOT and/or the NCDOT through a separate right-of-way encroachment process and may not be permitted. (*Previous Review Comment – 1*)

If we can be of further assistance, please advise.

SLP

- c: R. H. Grochoske (via email)  
M. A. Cook- Review Engineer (via email)  
B. D. Horton (via email)  
A. Christenbury (via email)  
E.D. McDonald (via email)  
Budget Development Partners, LLC/James Bennett (via email)  
Kennedy Covington/John Carmichael (via email)  
Rezoning File

**ENGINEERING AND PROPERTY MANAGEMENT DEPARTMENT**  
**MEMORANDUM**

**Date:** July 11, 2007  
**To:** Keith MacVean, Planning Commission  
**From:** Alice Christenbury  
Land Development Services  
**Subject:** Rezoning Petition No. 2007-113, 1201 West Morehead Street

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**General Site Plan Requirements**

The EPM Land Development Services Division has reviewed the site plan submitted in connection with the subject rezoning petition and has the following comment.

- Add the following note to the rezoning site plan and/or related rezoning documents:

"The petitioner acknowledges that other standard development requirements imposed by other city ordinances, standards, policies, and appropriate design manuals will exist. Those criteria (for example, those that require buffers, regulate streets, sidewalks, trees, stormwater, and site development, etc.), will apply to the development site. This includes chapters 6, 9, 12, 17, 18, 19, 20, and 21 of the city code. Conditions set forth in this petition are supplemental requirements imposed on the development in addition to other standards. Where conditions on this plan differ from ordinances, standards, policies, and approaches in existence at the time of formal engineering plan review submission, the stricter condition or existing requirements shall apply."
- Site lighting will not be allowed in tree islands.
- We request that any revisions or changes be submitted to the Land Development Division.
- After zoning approval, pre-submittal meetings are available to discuss specific requirements.

Should you need additional information, contact Susan Tolan at (704)353-0769.

CC: Site Inspector Mark Styers

**NOTE:** Preliminary (rezoning petition) comments are based on conceptual and/or preliminary drawings and project information.



Charlotte Storm Water  
600 East Fourth Street  
Charlotte, N C 28202-2844  
OFFC: 704 . 336 . RAIN  
FAX: 704 . 336 . 6586

## *Rezoning Petition Review*

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**To:** Keith MacVean, CMPC

**From:** Doug Lozner / Jeff Hieronymus / Danée McGee

**Date of Review:** July 10, 2007 (*Revised October 2, 2007*)

**Rezoning Petition #:** 07-113

**Existing Zoning:** B-1 (PED)

**Proposed Zoning:** B-D (CD) PED - O

**Location of Property:** Approximately 1.85 acres located on the south side of W Morehead Street just west of I-77

**Downstream Complaints and analysis:** Downstream complaints consist of erosion and blockage. This site drains to a stream listed as impaired by the NC Division of Water Quality.

**Source citation:** A portion of the water quantity and quality comments reference information gained from the "Post-Construction Ordinance Stakeholders' Group Final Report". This report reflects consensus reached during the Council-approved process to include community input on the proposed ordinance language. Other comments, including the environmental permit, stream buffer and some detention requirements reflect existing regulations and ordinances.

### Recommendations

**Concerning Storm Water:** Charlotte Storm Water Services recommends that this petition be revised to include the following notes on the petition:

#### Storm Water Quantity Control

The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.



**Storm Water Quality Treatment** – Source: *BMP recommendation taken from “Post-Construction Ordinance Stakeholders’ Group Final Report”*

For projects with defined watersheds greater than 24% built-upon area, construct water quality best management practices (BMPs) to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

**Volume and Peak Control** – Source: *Volume Control and Peak Control Downstream Analysis taken from “Post-Construction Ordinance Stakeholders’ Group Final Report”*.

For projects with defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

For residential projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency. “Residential” shall be defined as “A development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit.”

For commercial projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-yr, 6-hour storms.

For commercial projects with less than or equal to 24% BUA, but greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10-yr, 6-hr storm.

**Recommendations**  
**due to revision:**

***No additional recommendations are needed at this time.***



## PLAN REVIEW SHEET

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<b>Date:</b>	12/5/2007	<b>Staff Contact:</b>	David McDonald
<b>Petitioner:</b>	Budget Development Partners, LLC	<b>Telephone:</b>	704-336-6900
<b>Petition:</b>	2007-113	<b>Fax:</b>	704-432-1277
<b>Project Name:</b>	Unknown	<b>Email:</b>	
	<a href="mailto:dmcDonald@ci.charlotte.nc.us">dmcDonald@ci.charlotte.nc.us</a>		
<b>Location:</b>	+/- 1.849 acres, Southside W Morehead Street, West of I-77.	<b>Attachments:</b>	None.
<b>Existing Zoning:</b>	B-1 (PED)		
<b>Requested Zoning:</b>	B-D (PED) (CD) (Conditional to accommodate the Development of a building containing a Maximum of 196,000 square feet of gross Floor area that will contain self storage and office uses).		

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### I. SUMMARY REMARKS:

#### *FIRST SUBMITTAL*

CATS acknowledges receipt of the site plan and submits the following to the petitioner:

- 1) CATS would like the petitioner to be aware that the petitioner's site abuts the proposed West Corridor Streetcar Alignment.
- 2) CATS is concerned that the development of self-storage units at this location along a streetcar line, within 2 blocks of a proposed rapid transit stop at Summit Avenue, may be inconsistent with the City's goals for transit supportive development along the corridor.
- 3) CATS has no additional comments at this time.

For further questions/clarification regarding the proposed West corridor project, please contact Kelly Goforth @ 704-336-3513.

Should you require additional information, please advise.



**MECKLENBURG COUNTY**  
**Land Use and Environmental Services Agency**

July 17, 2007

Mr. Solomon Fortune  
Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street  
Charlotte, North Carolina 28202

**Re: Rezoning Petition 2007-113**  
**Approximately 1.85 acres located on the south side of W Morehead Street,**  
**just west of I-77**

Dear Mr. Fortune:

Representatives of the Air Quality (MCAQ), Groundwater & Wastewater Services (MCGWS), Solid Waste (MCSW), Storm Water Services (MCSWS), and Water Quality (MCWQ) Programs of the Mecklenburg County Land Use and Environmental Services Agency (LUESA) have reviewed the above referenced rezoning petition. In order for the Mecklenburg County LUESA to support this rezoning, the following recommendations should be implemented and appear as notes or modifications on site plans:

**Air Quality**

Development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or renovation of an existing structure. A letter of notification and the required forms will be mailed directly to the petitioner by MCAQ.

**Groundwater & Wastewater Services**

No Comment.

**Solid Waste**

Mecklenburg County Solid Waste requests the petitioner submit a Solid Waste Management Plan prior to initiating demolition and/or construction activities to include, at a minimum, the procedures that will be used to recycle all clean wood, metal, and concrete generated during demolition and construction activities. The Plan shall specify that monthly reporting of all tonnage disposed and recycled will be made to the Mecklenburg County Solid Waste Program. The report shall include the identification and location of facilities receiving disposed or recycled materials.

Mecklenburg County is committed to reduction of construction/demolition waste. Technical assistance is available at no charge to those companies willing to partner with the County in this effort. Please contact Diane Davis at (704) 432-0399 for more information regarding the County's technical assistance services.

### **Storm Water**

Revisions to the City of Charlotte Floodplain Regulations went into affect on July 1. One of the changes that may impact this property is the requirement regarding flood depths for parking spaces associated with new buildings. Specifically, the requirement below applies to parking areas.

*All parking areas for new or substantially improved non-single family Habitable buildings must be at an elevation such that water depths would be less than 6" deep in any parking space during the occurrence of a Community Base Flood.*

### **Water Quality**

The Mecklenburg County Water Quality Program cannot support the rezoning of the subject property unless the comments and/or ordinances are implemented and appear on any revised site plans as notes and/or schematics.

### **Applicable Ordinances:**

#### ***100 foot S.W.I.M. Buffer***

A stream segment on the subject property drains greater than or equal to 640 acres. According to the City of Charlotte Zoning Ordinance, Chapter 12, Part 8- Surface Water Improvement and Management (S.W.I.M.) Stream Buffers, Section 12.804, *Buffer Standards*, streams meeting this criterion are required to have buffers of 100 feet in width, plus 50% of the Federal Emergency Management Agency (F.E.M.A.) Floodfringe. The buffers are required on the applicable sides of the stream measured from the top of the bank.

The proposed project will include a substantial amount of impervious area, which will directly affect surface water quality due to storm water runoff from the project. Storm water runoff becomes contaminated with pollutants associated with the impervious area usage, transporting these pollutants to surface waters. In addition, this impervious area acts to increase the volume and velocity of storm water entering surface waters, which affects stream channel stability and negatively impacts water quality and aquatic habitat. In order to mitigate the impacts of these pollutants and to protect water quality conditions, the proposed project should incorporate the criteria specified below.

### **General Recommendations:**

#### ***Storm Water Quality Treatment***

Any separate, defined drainage area within a project that will have greater than 24% built-upon area is to have water quality best management practices (BMPs) to treat storm water runoff from the entire built-upon area within the separate, defined drainage area. The BMPs are to be constructed to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the first 1-inch of rainfall. The BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0.

The use of Low Impact Design (LID) such as bioretention systems in tree islands, grassed swales, vegetated buffers, level spreaders, and other innovative systems in a “treatment train” is optional and encouraged, where applicable. LID systems can be employed in whole or in part, to meet the 85% TSS treatment standard for storm water runoff. LID must be designed and constructed per the NCDENR Best Management Practices Manual, April 1999, Section 4.0.

***Storm Water Volume and Peak Controls***

Any separate, defined drainage area within a project that will have greater than 24% built-upon area is to have best management practices (BMPs) to control the entire runoff volume for the 1-year, 24-hour. The runoff volume drawdown time for the BMPs shall be a minimum of 24 hours, but not more than 120 hours. The peak runoff rates should be controlled with BMPs to match the predevelopment runoff rates for the 10-year and 25-year, 6-hr storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.

Storm water runoff from the development shall be transported from the site by vegetated conveyances to the maximum extent practicable.

Please contact the staff members who conducted the reviews if you have any questions. The reviews were conducted by, Leslie Rhodes (Leslie.Rhodes@mecklenburgcountync.gov) with MCAQ, Jack Stutts (Jack.Stutts@mecklenburgcountync.gov) with GWS, Joe Hack (Joe.Hack@mecklenburgcountync.gov) with MCSW, Bill Tingle (Bill.Tingle@mecklenburgcountync.gov) with MCSWS, and Rusty Rozzelle (Rusty.Rozzelle@mecklenburgcountync.gov) with the MCWQ.

Respectfully,

Heidi Pruess  
Environmental Policy Administrator



**MECKLENBURG COUNTY**  
Park and Recreation Department

**MEMORANDUM**

SENT ELECTRONICALLY THIS DATE  
NO HARDCOPY TO FOLLOW

**TO:** Solomon Fortune, Associate Planner  
Charlotte Mecklenburg Planning Commission

**FROM:** Joe Mangum, Greenway Planner  
Greenway Planning & Development Division

**DATE:** November 30, 2007

**RE:** Rezoning Petition # 2007-113 (PID #s 073-254-01, 073-254-02, 073-254-03)

This is the fourth correspondence from MCPR regarding RP# 2007-113. Please reference the previous correspondence dated 7/18/07 and 8/30/07 and 10/4/07.

In previous correspondences MCPR has requested the construction and dedication of an 8' wide sidewalk path along the I-77 Right-of-Way for Irwin Creek Greenway. While the majority of the requested corridor is shown with an 8' sidewalk, an approximately 150' stretch of sidewalk closest to West Morehead St. is shown as "5' wide concrete walk" on Alternates A,B, and C of the site plan dated 11/12/07. MCPR maintains its request that the entire length of the sidewalk be 8' wide. In addition, as previously requested, MCPR requests that the 8' wide sidewalk be dedicated to MCPR. The note should read "8' wide sidewalk to be constructed and dedicated to MCPR for Irwin Creek Greenway connection".

Feel free to contact me at (704) 353-1911 if you should have any further questions.

Copy to: James R. Garges, Director  
Don Morgan, Division Director, Greenway Planning & Development  
Julie Clark, Senior Greenway Planner, Greenway Planning & Development  
W. Lee Jones, Division Director, Capital Planning  
Nancy Brunnemer, Real Estate Program Manager, Real Estate Services  
Brian Conroy, Park Planner, Central Park Region, Capital Planning  
Blaine Gregory, Senior Park Planner, Capital Planning