

<b>REQUEST</b>	Current Zoning: I-1 (light industrial), I-2 (general industrial) and I-2(CD) (general industrial, conditional) Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional) with five-year vested rights
<b>LOCATION</b>	Approximately 18.3 acres located on the west side of East Craighead Road between North Davidson Street and North Tryon Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to redevelop an existing industrial site located north of the NoDa "Arts District" to allow transit supportive uses allowed in the TOD-M (transit oriented development – mixed-use) zoning district, which include residential, office and retail uses.
<b>PROPERTY OWNER</b>	Double Crown, LLC, Triple Crown, LLC, Noda Greenway One, LLC and Noda Greenway Two, LLC
<b>PETITIONER</b>	Noda Greenway One, LLC and Noda Greenway Two, LLC
<b>AGENT/REPRESENTATIVE</b>	Tony Kuhn
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Blue Line Extension Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The plan recommends transit supportive uses for this site.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The site is within the 36th Street transit station area and is located less than 1/2 mile from the 36th Street station; and</li> <li>• The proposed rezoning allows a site zoned for industrial to be rezoned and developed with transit supportive uses; and</li> <li>• The petition commits to the street network that is needed to maximize access to the station, support walkability and connect to surrounding development; and</li> <li>• Specific transportation improvements provided with this petition include: <ul style="list-style-type: none"> <li>○ The final design alignment and full cross section of Philemon Avenue including on-street parallel parking and bike lane; and</li> <li>○ The installation of the back of curb along the west side of Craighead Road with room for a future six-foot bike lane, on-street parallel parking, 13-foot planting strip (which will be reduced to eight-feet when the bike lane is installed), and eight-foot sidewalk while maintaining existing centerline and travel lane width; and</li> <li>○ Commitment to the construction of the Cross Charlotte Trail located on the subject property;</li> </ul> </li> </ul> </li> </ul> <p>By a 5-0 vote of the Zoning Committee (motion by Eschert seconded by Majeed).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications as agreed to by the petitioner:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. Amended Note 6B under "Architectural and Design Standards" to state that ground floor entrances shall be provided for all residential units on Philemon Avenue and that on Philemon</li> </ol>
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Avenue, a building entrance may be located on the corner with additional entrances at a minimum of every 100 linear feet for nonresidential uses.

2. Amended Note 6C to specify that 100% of the frontage on Philemon Avenue shall be either residential or nonresidential leasable, usable space, with a minimum height of 12 feet from floor to floor for the first floor, and a minimum depth of 20 feet excluding public right-of-way, parking access drives, open space and land environmentally undevelopable.

#### Environment

3. The areas to be dedicated or the area that will revert back to the developer in case a split trail is used has been indicated in Note 9I under "Parks, Greenways and Open Space."
4. SWIM Buffer conveyance and dedication has been negotiated and addressed via Notes 9H through L under "Parks, Greenways and Open Space."

#### Transportation

5. The proposed zoning district has a setback measured from an existing or proposed future curb line. The location of the future curb line for Craighead Road and Philemon Avenue has been reflected correctly.
6. Revised the proposed typical cross section for Philemon Avenue shown on sheet RZ-2 to include on-street parallel parking and bike lane.
7. Revised the site plan to add Note 7B stating that the centerline of Philemon Avenue has been adopted in accordance with the plan previously studied by Engineering & Property Management. The petitioner will set the back-of-curb along each side of Philemon Avenue which will allow for a symmetric cross section containing a through lane, on street parallel parking, six-foot bike lane, eight-foot planting strip, and eight-foot sidewalk on each side of the centerline alignment. The petitioner will make these improvements along Philemon Avenue as development along Philemon Avenue occurs. The petitioner will be responsible for constructing improvements on the site's side of the centerline of Philemon Avenue when sufficient pavement exists on the opposite of the center line to accommodate a lane of traffic. If insufficient pavement width exists to accommodate a through lane on the opposite side of the center line of Philemon Avenue the petitioner will improve both sides of Philemon Avenue as indicated above.
8. Amended Note 7C under "Streetscape and Landscaping" as follows: "The petitioner will set the back of curb along the west side of Craighead Road, which will allow for a through lane, on-street parallel parking, six-foot bike lane, eight-foot planting strip and eight-foot sidewalk. The future bike lane will be incorporated into the proposed planting strip."
9. The petitioner revised the site plan "Greenways" notes as follows:
  - a. Corrected cross section label from "Little Sugar Creek Greenway" to "Cross Charlotte Trail"
  - b. Note H:
    - i. Removed "Greenway" from the second sentence.
    - ii. Amended Note 9H under "Parks, Greenways and Open Space" as follows: "Petitioner shall grant to the City a minimum of 35-foot wide easement..."
    - iii. Replaced the fourth sentence with "The developer shall not be responsible for the maintenance of the Cross Charlotte Trail."
  - c. Note I – Removed "Greenway" from the third sentence.
  - d. Replaced Note J with: "Petitioner agrees to obtain permits for and construct an eight-foot wide pedestrian pathway and a separated 12-foot wide two-way bicycle facility within the minimum 35-foot Cross Charlotte Trail easement. The final alignment and cross section of the Cross Charlotte

Trail will be determined during permitting in coordination with the CDOT's Project Manager. Specific details for partnering between the City and the Developer for this facility will be determined during permitting."

- e. Amended Note 9K under "Parks, Greenways and Open Space" as follows: "Easements will be dedicated and conveyed in fee simple, and all easement dedication and conveyance will occur prior to the issuance of the first certificate of occupancy for the site or when requested by the city, whichever occurs first." Greenway trail easements equal to 35 feet will be dedicated and conveyed.
  - f. Removed Note M.
10. Added Note 9L under "Parks, Greenways and Open Space" as follows: "The proposed greenway commitments will be made as part of each development phase that abuts the greenway and must be completed and approved before the first building certificate of occupancy for the development phase is issued."
  11. Added Note 5F under "Transportation" as follows: "All transportation commitments must be completed and approved for each phase of development before the site's first building certificate of occupancy is issued."
  12. Craighead Road is classified as a Collector Street and will require 36 feet of right-of-way to be dedicated from the existing center line, per the Subdivision Ordinance. The following Note 5D under "Transportation" was added: "The petitioner will dedicate and convey 36 feet of right-of-way from the center line of Craighead Road as described below." Added Note 5E as follows: "Petitioner agrees to dedicate and convey rights-of-way, permanent easements, and temporary easements along the site's Philemon Avenue and Craighead Road frontage. Right-of-way will be dedicated and conveyed in fee simple, and all right-of-way and easement dedication and conveyance will occur prior to the issuance of the first certificate of occupancy for the site or when requested by the city, whichever comes first."
  13. The portion of Philemon Avenue abutting the site will be constructed to an Office/Wide cross section in conjunction with development of the site.

#### TECHNICAL REVISIONS

##### Land Use

14. Specified permitted uses as residential and nonresidential uses as permitted by right and under prescribed conditions in the TOD-M (transit oriented development – mixed-use) zoning district together with accessory uses as allowed in the TOD-M district.
15. Specified that the facades on Philemon Avenue shall include more transparency on the ground than upper floors. 100% of the frontage on Philemon Avenue shall be either residential or nonresidential leasable, usable space, with a minimum height of 12 feet from floor to floor for the first floor, and a minimum depth of 20 feet excluding public right-of-way, parking access drives, open space and land environmentally undevelopable.

##### Infrastructure

16. Amended Note 7A under "Streetscape and Landscaping" to state the following: "Use of tree grates along Philemon Avenue streetscape shall be conditional based on coordination with the City of Charlotte."
17. Amended Note 9E under "Parks, Greenways and Open Space" to add that meter banks will be screened from public right-of-way.
18. Added Note 12B under "Lighting" to add that pedestrian scale lighting will be installed on Philemon Avenue as Philemon Avenue is improved, and lighting will be spaced as recommended by the lighting engineer.
19. Deleted the following note under "Streetscape and Landscaping": "The proposed zoning district has a setback measured from an existing or proposed future curb line. The location of the future

curb line is TBD. Exact curb locations as it relates to existing centerline and opposite curb will be coordinated and determined with Planning, CDOT and urban forestry during site plan review process.”

20. Added Note 3A under “Optional Provisions” as follows: “The petitioner seeks the optional provision to exceed the maximum allowed height of the TOD-M ordinance for residential uses/buildings within Development Area 1 by 12 feet, and only for architectural elements such as towers and alike that may or may not contain heated area.”

21. Petitioner agrees to amend Note 9G under “Parks, Greenways and Open Space” to add the following: “Public trail connections shall be built to a minimum pavement width of 10 feet.”

22. Petitioner agrees to revise Note 5D under “Transportation” to match the cross-section shown for Craighead Road.

**VOTE**

Motion/Second: Labovitz / Majeed  
 Yeas: Eschert, Labovitz, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: Dodson  
 Recused: Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and noted that the petitioner has agreed to address the two remaining outstanding issues related to the minimum pavement width of the trail and the cross-section for Craighead Road. As such, there are no outstanding issues.

Staff noted that this petition is consistent with the *Blue Line Extension Transit Station Area Plan*. There was no further discussion.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site is divided into Development Areas 1, 2 and 3. Permitted uses include all uses allowed in the TOD-M (transit oriented development - mixed-use) district.

Architectural and Design Standard

- Ground floor units that face the proposed Cross Charlotte Trail will have entrances that face the trail.
- Ground floor entrances shall be provided for all residential units on Philemon Avenue. If individual entrances to ground floor units are not provided on other streets, a primary building entrance will be provided at a minimum of every 100 feet. On Philemon Avenue, a building entrance may be located at the corner, with additional entrances at a minimum of every 100 linear feet for nonresidential uses.
- Ground floor facades fronting Philemon Avenue shall include more transparency than upper floors.
- All building frontage on Philemon Avenue will be residential or nonresidential leasable and usable space, with a minimum height of 12 feet from floor-to-floor for the first floor and a minimum depth of 20 feet excluding public right-of-way, parking access drives, open space and land environmentally undevelopable.
- Townhome units will have usable front porches a minimum of six feet in depth. Stoops and entry-level porches may be covered but not enclosed. All corner/end units that face a street will have a porch or stoop that wraps a portion of the front and side of the unit or the amount of blank wall expanse will be limited to a maximum of 10 feet. Townhome buildings will have five or less individual units.
- The ground floor level on all streets will be taller and architecturally different than upper floors.
- Buildings over 150 feet in length shall provide variations that visually separate individual units.
- The ground floor of parking structures viewable from a public right-of-way will be wrapped with active uses such as residential, office and retail.
- No parking structure entrances may be accessed directly from Philemon Avenue.

Streetscaping and Landscaping

- Any ground floor commercial use with on-street parking shall use tree grates in lieu of a planting strip. Use of tree grates along Philemon Avenue streetscape shall be conditional based on coordination with the City of Charlotte.
- A through lane, on-street parallel parking, a six-foot bike lane, eight-foot planting strip and eight-foot sidewalk will be provided on Craighead Road.

Parks, Greenways and Open Space

- All buildings along the Cross Charlotte Trail shall have a five-foot setback and include a transition from the sidewalk to the building.
- Direct pedestrian connections will be provided between the Cross Charlotte Trail and the development no less than every 400 feet, with pedestrian scale lighting provided on connections leading to the Cross Charlotte Trail.
- Public trail connections will be built to a minimum pavement width of 10 feet.
- Installation of a minimum 35-foot wide cross section of the Cross Charlotte Trail. Developer shall not be responsible for the maintenance of the Cross Charlotte Trail. Petitioner shall install the Cross Charlotte Trail within the development areas as each development area is developed, and dedicate and convey the 35-foot wide easement to the City prior to the issuance of the first certificate of occupancy.
- Petitioner agrees to obtain permits for and construct an eight-foot wide pedestrian pathway and a separated 12-foot wide two-way bicycle facility within the minimum 35-foot Cross Charlotte Trail easement. The final alignment and cross section of the Cross Charlotte Trail will be determined during permitting in coordination with the CDOT's Project Manager. Specific details for partnering between the City and the developer for this facility will be determined during permitting.
- Petitioner agrees to dedicate and convey, in fee simple, permanent easements and temporary easements along the site's Little Sugar Creek frontage prior to the issuance of the first certificate of occupancy for the site or when requested by the City, whichever occurs first.
- Greenway trail easements to 35 feet will be dedicated and conveyed, and easements will be dedicated and conveyed for rights-of-entry on an as needed basis during construction, in order to make tie-ins and/or if the City's project needs to construct petitioner requested improvements on the petitioner's site.
- The proposed greenway commitments will be made as part of each development phase that abuts the greenway and must be completed and approved before the first certificate of occupancy for the development phase is issued.

Transportation

- Final design alignment and full cross-section of Philemon Avenue will be accommodated on this site, as determined through coordination with the City's Engineering & Property Management Project Manager.
- All transportation commitments must be completed and approved for each phase of development before the site's first building certificate of occupancy is issued.
- Petitioner agrees to dedicate and convey rights-of-way, and permanent and temporary easements along the site's Philemon Avenue and Craighead Road frontage. Right-of-way will be dedicated and conveyed in fee simple and all right-of-way and easement dedication and conveyance will occur prior to the issuance of the first certificate of occupancy for the site or when requested by the City, whichever comes first.
- The petitioner will set the back of curb along each side of Philemon Avenue which will allow for a symmetric cross section containing a through lane, on street parallel parking, six-foot bike lane, eight-foot planting strip, and eight-foot sidewalk on each side of the centerline alignment. The petitioner will make these improvements along Philemon Avenue as development along Philemon Avenue occurs. The petitioner will be responsible for constructing improvements on the site's side of the centerline of Philemon Avenue when sufficient pavement exists on the opposite of the center line to accommodate a lane of traffic. If insufficient pavement width exists to accommodate a through lane on the opposite side of the center line of Philemon Avenue the petitioner will improve both sides of Philemon Avenue as indicated above.
- Pedestrian scaled lighting will be installed on Philemon Avenue as Philemon Avenue is improved, and lighting will be spaced as recommended by the lighting engineer.

Optional Provisions

- The petitioner seeks the optional provision to exceed the maximum allowed height of the TOD-M ordinance for residential uses/buildings within Development Area 1 by 12 feet, and only for architectural elements such as towers and alike that may or may not contain heated area.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plans* recommend transit supportive uses for the proposed site.
  - The area plan identifies the proposed alignment for the Little Sugar Creek Greenway along the

north property line of the subject site.

- The area plan also shows Philemon Avenue along the south property line, and extending west to East 36<sup>th</sup> Street.

- **TRANSPORTATION CONSIDERATIONS**

- This site is on a collector road approximately 300 feet from a signalized intersection with a major thoroughfare. The Cross Charlotte Trail, Philemon Avenue, and Craighead Road border this site and will provide direct multimodal access to the site from all sides. The current site plan accommodates the cross sections needed to accomplish the connectivity and multimodal character envisioned in this area.
- **Vehicle Trip Generation:**
- Current Zoning:
  - Existing Use: 64 trips per day (based on existing 2,682-square foot religious institution and 11,135 square feet of warehouse uses)
  - Entitlement: 940 trips per day (based on 262,850 square feet of entitled warehouse uses)
- Proposed Zoning: Too many uses to determine trips per day.

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** The proposed district allows a variety of uses; therefore, the impact on local schools cannot be determined.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** No issues.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327