

<b>REQUEST</b>	Current Zoning: I-1 (light industrial) and UR-2(CD) (urban residential, conditional) Proposed Zoning: TOD-M(CD) (transit oriented development - mixed-use, conditional)
<b>LOCATION</b>	Approximately 9.91 acres located north of North Davidson Street on the southwest corner at the intersection of Philemon Avenue and East Craighead Road. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to update the previously approved conditional plan for the proposed residential community located north of the NoDa "Arts District", and to add three previously excluded parcels to the petition. The petition proposes to allow transit supportive uses allowed in the TOD-M (transit oriented development - mixed-use) district, which permits residential, office and retail uses.
<b>PROPERTY OWNER</b>	MREC Vision Craighead, LLC; MREC Vision Craighead LLC C/O Vision Ventures of Carolina LLC
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Philemon NODA Partners, LLC Jeff Brown, Keith MacVean, Bridget Dixon, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
<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 in the 36<sup>th</sup> Street transit station area; and</li> <li>• The request is also consistent with the maximum recommended height of 60 feet; supports the recommended enhancements to Philemon Avenue and Raleigh Street at Craighead Road; and is consistent with the plan recommended streetscape improvements.</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 located within ½ mile from the 36<sup>th</sup> Street Station on the LYNX Blue Line; and</li> <li>• The proposed development is designed to be transit supportive with the buildings located near the back of curb along both Philemon Avenue and East Craighead Road, courtyards with amenities, and clear pedestrian circulation. Entrances are currently proposed at least every 100 linear feet of street frontage; and</li> <li>• The rezoning includes three remnant parcels zoned I-1 (light industrial) that were not included in petition 2009-006, which rezoned most of the subject site to UR-2(CD) (urban residential, conditional). Inclusion of these parcels will result in a more holistic redevelopment plan than the existing approved conditional plan; and</li> <li>• The rezoning also allocates land for open space adjacent to the water quality buffer and FEMA Floodplain, which is consistent with the community design policy to integrate significant functional open space into the design of new development; and</li> <li>• Additionally, preserving this area for open space recognizes the environmentally sensitive land and proposes to minimize</li> </ul> </li> </ul>

impacts by not developing within it;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Watkins).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>1. Revised the site plan to show right-of-way or sidewalk utility easement dedication to back of walk in cross-section and updated Note 4g under "Transportation" to reflect a right-of-way extending 40.5 feet from the existing centerline as depicted on the rezoning plan.</li> <li>2. Revised Note 4h under "Transportation" to tie improvements to the first, not final, certificate of occupancy.</li> </ol> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>3. Reflected the building entrances referred to in Note 6c under "Architectural Standards."</li> <li>4. Provided ground floor entrances for each unit designed to create greater visual interest and to be more residential in character.</li> <li>5. Amended Note 6c under "Architectural Standards" to commit to direct access to the street they adjoin for ground floor residential units located along Philemon Avenue and Craighead Road. These entrances will be designed to have the appearance of being a primary entrance into the unit (the front door).</li> <li>6. Revised the site plan to show that the 21-foot setback will be measured from the future back of curb along E. Craighead Road.</li> <li>7. Agreed to amend Note 5b under "Streetscape, Landscaping Open Space and Screening" to state that along Philemon Avenue the petitioner will install the required street trees in tree wells that measure eight feet wide by a length of 20 to 25 feet (the varying length of the well is to match the spacing of the trees and wells with the required on-street parking). The building setback along Philemon Avenue will be increased by two feet from 18 feet to 20 feet as measured from the future back of curb to accommodate the proposed tree wells and a two-foot path adjacent to the proposed on-street parking. Agreed to amend the site plan to reflect the increased setback modification to the streetscape treatment along Philemon Avenue, and will add a Philemon Avenue cross-section to the site plan.</li> <li>8. Amended Note 5c under "Streetscape, Landscaping, Open Space and Screening", as follows: "A minimum of 27,000 square feet of open space will be provided on the site in the areas generally indicated on the site plan. Water quality and storm water detention facilities may be located within the passive open space area located along the southern property boundary." Site plan shows 25,000 square feet of enhanced passive open space with trail, benches/seating and hardscape, 12,000 square feet of courtyard urban open space, and 8,000 square feet of courtyard/urban open space.</li> </ol> <p><u>Environment</u></p> <ol style="list-style-type: none"> <li>9. Added a note that the project will seek to use the exempt/flexibility as outlined in the Tree Ordinance related to TOD development in the 36<sup>th</sup> Street Transit Area.</li> </ol>
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**VOTE**

Motion/Second:	Wiggins / Spencer
Yeas:	Eschert, Labovitz, Majeed, Spencer, Watkins and Wiggins
Nays:	None
Absent:	None

<b>ZONING COMMITTEE DISCUSSION</b>	<p>Recused: Lathrop</p> <p>Staff provided an overview of the petition noting that there are no outstanding issues. Staff also noted that this petition is consistent with the <i>Blue Line Extension Transit Station Area Plan</i>.</p> <p>A committee member asked about the timetable for the extension of Philemon Avenue. CDOT staff responded that the connection will take place as development occurs. A committee member asked the petitioner if there will be a reduction of rent for the units. The petitioner's agent, Keith MacVean, responded that a discount will be offered for those who join the neighborhood association and an addition discount will be offered to those who are active in the neighborhood association. A committee member noted that the discounts won't be provided in order to make the housing be considered work force housing and Mr. MacVean responded that the housing will not meet work force housing criteria.</p> <p>There was no further discussion of this petition.</p>
<b>STAFF OPINION</b>	<p>Staff agrees with the recommendation of the Zoning Committee.</p>

**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:

- Permitted uses include all uses allowed in the TOD-M (transit oriented development - mixed-use) district.
- Maximum building height of 60 feet and four stories.
- Access to the site via Philemon Avenue and East Craighead Road.
- Commits to constructing improvements along the site's frontage on Philemon Avenue when sufficient pavement exists on the opposite side of the center line to accommodate an opposing lane of traffic. If insufficient pavement exists on the opposite side of Philemon Avenue, the petitioner will construct both sides of Philemon Avenue as shown on the cross-section on Sheet RZ-2.
- Along Philemon Avenue required street trees will be provided in tree wells that measure eight feet wide by a length of 20 to 25 feet. The varying length of the well is to match the spacing of the trees and wells with the required on-street parking.
- The southernmost access point to the site from Philemon Avenue may not be opened or utilized until Philemon Avenue is improved beyond the proposed driveway.
- Dedicates and conveys the portion of the site located along Philemon Avenue as necessary to provide a right-of-way extending 41.5 feet from the proposed or existing centerline prior to the issuance of the first certificate of occupancy for the first residential dwelling building constructed on the site.
- Dedicates and conveys the portion of the site located along East Craighead Road as necessary to provide for a right-of-way extending 40.5 feet from the existing centerline prior to issuance of the first certificate of occupancy for the first residential building constructed on the site.
- Notes that required transportation improvements will be approved and constructed prior to the issuance of the site's first certificate of occupancy.
- Project will seek to use the exempt/flexibility as outlined in the Tree Ordinance related to TOD development in the 36<sup>th</sup> Street Transit Area.
- Building materials include a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits and handrails/railings.
- A 21-foot building setback off East Craighead Road will be made from the future back of curb.
- Building setback along Philemon Avenue will be 20 feet as measured from the future back of curb to accommodate proposed tree wells and a two-foot path adjacent to the proposed on-street parking.
- Portions of residential buildings facing Philemon Avenue and East Craighead Road will have building entrances oriented toward these public streets at least every 100 linear feet.
- Ground floor residential units located along Philemon Avenue and East Craighead Road will have

- direct access to the street they adjoin, and the ground floor entrances will be designed to have the appearance of being a primary entrance into the unit (the front door).
- Building walls along public streets will have ground floors that are taller than and architecturally different than upper floors, with more transparency than upper floors.
  - Blank walls will be treated with horizontal and vertical variations in wall planes.
  - Providing a minimum of 27,000 square feet of open space on the site. Water quality and storm water detention facilities may be located within the passive open space located along the southern property boundary. Up to 25,000 square feet of enhanced passive open space with trail, benches/seating and hardscape, 12,000 square feet of courtyard and urban open space, and 8,000 square feet of courtyard/urban open space have been labeled on the site plan.
  - Ground floor residential units will be raised an average of 24 inches above grade.
  - A minimum of \$20,000 will be contributed by the petitioner to the Arts and Science Fund established to implement public art prior to the issuance of a certificate of occupancy for the proposed building.
- **Public Plans and Policies**
    - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit supportive uses for the subject parcels.
    - The policies recommend promoting a mix of transit supportive land uses such as residential, office, retail, civic/institutional, park and open space through new development and redevelopment.
    - The Structure Plan portion of the station area plan recommends an adopted maximum height of up to 60 feet.
    - The plan recommends a realignment of Philemon Avenue and Raleigh Street at Craighead Road.
    - Craighead Road will be terminated at the rail tracks and eventually will not connect to North Davidson Street.
    - The adopted cross section for Philemon Avenue is an eight-foot sidewalk, eight-foot planting strip, option to construct on-street parking, a five-foot bike lane, and one 11-foot travel lane in each direction with an optional median. The recommended minimum setback is 20 feet measured from back of curb.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site is on a collector road approximately 1100 feet from a signalized intersection with a major thoroughfare. The Blue Line Extension, Philemon Avenue, and Craighead Road border this site. 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: 30 trips per day (based on three single family residential dwellings).
        - Entitlement: 1,960 trips per day (based on 5,069 square feet of warehouse uses and 300 multi-family dwellings).
      - Proposed Zoning: Too many uses to determine trip generation.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developer must comply with the City's Housing Policies if seeking public funding.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The conditional district request allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main located along East Craighead Road and a two-inch water distribution main located along Philemon Avenue. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer main located along Philemon Avenue and an existing ten-inch gravity sewer main located in the western part of the rezoning boundary.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

**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 Parks and Recreation Review
  - Transportation Review

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