

REQUEST	Current Zoning: O-15(CD) (office) Proposed Zoning: TOD-M(CD) (transit oriented development – mixed-use, conditional)
LOCATION	Approximately 4.51 acres located on the west side of North Tryon Street between East McCullough Drive and Ken Hoffman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to redevelop a site located adjacent to the proposed McCullough Transit Station with up to 280 multi-family dwelling units and related amenities and accessory uses, and a minimum of 5,000 square feet of ground floor area devoted to non-residential uses permitted in the TOD-M (transit oriented development – mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	ATAPCO UEP, INC. ATAPCO UEP, INC. John Carmichael, Robinson Bradshaw & Hinson
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be consistent with the <i>University City Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends office, hotel, civic and/or retail uses and deems residential uses appropriate if developed as part of a mixed use development with ground floor retail or other commercial uses. • 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"> • This property is located along North Tryon Street in an existing business park, adjacent to the McCullough Street station on the LYNX Blue Line Extension; and • The area in which the site is located is beginning to transition from single-use, auto-dependent sites to more integrated, mixed-use form of development, and the proposed urban development supports this transition; and • The multi-family project will provide a housing option in close proximity to transit as well as to an employment district; and • Although the majority of the building square footage is planned for residential uses, a portion of the ground floor will be designated for retail uses which will provide goods and services for area residents, employees, and transit riders; and • The petition enhances the station area’s walkability and connectivity by providing new pedestrian connections and improved street network at desired block lengths between the existing streets; and • The building design will further support pedestrian activity by including ground floor entrances, nonresidential ground floor uses, and urban open space along North Tryon Street; <p>By a 7-0 vote of the Zoning Committee (motion by Spencer seconded by Wiggins).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition. The following modifications have been made: <u>Site and Building Design</u> 1. Added a mid-block pedestrian connection to University Executive
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- Park Drive from North Tryon Street, and provided direct connections to the sidewalk for ground floor units, where feasible, as recommended in the adopted area plan.
2. Amended the building entrance reflected on the East elevation (Sheet A3.01) to make the entrance more prominent and include doors and windows to make it appear to be a primary entrance. This includes articulation that is evident in the architecture of upper floors. Ground floor unit entrances on the South elevation (sheet A3.01) are primary entrances, not secondary entrances, with sconces, stoops and other front door design features. The Southern façade (Sheet A3.04) reflects ground floor entrances to the pedestrian connection.
 3. Amended the West elevation (Sheet A3.01) to add a note specifying that the height of the brick wall to the ground floor window should be no more than five feet above sidewalk grade.
 4. Amended the West elevation (Sheet A3.01) to provide ground floor entrances for ground floor units, with direct connections to the sidewalk/entrances per the adopted area plan, more detailing, as well as a connection from the unit to the sidewalk.
 5. Amended the North elevation (Sheet A3.01) to reflect ground floor commercial spaces that are a minimum of 14 feet in height and 20 feet in depth.
 6. Reflected an entrance on the Eastern façade as was reflected on the East elevation, and showed how the entrance is connected to the sidewalk.
 7. Amended Sheet RZ-1 to make the existing entrance along North Tryon Street more prominent.
 8. Amended the "Zoning Code Summary" "Proposed Building Height" to indicate a maximum of five stories and 62 feet.
 9. Added Note 4G under "Architectural and Design Standards" as follows: "Ground floor entrances into individual multi-family dwelling units shall be provided in those locations that are depicted on the rezoning plan."
 10. Added Note 4H under "Architectural and Design Standards" as follows: "Those portions of the ground floor of the building designated on the rezoning plan as Nonresidential A and Nonresidential B shall have a minimum floor to floor height of 14 feet and a minimum depth of 20 feet."

Transportation

11. Revised Note 3H under "Transportation" to add the following conditional note: "Petitioner will work with the owner of the adjacent parcel of land designated as tax parcel 04721119A to permanently close the existing access drive into tax parcel 04721119A from the site, and to relocate such access drive so that it aligns with the northern entrance into the parking deck to be constructed on the site as generally depicted on the rezoning plan."
12. Revised the site plan to add Note 3G under "Transportation" as follows: "If requested by CDOT, petitioner shall install, through striping, a pedestrian crossing across University Executive Park Drive in a location along the site's frontage on University Executive Park Drive. The exact location of the pedestrian crossing shall be determined during the permitting process. Petitioner shall install an accessible ramp on the site side of the pedestrian crossing that aligns with the pedestrian crossing. Petitioner's obligation to install a pedestrian crossing shall be subject to petitioner's ability to obtain all approvals and permits required to install the pedestrian crossing."
13. Amended Note 5b under "Streetscape/Landscaping and Screening/Urban Open Space" to state that any planters must be located a minimum of eight feet from the building edge so as to establish a minimum eight-foot wide clear area.
14. Amended Note 3E under "Transportation" to re-label "private street" as "private street/drive."

	<p><u>Environment</u></p> <p>15. Staff has rescinded the request to show the 15 percent tree save area on the site plan and all trees within the right-of-way as being protected as the petition is exempt from the tree save requirement due to location in a transit station area.</p> <p>16. Added Note 6A under "Environmental Features" as follows: "Development of the site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance."</p> <p>17. Added Note 6B under "Environmental Features" as follows: "Pursuant to Section 21-94 of the City of Charlotte Tree Ordinance, the site is exempt from the tree save area requirement of the City of Charlotte Tree Ordinance since the site is located in a transit station area."</p>
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VOTE

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

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and indicted that all outstanding issues had been resolved. Staff noted that this petition is consistent with the *University City 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)

PLANNING STAFF REVIEW

- **Proposed Request Details**
 The site plan accompanying this petition contains the following provisions:
 - Construction of a maximum of 280 multi-family dwelling units with incidental and accessory uses, and a minimum of 5,000 square feet of nonresidential uses allowed in the TOD-M (transit oriented development – mixed-use) district will be located on the ground floor of the building. The amount of gross floor area devoted to nonresidential uses may exceed 5,000 square feet.
 - A minimum of 2,000 square feet of the gross floor area located on the ground floor of the building shall be devoted to uses accessory to the multi-family residential use such as a fitness center or a resident’s lounge.
 - Maximum building height is limited to five stores and 62 feet.
 - The floor to floor height of the first floor of the building will be approximately one foot taller than the floor to floor height of the other floors.
 - Three building entrances are provided on North Tryon Street.
 - Building elevations reflecting all four sides of the building, in addition to 3D views from various corners and frontages, have been provided.
 - The brick wall located on the West elevation will be limited to no more than five feet above sidewalk grade.
 - Vehicular access to the building is provided via a private street/drive connecting North Tryon Street and University Executive Park Drive, and an additional driveway off University Executive Park Drive.
 - Petitioner shall dedicate and convey to the City 41.5 feet of right-of-way from the existing centerline of University Executive Park Drive prior to the issuance of a certificate of occupancy for the new building.
 - Half of University Executive Park Drive will be comprised of a 12-foot travel lane, a six-foot bike lane and on-street parking spaces, and will be constructed by the petitioner prior to the issuance of a certificate of occupancy for the new building.
 - A minimum eight-foot wide sidewalk will be provided along the site’s frontage on University Executive Park Drive.
 - A minimum 10-foot wide multi-use path will be installed along the southern boundary of the site that provides a pedestrian connection from North Tryon Street to University Executive Park Drive.

- Provides a mid-block pedestrian connection to University Executive Park Drive from North Tryon Street, and provides direct connections to the sidewalk for ground floor units, where feasible, as recommended in the adopted area plan.
- A minimum 10-foot wide sidewalk will be provided along portions of the frontage on the northern boundary. Planters may be located within the 10-foot wide sidewalk.
- Urban open spaces identified on the site plan will contain landscaping and community space.
- Any planters must be located a minimum of eight feet from the building edge so as to establish a minimum eight-foot wide clear area
- Ground floor commercial spaces designated as Nonresidential A and Nonresidential B shall have a minimum floor to floor height of 14 feet and a minimum depth of 20 feet.
- Petitioner will work with the owner of the adjacent parcel of land designated as tax parcel 04721119A to permanently close the existing access drive into tax parcel 04721119A from the site, and to relocate such access drive so that it aligns with the northern entrance into the parking deck to be constructed on the site as generally depicted on the rezoning plan.
- If requested by CDOT, petitioner shall install through striping a pedestrian crossing across University Executive Park Drive in a location along the site's frontage on University Executive Park Drive. The exact location of the pedestrian crossing shall be determined during the permitting process. Petitioner shall install an accessible ramp on the site side of the pedestrian crossing that aligns with the pedestrian crossing. Petitioner's obligation to install a pedestrian crossing shall be subject to petitioner's ability to obtain all approvals and permits required to install the pedestrian crossing.
- Pursuant to Section 21-94 of the City of Charlotte Tree Ordinance, the site is exempt from the tree save area requirement of the City of Charlotte Tree Ordinance since the site is located in a transit station area.
- **Public Plans and Policies**
 - The *University City Area Plan* (2015) recommends transit oriented development for this site located in the McCullough Transit Station Area.
 - The plan identifies this site as being within the core of the transit station area. The core of the transit station area should be the most intensely developed part of the transit station area. As redevelopment occurs, this area should continue to be developed primarily with office, hotel, civic and/or retail uses. Residential uses may be appropriate if developed as part of a mixed-use development with ground floor retail or other commercial uses.
 - Design Policies:
 - Structured parking should be lined with active uses along the street or screened from view from streets and sidewalks
 - Within the core of the transit station area, buildings should be multi-storied and be placed at or near the back of the sidewalk. All surface parking should be located to the rear of the building and should not be visible from the sidewalk.
 - Development should create a cohesive corridor along North Tryon Street, but building and landscaping placement will depend on retaining wall construction, easements, and location of right of way.
 - Buildings should be designed to avoid the appearance of having a long, continuous building wall and to break up visual mass and bulk.
 - Both residential and nonresidential buildings should be designed to activate the public realm (i.e. sidewalks, streets, parks, plazas, greenways, trails, open space). Street level building activation will promote walking and cycling, thus enhancing the area's safety and security and contributing to better public health.
 - Streetscape Policies:
 - The mobility policies in the *University City Area Plan* recommend upgrading University Executive Park Drive to an "Avenue" street classification. The adopted streetscape is a six-foot sidewalk, eight-foot planting strip, option to widen for recessed on-street parking, a six-foot bike lane, and one 11-foot travel lane in each direction. The setback is recommended as 24 feet for residential uses and 16 feet for nonresidential uses.
 - The adopted streetscape for North Tryon Street (within ¼ mile of transit station), is an eight-foot sidewalk, eight-foot planting strip, five-foot bike lanes, and two eleven-foot travel lanes in each direction. The recommended setback is 40 feet measured from back of curb.
 - Connectivity Policies:
 - An interconnected network of local streets should be developed, with typical block lengths of 400 feet to supplement the primary street network.
 - Mid-block pedestrian connections through/between sites to adjacent parcels and/or streets should be provided as redevelopment occurs. The intent is to provide an interconnected pedestrian network.
 - Open space such as plazas, courtyards, green space, and recreation areas should be incorporated into new development

• TRANSPORTATION CONSIDERATIONS

- The site is adjacent to the McCullough LYNX Blue Line Transit Station and is bordered by a major thoroughfare and a private local street. The current site plan enhances the station area by providing new pedestrian connections and improved street connections at desired block lengths between the existing streets. Additionally, the current site plan commits to dedication of right-of-way and construction of the street cross section along the site's University Executive Park frontage that complies with the vision for this street to transition into the public street network.
- **Vehicle Trip Generation:**
Current Zoning:
 - Existing Use: 715 trips per day (based on 44,800 square feet of office uses).
 - Entitlement: 715 trips per day (based on 44,800 square feet of office uses).Proposed Zoning: 3,340 trips per day (based on 280 multi-family dwellings and 10,000 square feet of nonresidential uses).

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 development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 38 students.
 - The proposed development is projected to impact the school utilization (without mobile classroom units) as follows:
 - University Meadows Elementary utilization to increase from 120% to 124%;
 - James Martin Middle to remain at 87%; and
 - Vance High to increase from 116% to 117%.
- **Charlotte-Mecklenburg Storm Water Services:** The stormwater detention facilities on this site were recently relocated as part of the CATS Blue Line Extension Project. The relocated facilities were designed to meet standards effective at the time the site was originally developed and were not designed to comply with the City's Post Construction Stormwater Ordinance. The proposed redevelopment outlined in the rezoning plan will require compliance with the Post Construction Stormwater Ordinance and may require reconstruction of the existing stormwater management facilities on the site.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing 12-inch water distribution main located along North Tryon Street. Sewer availability for the rezoning boundary is via an existing eight-inch gravity sewer main along University Executive Park Drive.
- **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

- 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 Schools 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