

<b>REQUEST</b>	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-R-O (transit oriented development – residential, optional)
<b>LOCATION</b>	Approximately 0.68 acres located on the west side of North Brevard Street between Faison Avenue and East 33 <sup>rd</sup> Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to develop a vacant parcel located in the North Charlotte community within one-half mile of the 36 <sup>th</sup> Street transit station, with a maximum of 40 multi-family apartments, and accessory uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Gateway Communities NC, LLC Gateway Communities NC, LLC Chip Cannon, Urban Design Partners
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 40
<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 within ½ mile of the 36<sup>th</sup> Street transit station.</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 subject site is within a ½ mile walk of the 25<sup>th</sup> Street and 36<sup>th</sup> Street Transit Stations on the Blue Line Extension; and</li> <li>• The area plan does not provide a specific height limit for the site; however, the TOD-R standards will provide a height transition between nearby single family homes and taller buildings located closer to the 36<sup>th</sup> Street Station; and</li> <li>• A portion of the proposed Cross Charlotte Trail Spur will be constructed on this site; and</li> <li>• Planters and benches will be provided in the open space adjacent to the site’s frontage on the proposed trail. In addition, the proposed building will be designed to complement the trail with balconies overlooking the path; and</li> <li>• This rezoning also includes the construction of a new street within existing city right-of-way. This new street will provide frontage for the subject parcel which currently is land locked, and will also provide access to nearby CATS and Duke Energy facilities;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Spencer seconded by Wiggins).</p>

<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> <ol style="list-style-type: none"> <li>1. The petitioner revised the site plan and “Transportation” Note 4B to call out a specific pavement structure that is different than the standard commercial wide standard. The proposed pavement structure for the proposed local public street shall be 8” B25.0C, 4” of I19.0C, and 3” of S9.5C and should be placed on a proof-rolled and 100% compacted subgrade to accommodate maintenance vehicles.</li> </ol>
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2. The petitioner revised the site plan to depict and label "head-in" angle parking on the west side of the proposed public street.
3. Amended Note 7A to delete the following: "The City of Charlotte will be responsible for the installation of the remaining width of the trail, which is not located within the site, and will be responsible for maintenance of the multi-use trail."
4. Petitioner agreed to amend "Development Summary" to reflect proposed zoning as TOD-R-O (transit oriented development – residential, optional).
5. Petitioner agreed to add a note that the proposed public street will be platted prior to the issuance of the certificate of occupancy for the proposed structure.
6. Petitioner agreed to revise the site plan to add a note specifying all transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.
7. Petitioner agreed to revise Note 4B to clarify that developer's agreement is for property access only and all costs for construction of the new public street are the responsibility of the petitioner.
8. Petitioner agreed to increase back of curb sidewalk width to eight feet on the western edge (by parking).

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and explained that the petitioner has agreed to address all outstanding issues. Staff noted that the petition is consistent with the *Blue Line Extension Transit Station Area Plan*.

A committee member noted that the site is currently zoned I-2 and asked if an environmental impact assessment has been performed on the site. Staff responded that environmental impact would be addressed by the State of NC at a later stage of the development process but is not required as part of the rezoning process. A committee member clarified with staff that environmental oversight is not within the purview of the Zoning Committee, and the property owner would be required to comply with state regulations even if the petition is approved by the City of Charlotte, which is a risk borne by the developer.

The committee suspended the rules to ask the petitioner if the site has undergone an environmental study. The petitioner responded that the parcel was formerly owned by the City of Charlotte and has had Phase 1 and Phase 2 environmental studies.

There was no further discussion on this petition.

**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:

- A single building containing a maximum of 40 for-rent apartment units, and a parking garage along with incidental and accessory uses allowed in the TOD-R (transit oriented development – residential) district.
- Maximum building height of 60 feet and five stories including the parking level.
- Exterior building materials may include brick, masonry, fiber cement siding, glazing, concrete,

terra cotta, stucco, metal or any combination thereof. Vinyl is not permitted as a building material except on windows and soffits.

- Vehicular access will be provided from a proposed local public street connected off North Brevard Street.
- The proposed public street will be platted prior to the issuance of the certificate of occupancy for the proposed structure. All costs for construction of the new public street are the responsibility of the petitioner.
- All transportation improvements will be constructed and approved before the site's first building certificate of occupancy is issued or phased per the site's development plan.
- An eight-foot sidewalk and eight-foot planting strip will be provided along the proposed public street and on the western edge of the site abutting head-in parking spaces.
- A five-foot wide section of concrete or asphalt multi-use trail, which will provide a portion of the proposed Cross Charlotte Trail Spur, will be installed by the petitioner on the southern edge of the site adjacent to the proposed Cross Charlotte Trail prior to the issuance of a certificate of occupancy.
- Petitioner will install raised and at-grade planters and benches along the site's frontage on the Cross Charlotte Trail Spur.
- Urban open spaces will be provided adjacent to the Cross Charlotte Trail Spur, which will be improved with seating, plantings and other amenities.
- The internal garage will be screened from the Cross Charlotte Trail Spur using ornamental metalwork panels, green screen, evergreen vine plantings, or a combination thereof.
- Petitioner shall provide on-site artwork in the amount of \$5,000.
- Elevations are included in the proposal.
- Optional Provisions include:
  - Outdoor lighting fixtures shall be permitted to provide lighting on the proposed multi-use trail along the southeastern boundary of the property. Said lighting may extend across the property line to illuminate the future full width of the proposed trail.
  - Development shall not be required to meet street wall requirements for use of clear glass windows and doors on at least 25% of the length of the first floor of the proposed building along the proposed multi-use trail frontage. However, a combination of design elements shall be used on the building façade, or included into the site design, to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, stoops, landscaping and garden areas, and display areas.
  - Development shall not be required to provide an operable pedestrian entrance on the façade closest to the proposed multi-use trail. However, a pedestrian access point will be provided from the parking garage directly to the multi-use trail.
- **Public Plans and Policies**
  - The *Blue Line Extension Transit Station Area Plan* (2013) recommends transit supportive uses for the subject site.
    - Land development policies encourage a mix of residential, office, retail, civic/institutional, park and open space) through new development or redevelopment.
    - Transportation policies call for the provision of new local street connections in the transit station areas to create smaller block structure supportive of denser development and pedestrian accessibility to the transit stations.
    - Transportation policies recommend the development of a multi-use trail linking Uptown and the University area via station areas, which would connect to the greenway along the creek southwest of Brevard Street.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is along a major collector and bordered to the south by a potential spur of the Cross Charlotte Trail. This current site plan proposes constructing a new public street along Brevard Street that will serve as the main access for this site while maintaining Duke Energy and CATS access to facilities adjacent to the Blue Line Extension.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant parcel).
      - Entitlement: 40 trips per day (based on 10,200 square feet of warehouse uses).
    - Proposed Zoning: 370 trips per day (based on 40 multi-family apartment dwelling units).

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

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **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 18 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 18 students.
    - The proposed development is projected to impact the school utilization (without mobile classroom units) as follows:
      - Highland Renaissance Elementary will increase from 97% to 99%;
      - Martin Luther King Jr. Middle will remain at 101%; and
      - Garinger High will remain at 129%
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Charlotte Water:** Charlotte Water currently does not have water or sewer system availability for the parcel under review. The closest existing water main is located approximately 90 feet south of the southern corner of the property on North Brevard Street. The closest existing sewer main is located approximately 90 feet south of the southern corner of the property on North Brevard Street.
  - **Engineering and Property Management:** The petitioner is advised that the proposed development and construction of the adjoining public street will be treated as a single project for applicability and compliance with the City's Post Construction Storm Water Ordinance.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **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 Schools 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