
REQUEST	Current Zoning: R-5 (single family residential), R-22MF (multi-family residential), and I-1 (light industrial) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 12.67 acres located on the northeast corner at the intersection of Catalina Avenue and West 24 th Street, south of West 26 th Street and west of North Poplar Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to develop a vacant site located in the Tryon Hills neighborhood with up to 313 residential dwelling units consisting of single family detached, single family attached, and multi-family residential dwellings, at a density of 24.7 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	MREC Vision Northend LLC, c/o Vision Ventures of Carolina, LLC Charlotte Tryon Hills Partners, LLC Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be consistent with the <i>North Tryon Area Plan</i>; however, inconsistent with the recommended density based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends residential uses for the site; and• The proposal exceeds the adopted plan's base density recommendation for up to five dwelling units per acre for the properties along Catalina Avenue and slightly exceeds the recommendation of up to 22 units per acre for the remainder of the property; and• However, the plan indicates that up to 30 dwelling unit per acre may be considered by meeting specific criteria.• 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">• Development Area B1 and C1, comprised of all but three existing parcels fronting Catalina Avenue, are limited to 19 single family detached or attached dwelling units. Townhomes are appropriate for Area C1 as it meets the following plan recommendations for moderate density residential development:<ul style="list-style-type: none">• The extension of W. 25th Street creates a separate block which is separated from single family residential development;• The townhomes will be accessed via an alley locate at the rear of the units; and• The proposed building heights are limited to two stories to be consistent with adjacent residential properties;• Single family detached dwellings are appropriate for Area B1 as it does not meet the plan criteria for moderate density residential development:<ul style="list-style-type: none">• Only a portion of the block between W. 25th Street and W. 26th Street along Catalina Avenue is proposed to be developed with townhomes leaving the remaining portion of the block as single family residential.• The remainder of the site is suitable for an increase in density over the 22 dwelling units per acre as it meets the follow plan objectives:<ul style="list-style-type: none">• The height, density of the development in Area C1 and

overall building placement provides a transition to the single family residential edge as recommended in the plan;

- Proposed buildings in Development Areas A, B, C and D will be oriented toward the existing public streets, and buildings will be oriented to enclose and define the public space, open space, and green space to be consistent with surrounding development patterns; and
- To activate the public realm, design includes buildings that front on public streets and include porches, stoops, front walkways and centralized doorways or breezeways, except where ends of buildings front the street. In these cases, walkways will be provided to connect the building entrance with the street network.
- Ground floor elevations will be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building setbacks, art work and landscaping to enhance the pedestrian experience.

By a 5-0 vote of the Zoning Committee (motion by Spencer seconded by Fryday).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended Note 2(a)(ii) to allow up to four detached dwelling units in Area B1.
2. Added Note 7A under "Solid Waste" to state that solid waste and recycling containers will be provided within Development Areas A, B, C, and D as required by the ordinance.
3. Amended Note 4(H) (1) to state that windows and doors shall be provided for at least 20% of the total façade area along the proposed streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor facing a public street shall not exceed 20 feet in height and 20 feet in length in any direction. Changes in materials and other treatments may be used to break up walls where windows are not possible due to building layout (e.g. stairwells and/or mechanical/utility rooms).
4. Amended Note 3G to refer to right-of-way adjacent to tax parcel 079-099-05.
5. Amended Note 4I as follows: "Ground floor units facing the public streets will have an entrance that is designed as a main entrance from the street."
6. Amended Note 4B to refer to future back of curb instead of existing back of curb.
7. Added Note 3M as follows: "On-street parking will not be allowed on streets with less than 26 feet clear width."
8. Maximum number of residential dwelling units permitted lowered from 314 to 313 units.
9. Amended Note 4C to state that along N. Pine Street, in order to preserve the existing trees along N. Pine Street, a minimum setback of 30 feet as measured from the existing back of curb will be provided.
10. Amended Note 3f under "Access, Buffers, Screening, Open Space and Pedestrian Circulation" to add a note specifying that the right-of-way dedication and construction of the roadway will occur as required by the subdivision regulations and prior to the issuance of the first certificate of occupancy for Development Areas A, B, C or D. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is issued.
11. Amended Note 3G as follows: Catalina Avenue will extend to W. 24th Street as a public street as part of the development to the portion of the site that abuts Catalina Avenue (Development Area C.1) or as part of the Development Areas B and C. The right-of-

way dedication and the construction of the roadway will occur as required by the subdivision regulations and prior to the issuance of the first certificate of occupancy for Development Area C.1, or Development Area B and C if constructed as part of the development of these Development Areas. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is issued. The extension of Catalina Avenue will be constructed to meet a minor collector street cross-section. The petitioner will work with CDOT to extend a five foot sidewalk along W.24th Street, in front of tax parcels 079-099-04 and 05, in order to create a continuous sidewalk from N. Graham Street to the site. The petitioner will extend the sidewalk along W. 24th Street so long as the existing right-of-way will allow the construction of this portion of sidewalk without the need for the petitioner to acquire additional right-of-way or construction easements. This sidewalk will extend prior to the issuance of the first certificate of occupancy for the site, subject to the availability of right-of-way as indicated.

12. Amended Note 3F as follows: W. 25th Street will be extended to Catalina Avenue as a public street as part of the development of the Site that abuts W. 25th Street. This extension will occur as part of the redevelopment of Development Areas A, B, C and D. The right-of-way dedication and the construction of the roadway will occur as required by the subdivision regulations and prior to the issuance of the first certificate of occupancy for Development Areas A, B, C or D. The Petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is issued.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update on the petition pointing out that there is one remaining outstanding issue. Staff noted that the petition is consistent with the *North Tryon Area Plan*; however, inconsistent with the recommended density.

Several committee members questioned the one outstanding issue pertaining to request for the petitioner to revise the site plan to extend 2.5-foot curb/gutter and a seven-foot wide back of curb sidewalk along 24th Street (across tax parcels 07909904 and 07909905, approximately 125 feet). CDOT staff responded that the requested improvement would fill the existing sidewalk gap on the north side of 24th Street and provide a contiguous sidewalk to N. Graham Street, adding that the petitioner has added a note indicating that they will work to provide the sidewalk. CDOT staff stated that discussions between CDOT and the petitioner will continue, and there are some outstanding questions that will be worked out during the design/permitting phase of the project.

The committee asked if the existing gaps that are requested to be filled or located on the subject property or off-site? Staff responded that the gaps are located off-site. Another committee member asked about CDOT's policy for addressing sidewalk gaps. CDOT staff responded that the City has a pedestrian program for the infill of sidewalk gaps. The program has limited funding, which results in the selection of the most critical gaps to be funded. Staff also seeks to fill such gaps through development. A committee member asked about the impact of the proposed trip generation of 2,060 trips per day. CDOT staff stated that the petitioner has committed to building out Catalina Avenue and W. 25th Street will help balance the traffic impacts.

STAFF OPINION

Staff recommends approval upon resolution of the outstanding issue.

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:

• Land Use:

- Maximum of 313 residential units in Development Areas A, B, B1, C, C1, and D.
- Up to 18 single family detached or attached dwelling units may be constructed along Catalina Avenue in Development C1. Up to four single family detached dwelling units may be constructed along Catalina Avenue in Development B1. Units will be accessed via an alley located at the rear of the units.
- The remaining 295 units permitted in Development Areas A, B, C, and D may be developed with the types of residential dwelling units permitted in the UR-2 (urban residential) district, which include single family detached, duplex, triplex, quadraplex and attached multi-family dwellings.
- Access to the site will be from Catalina Avenue, W. 24th Street, W. 25th Street, W. 26th Street, N. Pine Street, and N. Poplar Street.
- A 20-foot "Class C" buffer will be provided between the proposed single family attached or detached dwelling units in Development Area B1, and the existing single family home on tax parcel 079-095-03, directly abutting the rezoning site to the east.

• Streetscape:

- A three-foot high masonry wall will be used to screen surface parking areas over 100 feet in length fronting an existing public street.
- An improved open space area will be provided at the intersection of N. Pine Street and W. 26th Street, which will be improved with landscaping including lawn panels, walkways, seating areas, and other amenities appropriate to the design of the open space.
- Portions of the existing public streets will be improved with eight-foot wide sidewalks and a minimum eight-foot wide planting strip.

• Transportation:

- W. 25th Street will be extended to Catalina Avenue as a public street as part of the development of the site that abuts W. 25th Street, which will occur as part of the redevelopment of Development Areas A, B, C, and D. Right-of-way dedication and construction of the roadway will occur as required by the subdivision regulations and prior to the issuance of the first certificate of occupancy for Development Areas A, B, C or D. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is issued.
- Catalina Avenue will be extended to W. 24th Street as a public street as part of the development of the portion of the site that abuts Catalina Avenue (Development Area C1) or as part of the Development Areas B and C. The right-of-way dedication and the construction of the roadway will occur as required by the subdivision regulations and prior to the issuance of the first certificate of occupancy for Development Area C.1, or Development Area B and C if constructed as part of the development of these Development Areas. The petitioner may post a bond for any improvements not completed at the time a certificate of occupancy is issued. The extension of Catalina Avenue will be constructed to meet a minor collector street cross-section except that along the western edge of the extension (adjacent to tax parcel 079-099-05) a sidewalk will not be constructed due to insufficient right-of-way.
- The petitioner will work with CDOT to extend a five foot sidewalk along W.24th Street, in front of tax parcels 079-099-04 and 05, in order to create a continuous sidewalk from N. Graham Street to the site. The petitioner will extend the sidewalk along W. 24th Street so long as the existing right-of-way will allow the construction of this portion of sidewalk without the need for the petitioner to acquire additional right-of-way or construction easements. This sidewalk will be extended prior to the issuance of the first certificate of occupancy for the site, subject to the availability of right-of-way as indicated.
- Portions of W. 25th Street, W. 26th Street and North Poplar Street that abut the site or both sides of the street wholly located within the site will be improved by the addition of a wider street, with sidewalks and on-street parking.
- W. 24th Street will be widened to have a minimum 15 feet of pavement from the existing center line in order to accommodate one lane of traffic and a five-foot bike lane. The bike lane will be increased to six feet in width if the petitioner adds on-street parking.

• Site and Building Design:

- Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS, or wood. Vinyl is prohibited as a building material except on windows, soffits and handrails/railings.
- Buildings along W. 24th Street, W. 25th Street, W. 26th Street, and N. Poplar Street will provide a minimum 20-foot setback as measured from the future back of curb. The last four feet of the

- setback will be a transition zone.
- A 30-foot setback as measured from the existing back-of-curb will be provided along N. Pine Street, in order to preserve existing trees along N. Pine Street.
 - A 15-foot setback measured from the back of the sidewalk will be provided along Catalina Avenue.
 - Building edges have been provided along existing public streets. A minimum 65% of the existing linear street frontage measured block to block, except N. Pine Street, will be made up of building edges. Open space areas will be considered a building edge in calculating the building edge frontage.
 - Parking areas may be located between buildings and to the rear of the proposed buildings. Parking and driveways located to the sides of the proposed buildings will make up no more than 35% of the linear street frontage on each individual block face except North Pine Street. No parking or maneuvering will be allowed between the buildings and the abutting public streets.
 - Garages constructed on the site may not be oriented toward the existing or proposed public street, except when the garage is located behind the principal structure.
 - Proposed buildings will be oriented toward existing public streets to reinforce the streetscape.
 - Building features such as porches, patios, stoops, front walkways and centralized doorways or breezeways will front the public streets, except where ends of buildings front the street. Walkways will be provided to connect the building entrances with the street network when the ends of buildings front streets.
 - Pitched or flat roofs are acceptable. Roof pitch shall have a minimum slope of 4:12, and flat roofs shall be screened from the public view of public streets by a parapet.
 - Accessory features on a roof shall be screened from the view of the public streets by a parapet or other architectural feature.
 - Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, changes in materials, building step backs, art work and landscaping. Blank walls cannot be addressed with landscape elements only.
 - Ground floor units facing public streets will have an entrance from the street that is designed as a main entrance from the street.
 - Windows shall be vertically shaped, with a height greater than their width. Fenestrations may be used in instances of large, feature windows, and square windows may be used as a secondary design element.
 - Windows and doors shall be provided for at least 20% of the total façade along the proposed streets, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in height and 20 feet in length, in any direction. Changes in materials and other treatments may be used to break up walls where windows are not possible due to building layout (e.g. stairwells and/or mechanical/utility rooms). This requirement may be reduced by 50% when a façade is not visible from a public street, and, in that case, the maximum contiguous area without windows or doors on any floor shall not exceed be 20 feet in height and 40 feet in length.
 - A minimum 25% of masonry materials shall be incorporated on the first/ground floor of the buildings that front public streets.
 - Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of three feet in depth, the combined length of which will constitute at least 20% of the total façade.
 - Additional street fronting façade requirements will apply to public streets as detailed in site plan notes.
 - Solid waste and recycling containers will be provided within Development Areas A, B, C and D as required by the ordinance.
- **Public Plans and Policies**
 - The *North Tryon Area Plan* recommends moderate density residential uses at Tryon Hills generally between W. 24th Street and W. 30th Street, at a density not to exceed 22 dwellings per acre and up to five dwelling units per acre for sites along Catalina Avenue.
 - A density increase of up to 30 dwelling units per acre (DUA) should be considered if an appropriate buffer is provided to existing single family homes, and a distinct decrease in density and building height is established along the single family neighborhood edge.
 - The moderate density residential may be extended to Catalina Avenue if all property owners agree, if all properties are consolidated for development, and if an appropriate decrease in height and density along the neighborhood edge is provided.
 - The plan also makes the following recommendations:
 - Blend the scale and setback with that of the existing residential uses in the area.
 - Provide covered front porches, balconies, and varying facades.
 - Incorporate green spaces and extension of the greenway within and through the development.
 - Incorporate sidewalk within the development that connect with the public sidewalks.

- Recreate local street and pedestrian connections as feasible between Lockwood, Graham Heights, and Tryon Hills Neighborhoods. Likewise, establish new local street connections in other areas when redevelopment provides the opportunity.
 - Provide sidewalks with planting strip and street trees that allow residents within the area to walk comfortably to uses on N. Graham and N. Tryon Streets.
 - Make trees a key feature of the entire plan area.
 - Extend Catalina Avenue to W. 24th Street.
- **TRANSPORTATION CONSIDERATIONS**
 - The site is in an area where short gaps exist in the street network. The current site plan commits to closing the gaps within the development area and public right-of-way to create a strong street network and improve collector street connectivity. However, the current site plan proposes to incrementally construct these critical gap closures. It is important to CDOT that both envisioned street connections are constructed with the initial development on this site to adequately carry the development's pedestrian, bike, and vehicular demands on the transportation system. Additionally, CDOT continues to request that the petitioner commit to an adjacent, offsite sidewalk extension (125 feet) along 24th Street to close a sidewalk gap created between this development and existing sidewalk that leads to N. Graham Street, which carries local bus route 22 between Uptown and the Prosperity Village area.
 - **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 0 trips per day (based on vacant land use)
 - Entitlement: 1,530 trips per day (based on 5,000 square feet of warehouse uses, 217 multi-family apartments, and five single family detached dwellings).
 - Proposed Zoning: 2,060 trips per day (based on 19 single family attached dwelling and 295 multi-family apartments).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** Developers seeking public funding for multi-family housing developments must comply with the City's housing policies.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The proposed rezoning allows various types of residential units; therefore, the impact on local schools cannot be determined until the unit types are specified.
- **Engineering and Property Management:**
 - **Arborist:** No issues.
 - **Erosion Control:** No issues
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No trees can be removed from or planted in the right-of-way of all city maintained streets without permission of the City Arborist's office. Petitioner must submit a tree survey for all trees two inches or larger located in the rights-of-way. In addition, the survey shall include all trees eight inches or larger in the setback. If attempting to preserve existing trees on W. 24th, W. 25th and W. 26th Streets and Catalina Avenue, a 16-foot setback may not be sufficient given the large diameter of the trees.
- **Charlotte Water:** Charlotte Water has water system availability via existing six-inch water distribution mains located along West 26th Street, North Pine Street, and West 24th Street, in addition to an existing eight-inch water distribution ma along West 24th Street and three-inch mains located along West 25th Street, Catalina Avenue and North Poplar Street.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. CDOT requests that the petitioner revise the site plan to extend 2.5-foot curb/gutter and a seven-foot wide back of curb sidewalk along 24th Street (across tax parcels 07909904 and 07909905, approximately 125 feet). This improvement would fill the existing sidewalk gap on

the north side of 24th Street and provide a contiguous sidewalk to N. Graham Street.

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 Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist Review
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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