

Rezoning Transportation Analysis

Petition Number: #2022-079

General Location Identifier: 12520143, 12520141, 12520162

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Reviewer:

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Revision Log:

Date	Description
11-28-2022	First Review (PDM)
12-22-2022	Second Review (DR)
02-23-2023	Third Review (PDM)
07-07-2023	Fourth Review (DR)
11-27-2023	Fifth Review (DR)
12-20-2023	Sixth Review (NK)
01-24-2024	Seventh Review (NK)

General Review Information

The petition is located on the west side of Kenilworth Avenue, a City-maintained major throughfare and south of Pearl Park Way, a City-maintained local street. The petition is located in a north corridor outside Route 4, and within the limits of the Northlake Area Plan.

Active Projects Near the Site:

- Uptown Cycle Link
 - Scope: Construct a network of dedicated, separate bike lanes in the center city, linking together other bikeways into and across the center city, making the overall network more continuous and navigable.
 - Limits: S. Mint Street and N. Pine Street from W. Palmer Street to 6th Street; W. Hill Street from S. Tryon Street to S. Mint Street; Davidson Street from E. 4th Street to E. 6th Street; and a new connector from S. Cedar Street to Graham Street
- Pearl Park Way and Kenilworth Avenue Protected Intersection
 - Scope: Reconfigure the intersection of Pearl Park Way and Kenilworth Avenue to a protected intersection.

CDOT's review of this rezoning petition is intended to provide consistency with council adopted policies, plans, standards and guidelines including, but not limited to, the [Transportation Action Plan \(TAP\)](#), [Vision Zero](#), [Urban Street Design Guidelines \(USDG\)](#), [Center, Corridor and Wedges](#), [Charlotte BIKES](#), [Traffic Impact Study Guidelines](#) and [Charlotte WALKS](#). With a commitment to design complete streets, this review is to ensure that the City's transportation network supports current and future land uses and includes streets that provide safe and comfortable mobility for motorists, pedestrians, bicyclists, and transit users.

This document is primarily for communication to Planning Department staff as part of the overall City staff analysis of the rezoning petition and includes an overall summary of the case from a transportation perspective, information on trip generation, and resolved or outstanding site plan concerns. Additional advisory information about the driveway permit process is provided for information only.

Based on our review of the petition, we offer the following information for your consideration.

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Transportation Summary

The petition is located on the west side of Kenilworth Avenue, a City-maintained major throughfare and south of Pearl Park Way, a City-maintained local street. A Traffic Impact Study (TIS) was approved by CDOT on 4-14-23. The density has changed and an updated TIS addendum remains outstanding. Further details are listed below.

Trip Generation

Scenario	Land Use	Intensity	Trip Generation (vehicle trips/day)	Source
Existing Use	Vacant	-	-	Tax Record
Entitlement with Current Zoning	Office (O-2, 2.23 acres)	33,450 SF	450	General Guidance from Planning
Proposed Zoning	Multifamily (Mid-Rise) General Office Retail (UR-2 & MUDD, 7.41 acres)	350 Dwelling Units 100,000 SF 24,000 SF	3,430	Per TIS Scope
Proposed Zoning	Multifamily (High-Rise) Hotel General Office Strip Retail Option 1 or Multifamily (High-Rise) Hotel Health/Fitness Club General Office Strip Retail Option 2 (UR-2 & MUDD, 7.41 acres)	250 Dwelling Units 150 Rooms 160,000 SF 24,000 SF or 250 Dwelling Units 150 Rooms 82,000 SF 75,000 SF 24,000 SF	4,665 or 3,820	Per TIS Scope
Proposed Zoning	Multifamily (High-Rise) Hotel General Office Strip Retail (UR-2 & MUDD, 7.41 acres)	350 Dwelling Units 150 Rooms 80,000 SF 24,000 SF	4,065	Site Plan: 12/11/2023
Proposed Zoning	Multifamily (High-Rise) Hotel General Office Strip Retail (UR-2 & MUDD, 7.41 acres)	450 Dwelling Units 150 Rooms 100,000 SF 35,000 SF	5,128	Site Plan: 01/12/2024

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Provide comments to the specified comments below.

Outstanding Issues

Strikethrough = Resolved

1. ~~**Curbline:** The proposed zoning district has a setback measured from back of the existing or proposed future curbline.~~
 - a. ~~**Kenilworth Avenue:** The future location of curb and gutter established by the Peal Park Way and Kenilworth Avenue Protected Intersection Project. Screen in the curbline location for the project.~~
 - b. ~~**Pearl Park Way:** The future location of curb and gutter established by the Peal Park Way and Kenilworth Avenue Protected Intersection Project. Screen in the curbline location for the project.~~
 - c. ~~**Berkeley Avenue:** The future location of curb and gutter is in its existing location.~~

~~**Outstanding comment 12-22-22:** Label and dimension the curb and gutter from the centerline for each road on the site plan.~~

2. Traffic Study:

A Traffic Impact Study is necessary for the complete review of this petition due to the site generating more than 2,500 daily trips. The petitioner submitted the TIS on 10-24-22, and CDOT provided comments on the TIS on 11-22-22. The petitioner has resubmitted the revised TIS on 2-8-23 and CDOT approved the study on 4-14-23.

Staff will receive the petition and begin review, but the public hearing will not be scheduled until the TIS is approved to allow for the minimum time necessary for CDOT to review the study and reach agreement with the petitioner on the required transportation commitments. Any agreed upon commitments shall be included on the last site plan submitted no fewer than 4 weeks prior to the public hearing. Therefore, additional traffic mitigation comments may be forthcoming once the TIS is approved by CDOT (and NCDOT).

~~**Outstanding comment 01-24-24:** Density changed awaiting updated TIS addendum.~~

3. ~~**New Comment 11-27-23:** Revise site plan and conditional note(s) to remove the proposed right-in only access on Kenilworth Avenue. Access on Kenilworth Avenue does not meet driveway spacing requirements with respect to adjacent driveways, distance to signalized intersection, and conflicts with future protected intersection improvement. The site plan should be redesigned to access the site from Kenilworth using the established shared access point south of the petition.~~
4. ~~Revise site plan and conditional note(s) to provide 8-foot sidewalk and 8-foot planting strip along the frontages of Kenilworth Avenue, Pearl Park Way, and Berkeley Avenue.~~
5. ~~**Outstanding Comment 11-28-22:** Revise site plan and conditional note(s) to commit to installing the protected intersection project at the intersection of Kenilworth Avenue and Pearl Park Way. Screen in the improvements for the project.~~
6. ~~**Outstanding Comment 12-22-22:** The two proposed driveways on Berkley Avenue do not meet the minimum 75-foot corner clearance distance from an unsignalized intersection per the *City of Charlotte Driveway Regulations*. The driveways will either need to be consolidated or one of them will be limited to right-in/right-out.~~

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Advisory Information

The following are requirements of the developer that must be satisfied prior to driveway permit approval. These requirements shall be reflected on the rezoning plan, as appropriate.

1. The setback for this district is measured from the back of the existing or future curbline as determined by CDOT and Planning during the permitting process.
2. CDOT has the authority to regulate/approve all private street/driveway and public street connections to the right-of-way of a street under the regulatory jurisdiction of the City of Charlotte, per the City of Charlotte's Driveway Regulations.
3. Adequate sight triangles must be reserved at the existing/proposed street entrance(s). Two 50' x 50' sight triangles (and two 10' x 70' sight triangles on NCDOT-maintained streets) are required for the entrance(s) to meet requirements. All proposed trees, berms, walls, fences, and/or identification signs shall not interfere with sight distance at the entrance(s) and shall be identified on the site plan.
4. The proposed driveway connection(s) to public streets will require a driveway permit(s) to be submitted to CDOT (and NCDOT on NCDOT-maintained streets) for review and approval. The exact driveway location(s) and type/width of the driveway(s) will be determined by CDOT during the driveway permit process. The locations of the driveway(s) shown on the site plan are subject to change in order to align with driveway(s) on the opposite side of the street and comply with City Driveway Regulations and the City Tree Ordinance.
5. All proposed commercial driveway connections to a future public street will require a driveway permit submitted to CDOT for review and approval.
6. Any fence or wall constructed along or adjacent to any sidewalk or street right-of-way requires a certificate issued by CDOT.
7. A Right-of-Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right-of-way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements.
8. The petitioner needs to complete and submit the [Right of way Abandonment Petition form](#) to CDOT for review. The decision of this rezoning petition does not correlate with the decision of the possible abandonment, as this decision is issued within the separate Right of Way Abandonment process that is controlled by North Carolina General Statutes.
9. To attain a street and pedestrian lighting recommendation, the petitioner should coordinate with Anthony Mendez, CDOT. Please visit the following link:
<https://charlottenc.gov/Transportation/Programs/Pages/StreetLighting.aspx>