

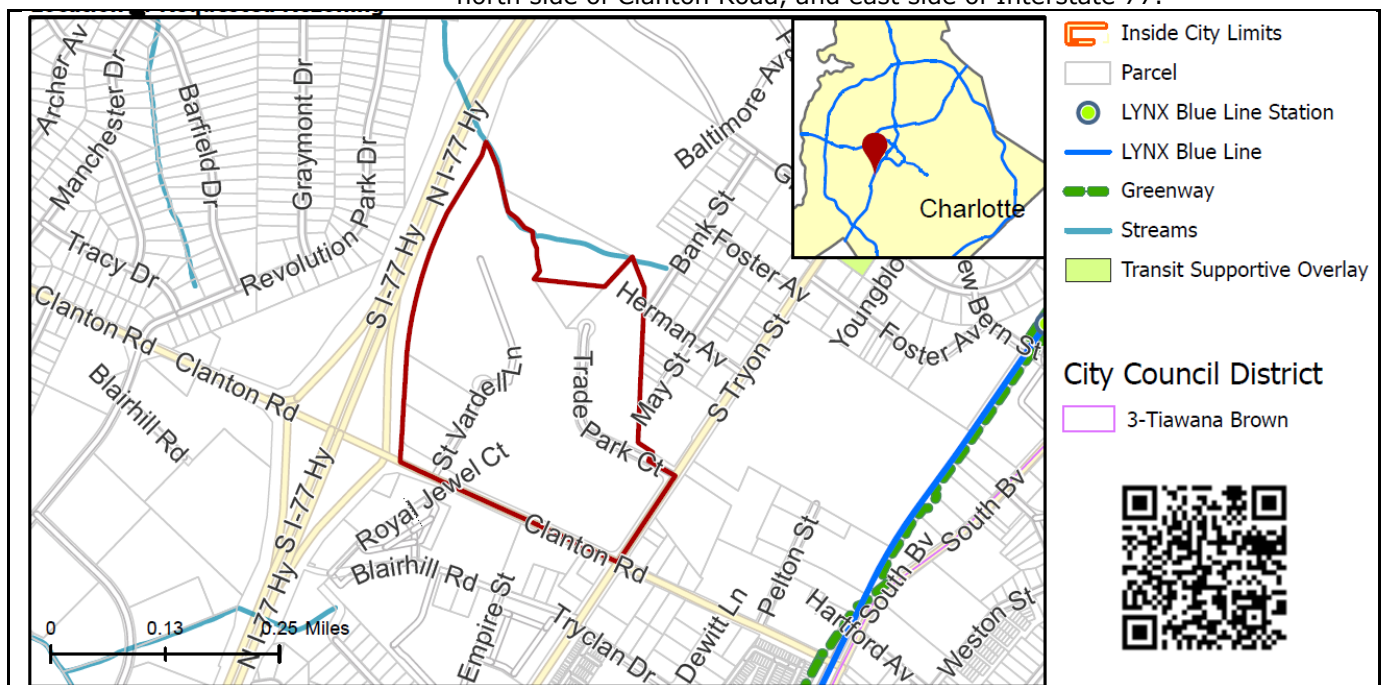
## REQUEST

Current Zoning: ML-1 (manufacturing & logistics – 1), CG (general commercial), B-2(CD) (general business, conditional), MUDD-O (mixed-use development district, optional)

Proposed Zoning: MUDD-O (mixed-use development district, optional) and MUDD-O SPA (mixed-use development district, optional, site plan amendment) with 5-years vested rights.

## LOCATION

Approximately 45.67 acres located on the west side of South Tryon Street, north side of Clanton Road, and east side of Interstate 77.



## SUMMARY OF PETITION

The petition proposes a mixed-use development on parcels that are currently developed with light industrial, office, and commercial uses.

## PROPERTY OWNER

RRPVI SEBP Charlotte, LP; Charlotte Mecklenburg Board of Education

## PETITIONER

RRPVI SEBP Charlotte, LP

## AGENT/REPRESENTATIVE

Bridget Grant, Moore & Van Allen, PLLC

## COMMUNITY MEETING

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 1

## STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design, and land use as well as requested technical revisions.

### Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for Manufacturing & Logistics for a majority of the site and Neighborhood 2 for the remainder of the site.

### Rationale for Recommendation

- The South End area has been host to a progression of land use changes and greater multi-modal connectivity, spurring a turnover in the community's largely industrial character to a more transit supportive and mixed-use design. This site has close proximity to the LYNX Blue Line in addition to other major transportation corridors. The current uses and

structural design of the site do not keep pace with the surrounding redevelopment. This proposal will help bring a large swath of land into alignment with the rapidly changing character of the area.

- Although inconsistent with the *2040 Policy Map* (2022) recommendation for Manufacturing and Logistics on a majority of the site, a change in the designated place type to Community Activity Center is warranted given the adjacent compatible Place Types, the supporting transportation infrastructure accessible to the site, and the scale of the development which is nearly 50 acres. The Community Activity Center Place Type envisions a mix of commercial and residential activity that is supported by a robust pedscape and accessible public transit.
- The requested zoning district, MUDD-O, is a legacy district, but the conditional notes of this proposal weave in a number of dimensional and design standards that more closely resemble requirements in the Unified Development Ordinance rather than the legacy code. More specifically, this plan makes use of zoning requirements for the transit oriented development zoning districts, which is sensible given the proliferation and support of TOD development in South End.
- The site is currently underutilized with single story structures separated by a vast amount of surface parking. The more intensive development proposed in this rezoning makes better use of a property that is situated along major corridors and adjacent to activity center development and zoning.
- The petitioner provides a number of environmental commitments in the conditional plan that speak to the goals of the *2040 Comprehensive Plan*. Included among those is a commitment to provide at least 30% more open space than is required in the MUDD district and ensuring that at least 50% of the buildings on the site will be built with green building standards such as Leadership in Energy and Environmental Design or National Green Building Standards.
- A large redevelopment project such as this presents an opportunity to make significant upgrades in the transportation infrastructure across the site and the broader area. Through intensive collaboration with the Charlotte Department of Transportation and the North Carolina Department of Transportation, a list of infrastructure improvements were identified and committed to by the petitioner. Among the most impactful commitments are upgrades to pedestrian crossings to ADA standards, creation of new bike facilities, construction of upgraded sidewalks and planting strips, and a \$50,000 contribution to roadway and multi-modal improvements throughout South End.
- This site is not adjacent to sensitive land uses such as single family homes that may be adversely impacted by the densification proposed in this plan.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments
  - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Manufacturing & Logistics and Neighborhood 2 to Community Activity Center.

## PLANNING STAFF REVIEW

### • Proposed Request Details

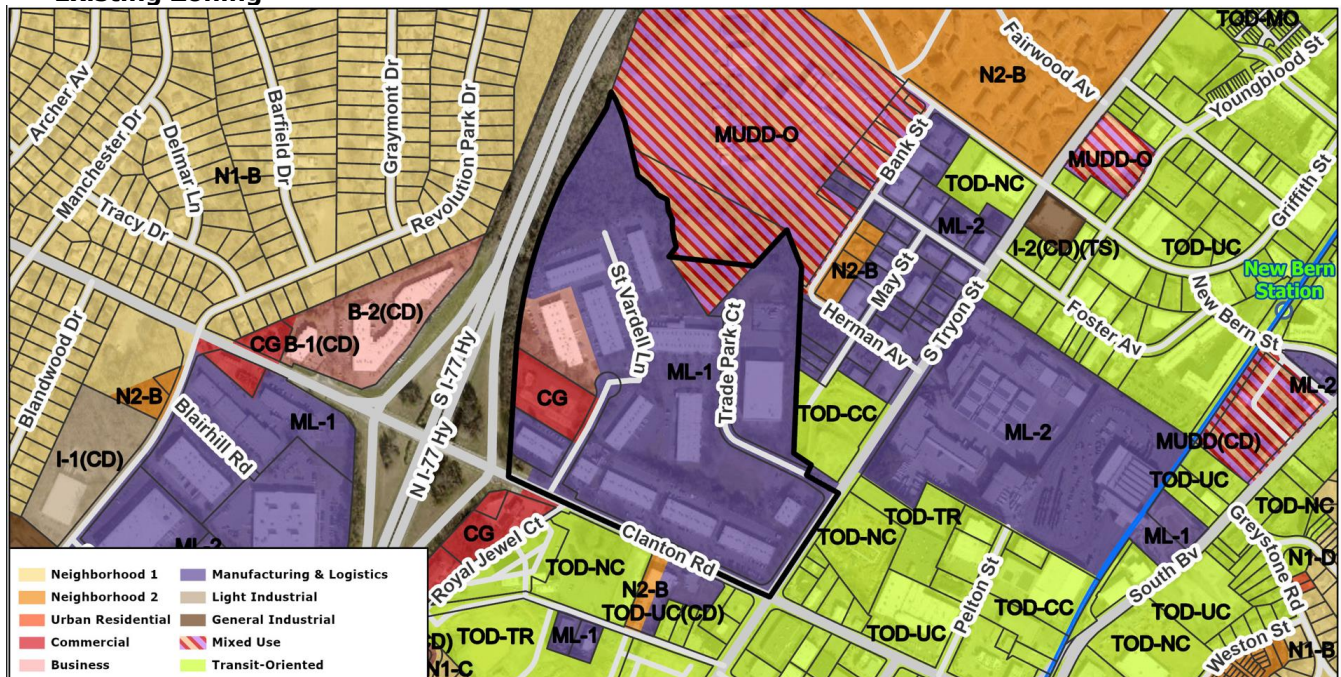
The site plan accompanying this petition contains the following provisions:

- Allows all uses permitted by-right and under prescribed conditions in the MUDD zoning district together with accessory uses. Prohibits automotive service/gas stations with accessory car washes, commercial self-storage facilities, and drive-in windows outside of Development Areas A and D.
  - Proposes 760,000 square feet of office uses, 326,651 square feet of commercial uses, 290 hotel rooms, and 1,560 dwelling units.

- Proposes a maximum building height of 180 feet.
- Proposes to phase the development in connection with transportation improvements as described in the approved Traffic Impact Study.
- Requests optional provisions:
  - Throughout the phasing of the construction, accessory surface parking on portions of the site may be permitted on an interim basis. Such areas will meet all minimum setbacks, streetscape, and screening requirements.
  - Surface parking may be allowed on an interim basis for temporary uses and may not adhere to standards for permanent parking but will meet all required minimum setbacks. Such parking will only occur during the temporary installations of the experiential uses.
  - Allow surface parking and maneuvering within the established setback, including valet parking and ride-share services. No more than a total of 50 parking spaces in the established setback may be allowed throughout the site, and no more than 10 of those parking spaces may be contiguous. The required separation along frontages shall be 5 feet behind the setback line.
  - Allow up to 7 loading and/or drop-off spaces on public streets throughout the site.
  - Allow compliance with open space and tree save requirements to occur within the entire rezoning site rather than within individual development areas and/or parcels.
  - Allow modifications to the required streetscape along public and network required streets to preserve existing trees. Sidewalks may meander to preserve trees within the right-of-ways (ROWs). In the event that the site in Development Area F is redeveloped, the sidewalk shall be moved behind the planting strip.
  - Allow modifications to the required public and network required street cross sections between Trade Park Court from Tryon to the end of the existing cul-de-sac, and St. Vardell from Clanton to Public Street B. On-street parking may be eliminated on one side of the street for up to 50% of the block frontage.
  - Allow encroachments in the public ROW for outdoor dining and amenity areas.
  - To not require doorways be recessed into the face of buildings so long as 6 feet of clear pedestrian zone is maintained.
  - Allow required long-term bike, scooter, and similar parking spaces for the uses to be located within the parking decks and between buildings and streets.
  - Allow buildings to use limited instances of wall treatments other than windows to meet fenestration standards for areas within a building such as storage rooms, bathrooms, and equipment areas.
  - Allow a maximum building height of 180 feet.
  - Allow drive-in windows as an accessory to the principal uses located in Development Areas A and D. For a restaurant/bar principal use to have an accessory drive-through, it must have a minimum of 24 seats.
- Specifies conversion rights:
  - Up to 75,000 square feet of office uses may be converted to commercial uses at a rate of 1:1 and vice versa for commercial uses to office uses.
  - Up to 200 residential uses may be converted to hotel rooms at a rate of 1:1 and vice versa for hotel rooms to residential units.
  - Up to 200 hotel rooms or residential units may be converted to office or commercial uses at a rate of one unit or room to 500 square feet of commercial or office uses; and commercial and office uses may be converted to hotel rooms or residential uses at a rate of 500 square feet of commercial or office uses to one hotel room or residential unit.
- Provides transportation provisions:
  - South Tryon Street: location of curb and gutter to be moved a minimum of 42.5 feet from the roadway centerline to accommodate the Charlotte Streets Map.
  - Clanton Road: location of curb and gutter to be moved a minimum of 27 feet from the roadway centerline to accommodate the Charlotte Streets Map.
  - Commits to construct an 8-foot planting strip and 8-foot sidewalk on South Tryon Street and Clanton Road.
  - Commits to construct bike facilities along South Tryon Street and Clanton Road via a multi-use path or on-street bike lanes.
  - Commits to provide new or upgraded sidewalks and street crossings throughout the site to improve pedestrian safety and connectivity.
  - Commits to a contribution of 50,000 for roadway or multi-modal improvements in the general South End area.
- Specifies a 24-foot setback for South Tryon, 10-foot setback for I-77, and a 16-foot setback for primary and secondary streets.
- Specified a build-to-zone of 0 to 20 feet from the frontage setback except along the I-77 frontage. Commits to a build-to-percentage of 80% along a primary frontage and 60% along a secondary frontage.

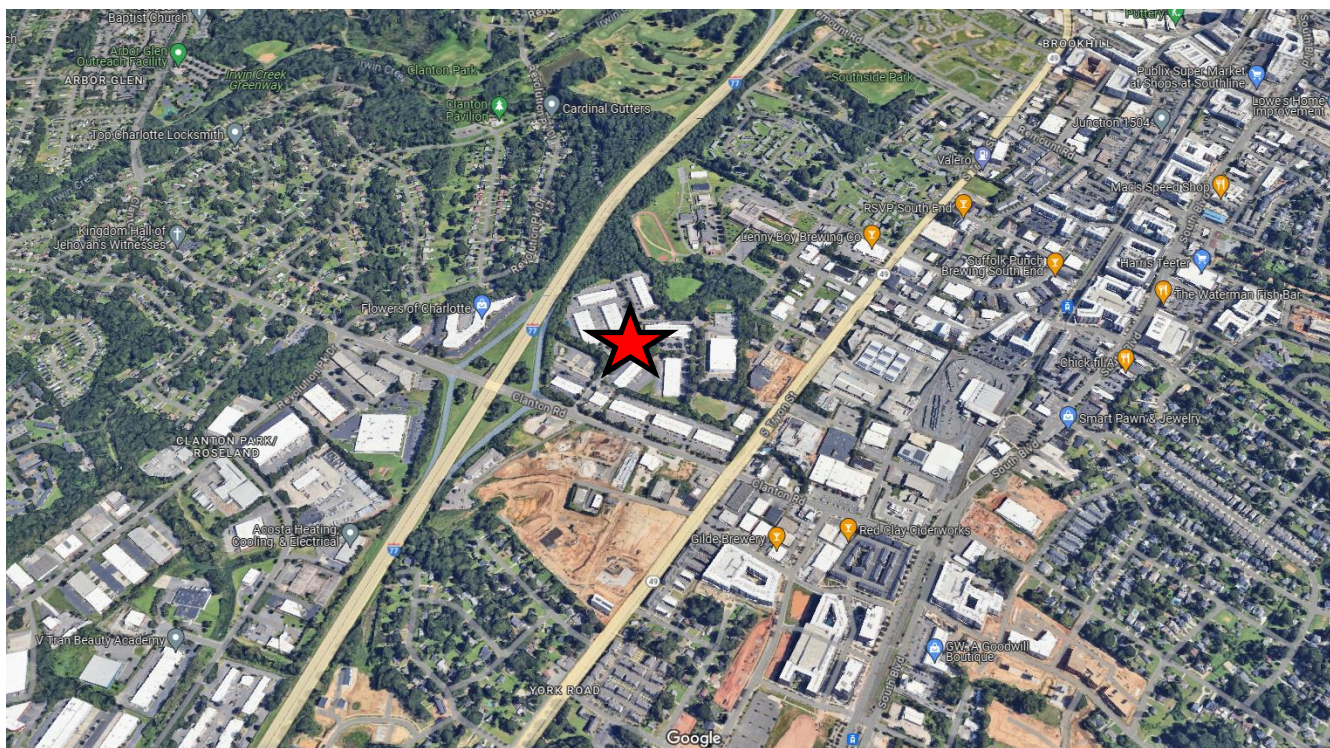
- Provides building articulation standards for minimum ground floor heights based on uses, blank wall limitations, prominent entrance spacing, transparency standards, façade modulations for buildings 150 feet or more in length, and design elements for building bases.
- Commits to preferred architectural standards for residential uses such as rear-loading for vehicles, raised residential entrances, pitched roofs, prominent porches and stoops, and building orientation.
- Specifies screening measures for structured parking facilities.
- Provides gas station design standards:
  - Gas station canopies may be located in required build-to-zones but shall be located a minimum of 15 feet from the setback.
  - Gas stations must meet the standards of the district with the exception of minimum building length as a percentage of lot width and minimum ground floor height.
- Provides design standards for accessory drive-throughs:
  - Uses with an accessory drive-through, except restaurants, shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay.
  - A stacking space shall be a minimum of nine feet in width and 18 feet in length.
  - All components of an accessory drive-through, such as stacking lanes and windows, shall be located to the rear or side of the building.
  - Drive-through lanes and aisles located between the street and façade of a building shall require parking lot screening.
  - A drive-through lane shall have bail out capability.
- Commits to providing a minimum of 30% more open space than required in the MUDD district. Additionally, the petitioner shall either increase open space by an additional 20% for a total of 50% above MUDD requirements or donate \$250,000 towards the improvements of a park near the site.
- The petitioner commits to using green building standards for 50% of buildings.

#### Existing Zoning



- The site is currently zoned ML-1, CG, B-2(CD), and MUDD-O and is in an area with various TOD, MUDD, CG, B-2(CD), N2, and N1 zoning.

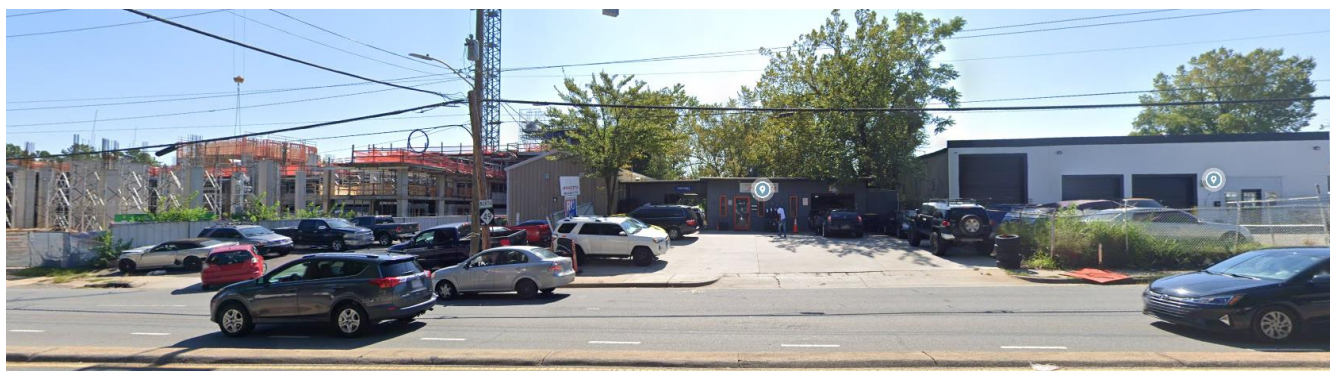




- The subject site is denoted with a red star and is in an area with commercial, industrial, residential, and mixed-use developments.



- North of the site is the Marie G Davis school campus.

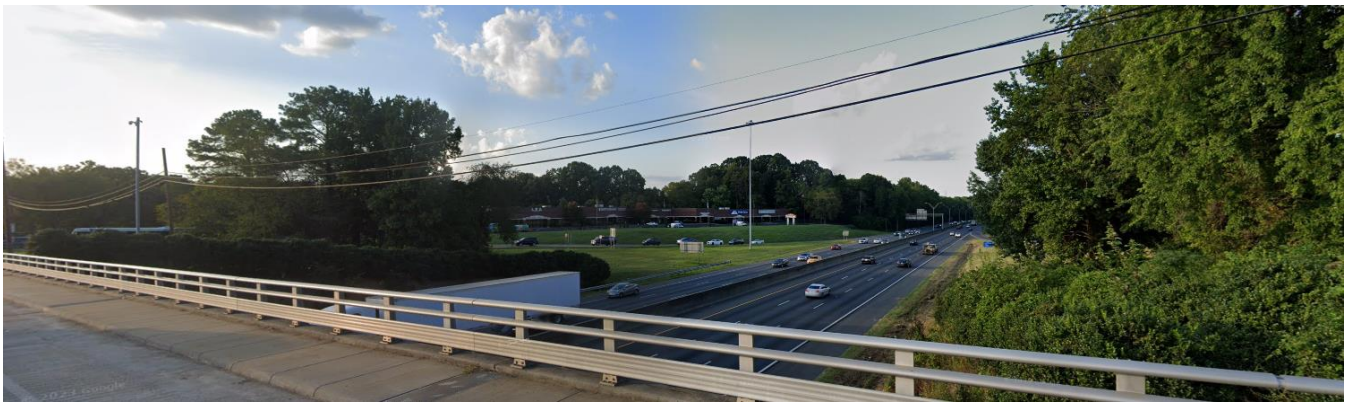


- East of the site are industrial uses among redevelopment projects.



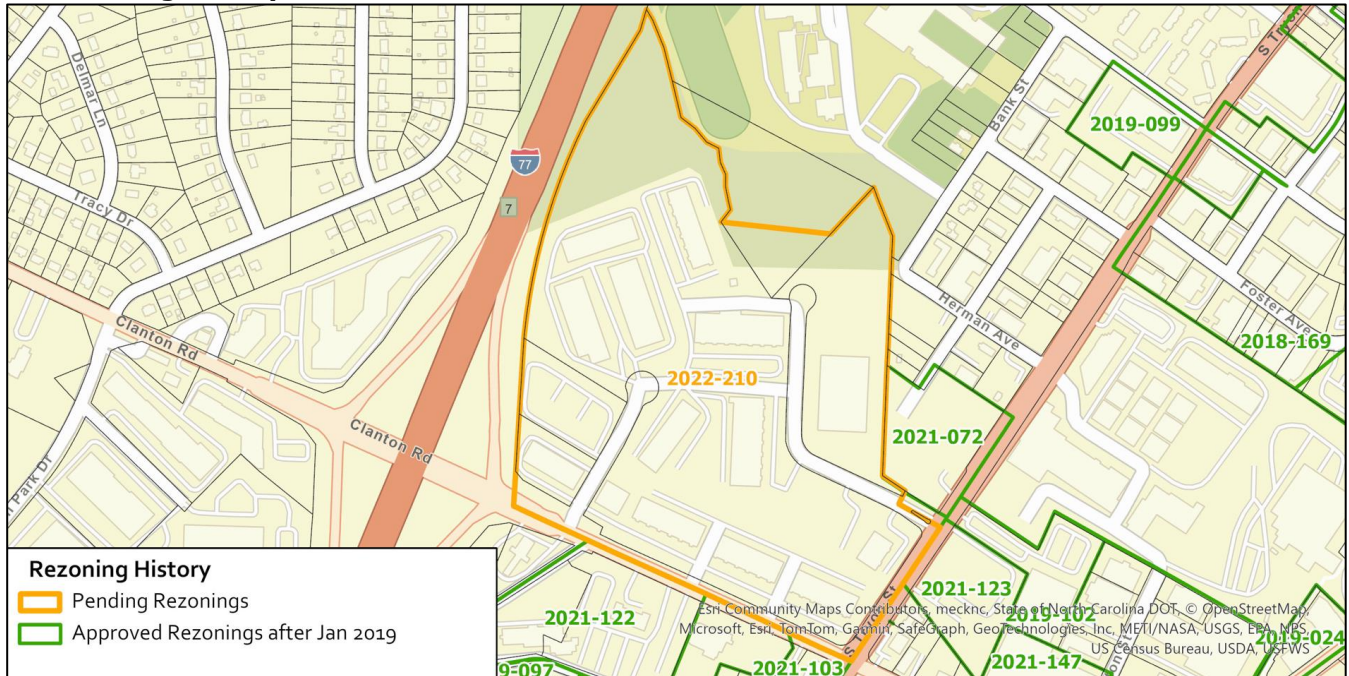


- South of the site is a fire station among several parcels that have been cleared in recent years for redevelopment under TOD zoning districts.



- The site is bound on its west side by I-77. Further west of I-77 are office uses and single family neighborhoods.

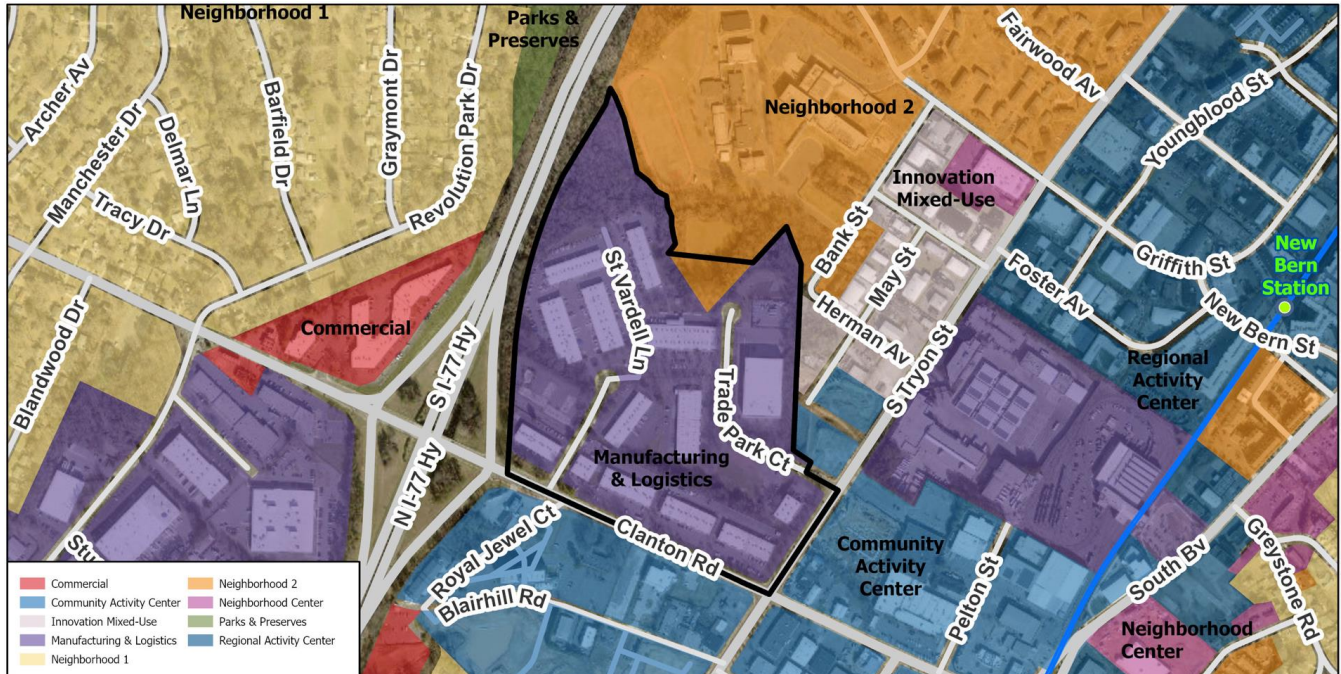
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2018-169	Amendment to the zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations.	Approved
2019-024	Rezoned 1.74 acres from I-1 to TOD-CC.	Approved
2019-097	Rezoned 17.02 acres from I-1(CD) to TOD-TR.	Approved
2019-099	Rezoned 2.33 acres from I-2 to TOD-NC.	Approved
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2021-072	Rezoned 2.92 acres from I-1 to TOD-CC.	Approved
2021-103	Rezoned 2.25 acres from I-1 to TOD-UC(CD).	Approved
2021-122	Rezoned 7.2 acres from B-1 to TOD-NC.	Approved
2021-123	Rezoned 3.03 acres from TOD-TR to TOD-NC.	Approved
2021-147	Rezoned 3.1 acres from TOD-CC to TOD-UC.	Approved



- **Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Manufacturing & Logistics.

- **TRANSPORTATION SUMMARY**

- The site is located on Clanton Road, a City-maintained major thoroughfare and South Tryon Street, a State-maintained major thoroughfare. A Traffic Impact Study (TIS) is required for this site due to the site generating more than 2,500 daily trips. The TIS Scoping package was submitted by the petitioner and approved by CDOT and NCDOT on 04.14.2023. The TIS was submitted to CDOT and NCDOT for review on 08-24-2023, with comments provided on 09-25-2023. Site plan and/or conditional note revisions are needed including completion of the TIS and updating conditional notes. Further details are listed below.

- **Active Projects:**

- I-77 Widening
      - Project limits: I-277/US 74 (Belk Freeway) Interchange to South Carolina State Line
      - TIP Number: I-5718A
      - ROW year: 2029
      - Formal NEPA analysis just began

- **Transportation Considerations**

- See Outstanding Issues, Notes 1 and 2.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 715 trips per day (based on 425,968 square feet of warehouse uses).

Entitlement: 3,835 trips per day (based on light industrial and commercial uses).

Proposed Zoning: 34,890 trips per day (based on the traffic impact study).

**DEPARTMENT COMMENTS**

- **Charlotte Area Transit System:** See Outstanding Issues, Note 2.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.



- **Charlotte-Mecklenburg Schools:** Development allowed with the proposed zoning may produce 285 students.
  - The proposed development may increase the school utilization over existing condition (without mobile classroom units), however the opening of Ballantyne Ridge High School for the 2024-2025 school year will provide relief for Myers Park High School. CMS has capacity at the elementary and middle school level at Marie G Davis K-8. The existing school utilization (without mobile classroom units) is as follows:
    - Marie G Davis K-8 at 81%
    - Myers Park High at 123%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along Trade Park ct. and an existing 6-inch water distribution main located along St. Vardell Ln. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Pre-Capacity application has been received and is currently under review. Correspondence will be maintained with the applicant. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

## OUTSTANDING ISSUES

### Transportation

1. Update the TIS with conditional notes regarding mitigation at Clanton Road/I-77 interchange.
2. Include a commitment to construct an ADA compliant bus stop along Clanton Road.

### Site and Building Design

3. Increase the specified minimum transparency for upper floors from 15% to 25%.
4. Provide detail on which development area(s) the gas station may be located in and provide a limitation on the number of pumps that would be in the gas station use. Consider adding a commitment to EV charging stations.
5. Revise the design standards for gas stations to commit to a minimum ground floor height for gas stations and orientation of canopies to the rear or side of the street.
6. Revise the minimum ground floor height for multi-family uses to 16 feet rather than all residential uses having a minimum ground floor height of 10 feet.
7. Revise the design standard notes for drive-throughs so that no drive aisle may be located between the building façade and the street, menu boards may not be visible from the street, and note that seat walls that meet screening requirements will be provided to enhance the pedestrian environment.

### Land Use

8. Commit to a maximum number of principal uses may have an accessory drive-through and provide further limitations on which part of the site may have an accessory drive-through, allowing this use on approximately 1/3 of the site is too broad. Staff would support modifying the note to only allow accessory drive-throughs in Development Area A2.

## REQUESTED TECHNICAL REVISIONS

### Transportation

9. In note 6 of the optional provisions add the word "reasonable" after the word "allow" in the first sentence.
10. In note 5 of the General Transportation and Streetscape notes add "as approved by CDOT and NCDOT" at the end of the note.
11. Fill in the referenced date of the approved TIS throughout the conditional notes.

### Land Use

12. Clarify note i in the conversion rates notes to detail the maximum number of hotel rooms or residential units that may be created in the conversion of 500 square feet of commercial uses to one hotel room or residential unit.