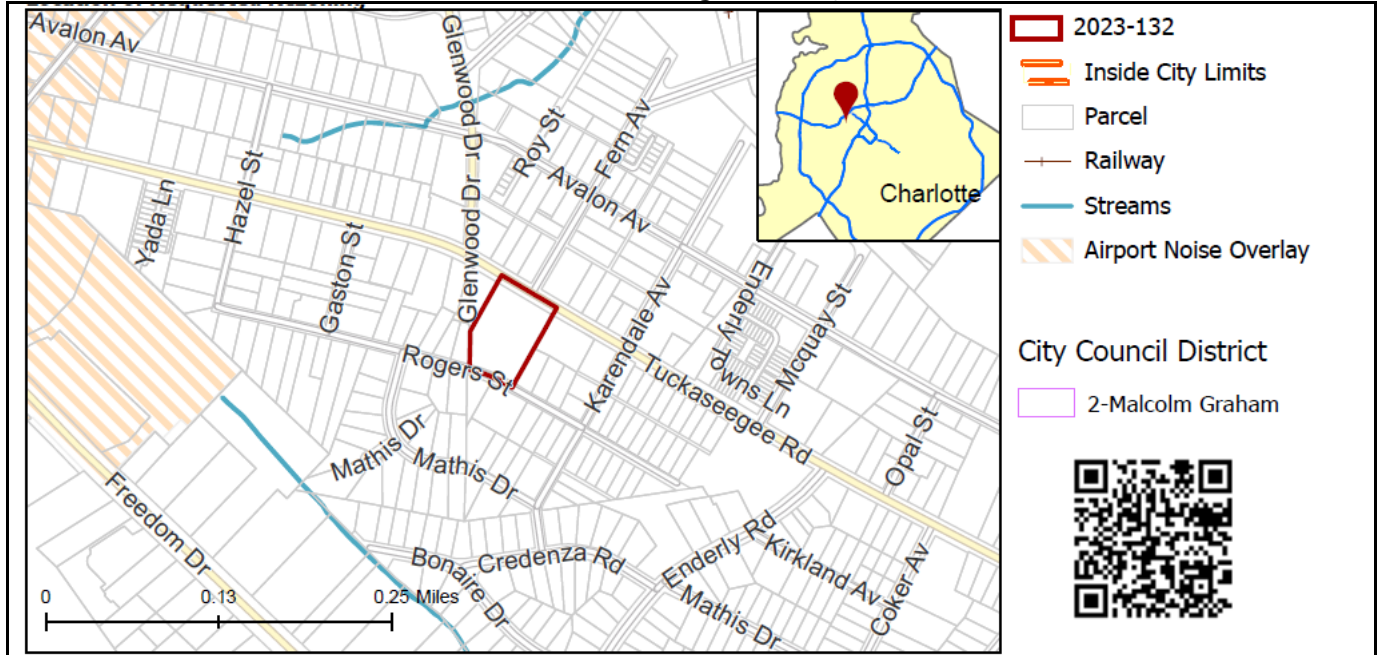


REQUEST

Current Zoning: UR-C(CD) (urban residential-commercial, conditional)
Proposed Zoning: NC(CD) (neighborhood center, conditional)

LOCATION

Approximately 1.67 acres located along the south side of Tuckaseegee Road and the north side of Rogers Street, west of Karendale Avenue.



SUMMARY OF PETITION

The petition proposes to allow uses permitted by right and under prescribed conditions on a parcel, including an existing religious institution and daycare facility.

PROPERTY OWNER

FC Opportunity Hub 3501 LLC

PETITIONER

Mark Talbot – Freedom Communities

AGENT/REPRESENTATIVE

Mark Talbot – Freedom Communities

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type.

Rationale for Recommendation

- The petition has been converted to a conditional request that provides clarity in proposed uses and limits potential future uses.
- The conditions with this request help to address concerns identified by the residents with respect to buffers, building height, and permitted uses.
- The NC Zoning District provides for a mix of commercial and service uses, closely integrated within the surrounding residential neighborhood fabric to support the concept of a complete neighborhood.
- The proposed NC zoning district allows for residential and nonresidential uses, including a religious institution and a childcare facility.

- The adjacent parcels to the north and east along a portion of Tuckaseegee Road are zoned CG (general commercial).
- The adjacent parcels to the north and east along a portion of Tuckaseegee Road are recommended for the Neighborhood Center Place Type.
- CATS Local Bus Route #8 runs along Tuckaseegee Road.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods
 - 5: Safe & Equitable Mobility
 - 6: Healthy, Safe & Active Communities

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from current recommended Neighborhood 1 Place Type to Neighborhood Center Place Type for the site.

PLANNING STAFF REVIEW

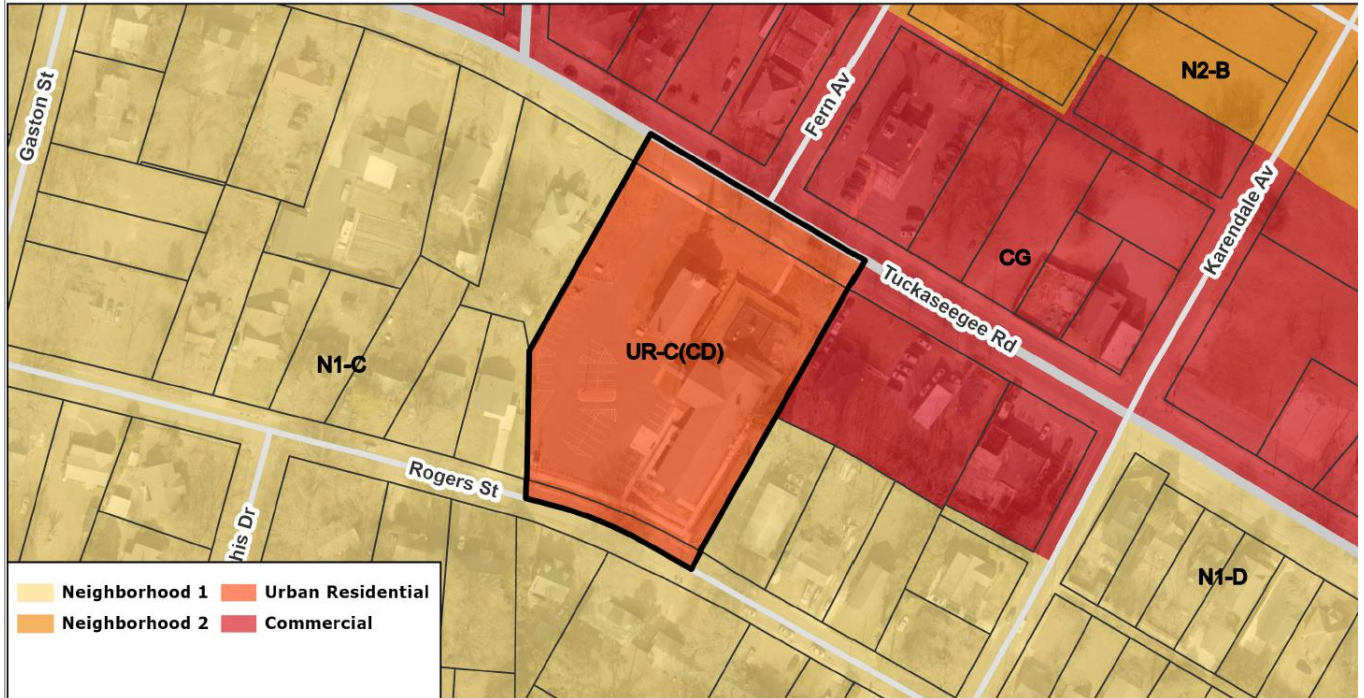
• **Background**

Rezoning petition 2023-132 was originally submitted as a conventional request with no associated site plan to allow all uses by right and under prescribed conditions in the NC zoning district. The existing rezoning plan on the site (petition 2019-185) limits uses to the existing church and a daycare facility, causing concerns among some residents about the potential development scenarios under the proposed conventional NC district and impacts on the neighborhood. After several conversations between the petitioner and residents, the request was converted to a conditional request to allow an opportunity to address those concerns.

• **Proposed Request Details**

- Allow the following uses: art gallery, office, childcare center, childcare center (large), community center, cultural facility, educational facility (preschool), government office/facility, place of worship, food pantry, conservation area, community garden, private recreation club, public park, real estate project sales office, childcare center (accessory to employment)
- Proposes to limit new structures to 40 feet and two stories.
- Notes the petitioner will comply with the Post Construction Stormwater Regulations of the Unified Development Ordinance (UDO).
- ~~Allow all uses permitted by right and under prescribed conditions in the NC zoning district.~~
- ~~Proposes that to the extent that any building, site element or structure located on the site or any existing use being made of any land, building, site element or structure located on the site that fails to meet current UDO requirements, such existing structure, element, building and use shall be permitted to remain and continue on the site without having to meet current ordinance requirements until such time as the existing use is discontinued or the existing building or structure is demolished. Minor restriping for a reconfigured internal drive shall be allowed as part of proposed development without requiring compliance of existing parking spaces.~~
- At such point when the existing use is discontinued or the existing building or structure is demolished and full site compliance is triggered, the required 25-foot Class B landscape yard shall be provided in its entirety adjacent to Neighborhood 1 Place Types.

• Existing Zoning



- The site is developed with a religious institution and daycare facility and surrounded by residential neighborhoods, commercial uses, and religious institutions on parcels zoned N1-C, N1-D, N2-B, and CG.
- Rezoning petition 2019-185 rezoned the site from R-5 to UR-C(CD) to allow a daycare facility in an existing church structure. The rezoning limited the site to the operation of those uses while maintaining the existing buildings and parking lot.



The rezoning site (denoted by purple star) is surrounded by a mix of residential and nonresidential uses.



The site is developed with a religious institution and daycare facility (above and below pics)



North is a residential neighborhood.



East are single family homes.



South is a residential neighborhood.



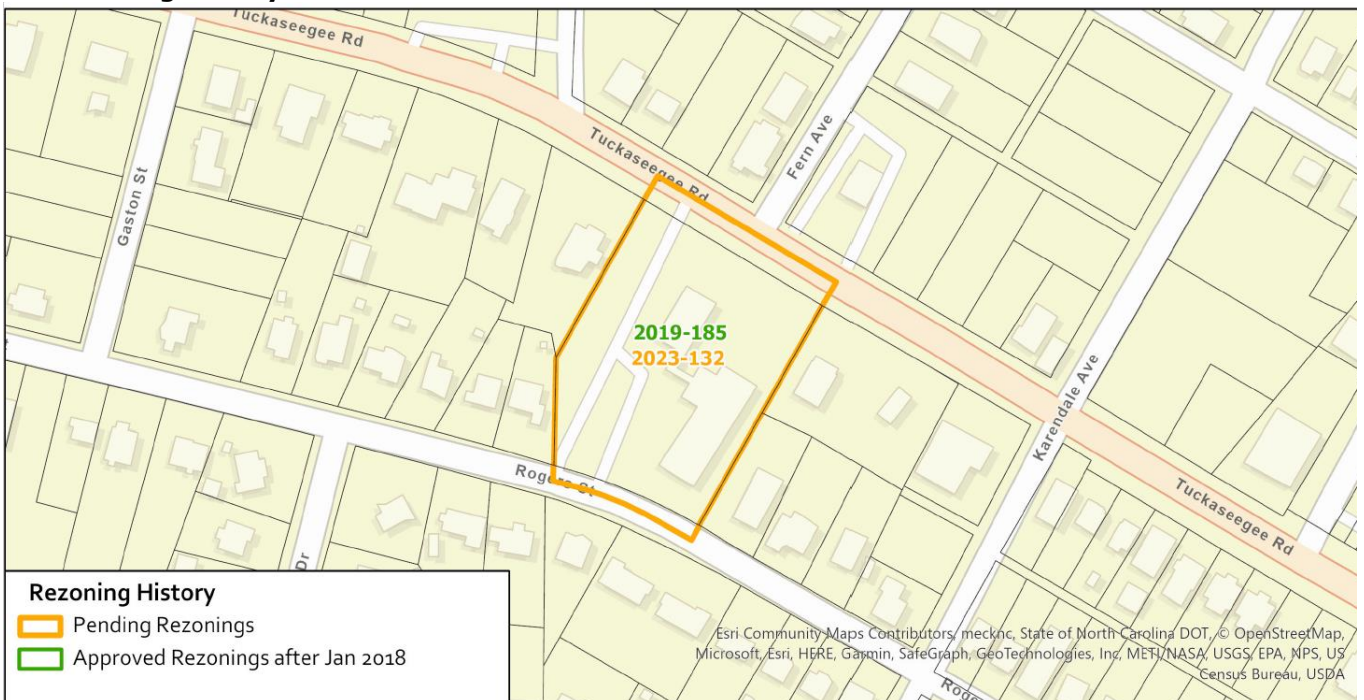
West are single family homes.



Along Tuckasegee Road are a mix of residential, commercial, and religious uses (above and below pics).

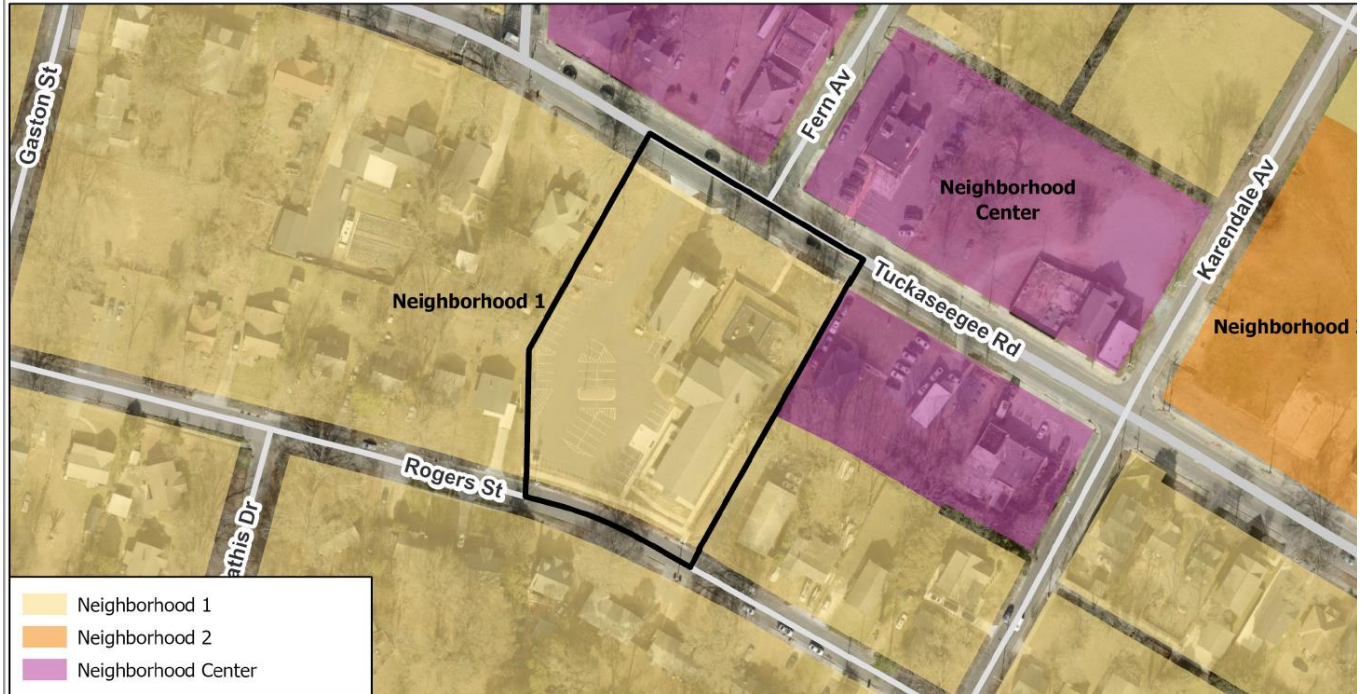


• **Rezoning History in Area**



| Petition Number | Summary of Petition | Status |
|-----------------|--------------------------------|----------|
| 2019-185 | Rezoned 1.67 acres to UR-C(D). | Approved |

• **Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type.

• **TRANSPORTATION SUMMARY**

The petition is located adjacent to Tuckaseegee Road, a city-maintained Avenue, and Fern Avenue, a city maintained local street. A CTR will be required during permitting if the site generates site trips over ordinance thresholds. The site will be subject to transportation improvements in accordance with the UDO and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated with this place type and zoning district.

• **Active Projects:**

- No active transportation projects near the site.

• **Transportation Considerations**

- No outstanding issues. A Comprehensive Transportation Review (CTR) is not necessary for the complete review of this petition. If during the permitting process the site generates the designated number of trips outlined on Table 3.1 in the Charlotte Streets Manual, then a Comprehensive Transportation Review will be required.

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 120 trips per day (based on 12,075 sq ft).

Entitlement: too many uses to determine (based on UR-C 1.67 acres).

Proposed Zoning: too many uses to determine (based on UR-C, 1.67 acres).

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
 - The following data is of 20th Day of the 2022-23 school year.
 - Westerly Hills Elementary currently 94%
 - Wilson Middle currently 71%
 - Harding University High currently 112%

- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main along Tuckaseegee Road and an existing 6-inch water distribution main along Rogers Street. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Rogers St and an existing 8-inch gravity sewer main located along Tuckaseegee Road. See advisory comments at www.rezoning.org
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

OUTSTANDING ISSUESSite and Building Design

1. Please remove proposed notes 4-5. **ADRESSED.** The neighbors to the north want to ensure that the buffer yard will not be reduced if the site is ever redeveloped. Request to remove Note 4 (landscaping) rescinded.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

Planner: Claire Lyte-Graham (704) 336-3782