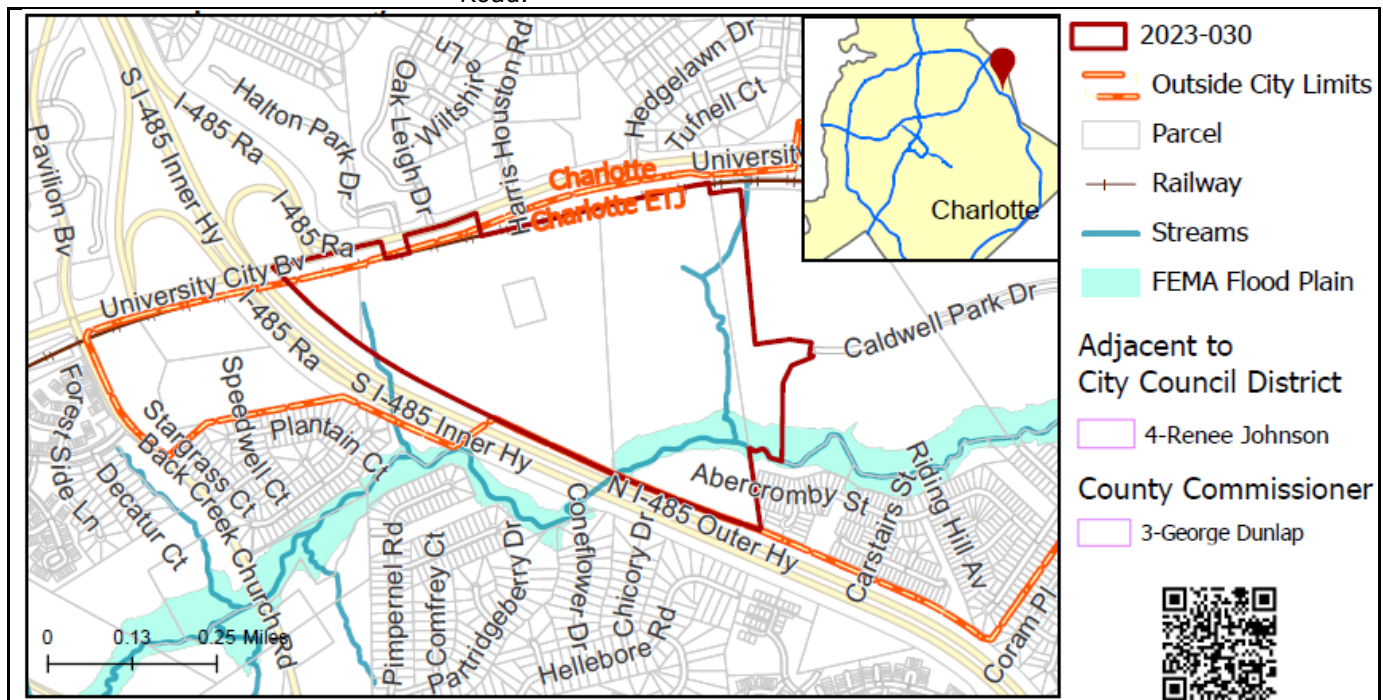


REQUEST

Current Zoning: MX-2 (mixed use district) with 5-year vested rights
Proposed Zoning: I-2(CD) (general industrial, conditional) & MX-2(mixed use district)

LOCATION

Approximately 123.80 acres located on the south side of University City Boulevard, northeast of Interstate 485, and east of Back Creek Church Road.



SUMMARY OF PETITION

The petition proposes to allow a maximum 2.5 million square foot data center and an electric substation on acreage located at the southeast quadrant of University City Boulevard and Interstate 485 in northeast Charlotte.

PROPERTY OWNER

Hazeline H. Stroup

PETITIONER

Rhyne Land Holdings, LLC

AGENT/REPRESENTATIVE

Collin Brown and Brittany Lins – Alexander Ricks PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 9

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 Manufacturing & Logistics Place Type recommends primarily manufacturing, research & development, warehousing, distribution, and supporting uses.
- The site is surrounded by various uses of similar context, such as commercial, warehouse, and utility uses.
- The petition commits to providing a minimum 50-foot Class A buffer adjacent to residential uses along portions of University City Boulevard.

- The petition commits to utilization of sound mitigation measures on the site to include, but not be limited to features such as; building site location, inward facing equipment yards, berms, acoustic panels and equipment which helps to produce less sound.
- The petition commits to dedicating greenway connection and public access areas to Mecklenburg County Park and Recreation.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 6: Healthy, Safe & Active Communities
 - 8: Diverse & Resilient Economic Opportunity

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

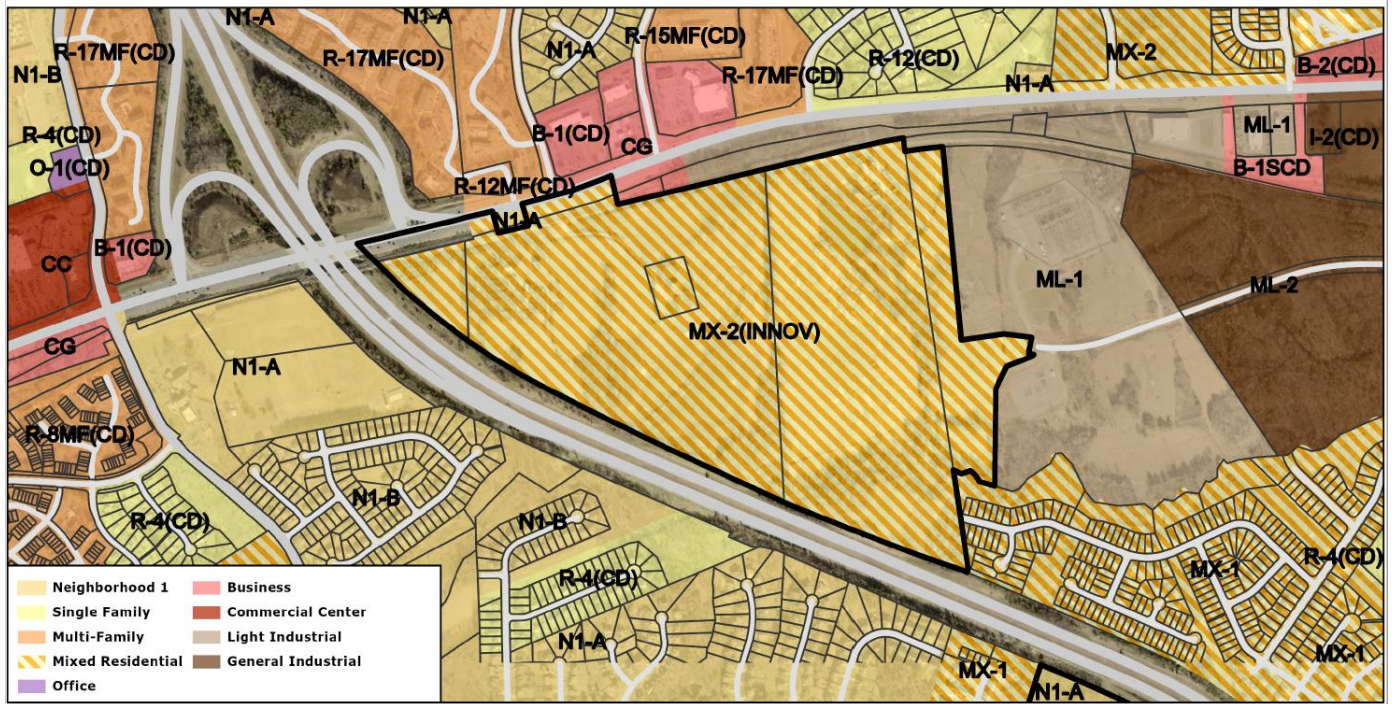
PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allow a 2,500,000 square foot data center as the primary use, including accessory/ancillary uses such as warehousing, warehouse distribution, office, and all other accessory uses as permitted by right and under prescribed conditions, as permitted in I-2 zoning district, as well as an electric substation (~~not to exceed 10 acres~~, in coordination with Duke Energy, ~~not included in the 2,500,000 square footage allotment~~).
- Accessory/ancillary uses not to exceed 10% of the total square footage. Prohibits the following uses as accessory/ancillary uses: abattoirs; adult establishment; animal crematoriums; automobiles, truck and utility trailer rental; automobile service stations; automobile repair garages; car washes; crematory facilities; dry cleaning and laundry establishments; jails and prisons; petroleum storage facilities; junk yards; cemeteries; landfills; quarries; raceway and dragstrips; truck stops; and, truck terminals.
- Illustrates a proposed building line on the site plan.
- Proposes vehicular access from Caldwell Park Drive, to be constructed to local industrial standards. Notes Caldwell Park Drive and Abercromby Street shall be connected through site via 1 or 2 standard commercial driveways connecting to this public roadway extension, final location to be determined during the permitting phase of development. Signage shall be provided to notify all industrial traffic to use Caldwell Park Drive and not Abercromby Street except in emergency situations.
- ~~Notes emergency and temporary private secondary access may be provided via Abercromby Street and will be secured with a Knox box or otherwise gated to limited access.~~
- Provides a minimum 12-foot wide multi-use path and minimum eight-foot planting strip ~~along the site's frontage~~ both sides of Caldwell Park Drive/Caldwell Park Drive extension.
- Specifies building facades visible from public streets will avoid use of undifferentiated surfaces by including at least two of the following design elements: variation in building height; step-backs or recesses; fenestration; variation in building material, pattern, texture, color; and, use of accent materials.
- Provides a minimum 30-foot Class C buffer along I-485, which may be reduced per ordinance.
- Provides a minimum 50-foot Class A buffer adjacent to residential uses along portions of University City Boulevard.
- Dedicates the greenway connection and public access area as shown on the rezoning plan to Mecklenburg County Park and Recreation, totaling a minimum of five acres.
- Illustrates potential tree save area, potential 50-foot and 100-foot PCO buffers, potential tree save areas, floodplain areas, 128-foot Duke Power right-of-way, and 100-foot Class A buffer to accommodate any existing easement.
- Removes building envelope at the northeast corner of site and replaces with tree save. Removes reference to tree save from proposed Class A buffer along University City Boulevard.
- Notes in addition to compliance with the noise ordinance, sound mitigation measures used on the site shall include, but not be limited to features such as; building site location, inward facing equipment yards, berms, acoustic panels and equipment which helps to produce less sound.

Existing Zoning



- The site is developed with residential and agricultural buildings, with the remainder vacant. The site is surrounded by residential, commercial, warehouse, and utility on properties in various zoning districts.
- The site was rezoned from R-3 (single family residential), R-4 (single family residential), and B-D (distributive business) to MX-2 (mixed use district) with 5-year vested rights to allow up to 397 single family detached lots and up to 184 single family attached (townhome) units.



The rezoning site (denoted by purple star) is surrounded by residential neighborhoods, commercial, distributive/warehouse, and utility uses.



The site is developed with a residence and accessory structures, with the remainder of the acreage being agricultural/vacant (above and below pics).



North, across University City Boulevard, are residential neighborhoods (above) and commercial uses (below).

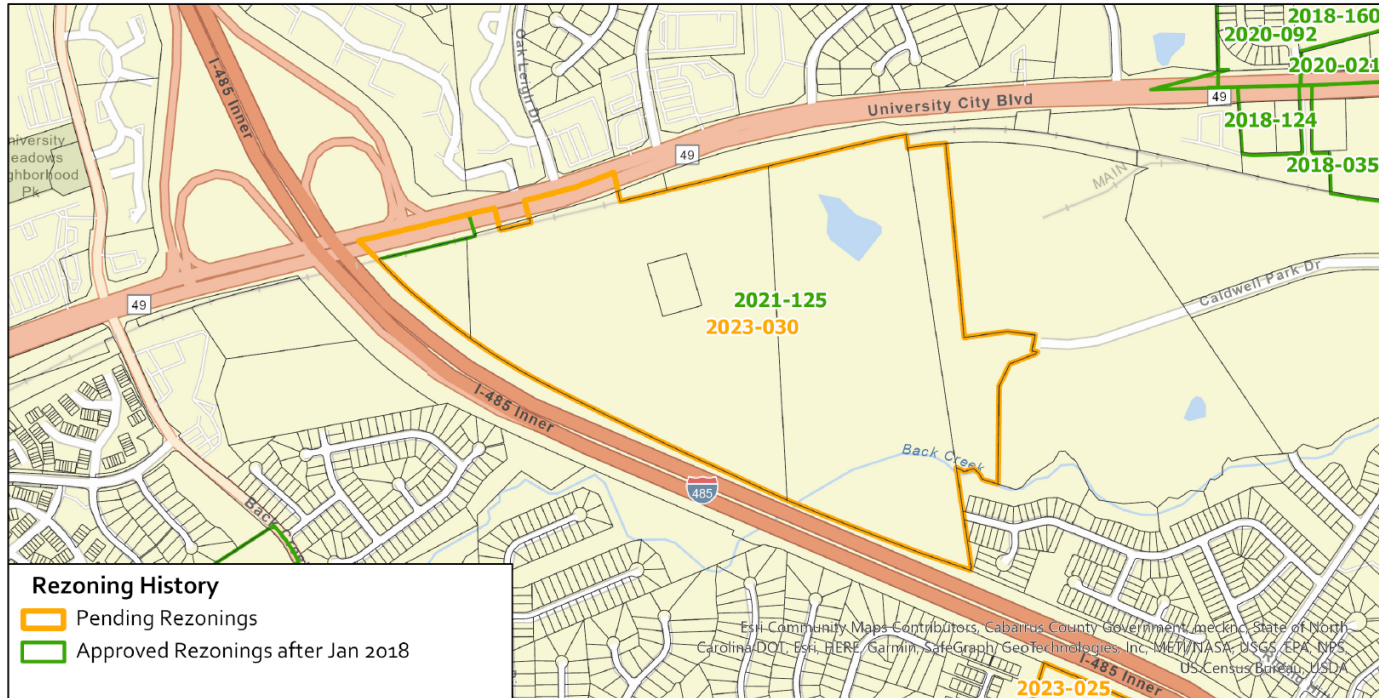


East are commercial uses and residential neighborhoods.



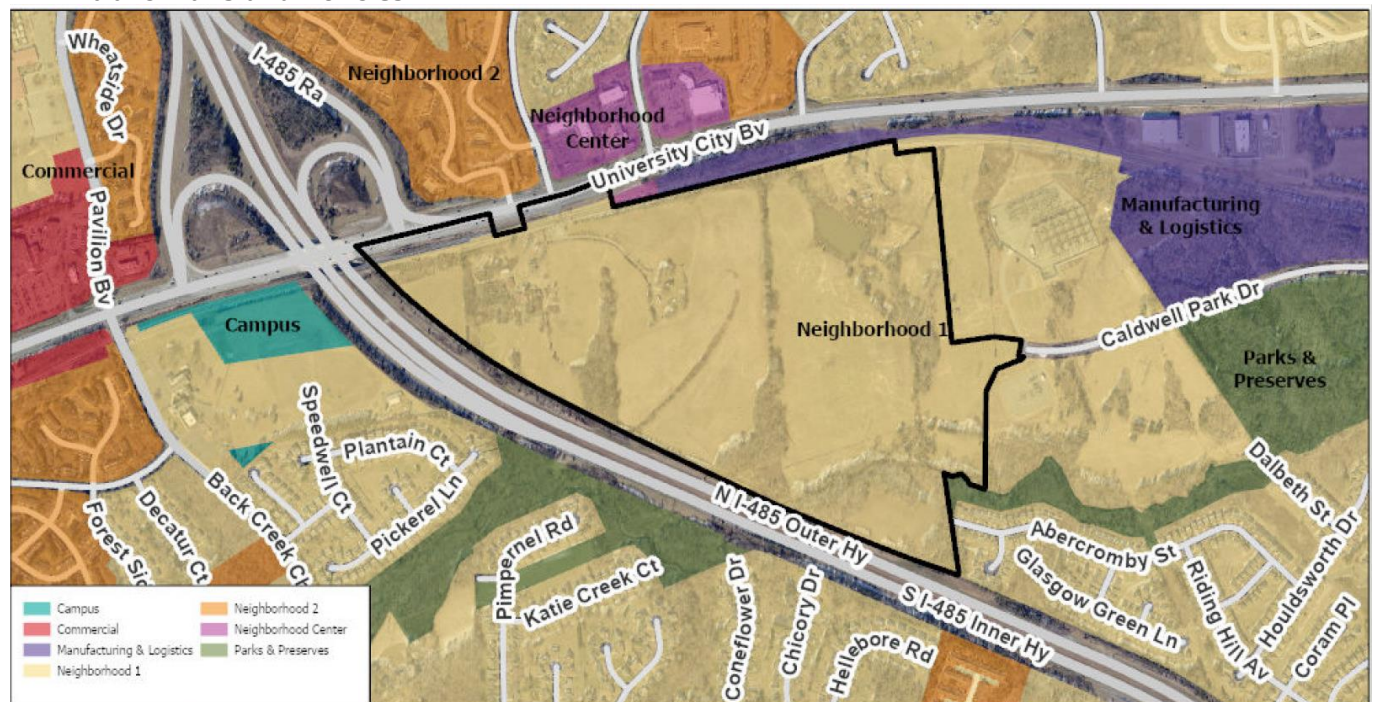
South are single family neighborhoods.

• Rezoning History in Area



Petition Number	Summary of Petition	Status
2023-025	Rezoned 5.47 acres from N1-A to R-8MF(CD) to allow townhomes.	Pending
2020-092	Rezoned 90.31 acres from MX-1 to MX-2 to allow 538 residential units.	Approved
2020-021	Rezoned 4.31 acres from B-1(CD) to B-2.	Approved
2018-160	Rezoned 93.86 acres from R-3 to MX-1 to allow 538 residential units.	Approved
2018-124	Rezoned 2.75 acres B-1SCD to I-1.	Approved
2018-035	Rezoned 13.02 acres from B-1SCD to I-2(CD) to allow up to 120,000 sq ft of uses allowed by right and under prescribed conditions in the I-1 district and listed uses as allowed by right and under prescribed conditions in the I-2.	Approved

• Public Plans and Policies



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

- **TRANSPORTATION SUMMARY**

- The site is located on University City Boulevard, a State-maintained major thoroughfare and N I-485 Outer Highway, a State-maintained freeway. The site also connects to the Future Caldwell Park Drive at the site's east limits. A TIS update is not needed for this site due to the lowered site trip generation. All outstanding CDOT comments have been addressed.

- **Active Projects:**

- Signal under construction at University City Blvd/Harris Houston (will accommodate a Z-crossing of pedestrians)
- NC-49 Widening just west of I-485 (NCDOT TIP project U-5768)
 1. ROW 2022/Construction 2025

- **Transportation Considerations**

- ~~See Outstanding Issues, Notes 1-2.~~ **Addressed**

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on 3 dwelling units).

Entitlement: 5,280 trips per day (based on 397 single family detached dwelling units, 184 multi-family dwelling units—based on petition 2021-125).

Proposed Zoning: 1,450 trips per day (based on 2,500,000 sq ft data center).

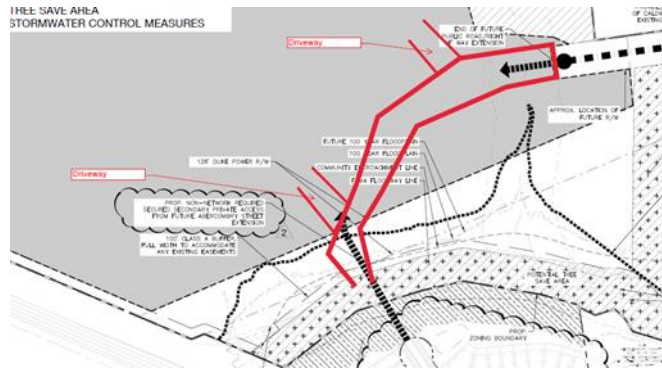
DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Historic Landmarks:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located inside premise 05113202 from University City Blvd. Charlotte Water has accessible sewer system infrastructure for the rezoning boundary via an existing 24-inch gravity sewer main located inside parcel 05142102 on the southern portion of rezoning boundary. See advisory comments at www.rezoning.org
- **Erosion Control:** No comments submitted.
- **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 ISSUES

Transportation **Addressed**

- ~~1. Revise site plan and conditional notes to connect Abercromby Street to Caldwell Park Drive. Site access shall be via 1 or 2 standard commercial driveways connecting to this roadway extension. Site plan shall commit to installing signage for all industrial traffic to use Caldwell Park Drive and not Abercromby Street.~~



- 2.—Add conditional note that petitioner shall construct bicycle facilities by installing a 12' multi-use path with an 8' minimum planting strip along Caldwell Park Drive. The proposed multiuse path should be extended along the southern side of Caldwell Park Drive to the northwest corner of Parcel ID 05114117 owned by Mecklenburg County.

Clarifying Comment 6.21.2023: Label and dimension streetscape elements (12' multi-used path and 8' planting strip) along Caldwell Park Drive/Caldwell Park Drive extension.

Clarifying Comment 7.28.2023: 12-foot multi-use path shall be placed on both sides of the Caldwell Park Drive extension.

Land Use

3. Provide a more defined location of buildings proposed on the site, particularly those adjacent to the single family residential uses to the south. **Illustrates a proposed building line.**
4. Provide a berm as part of the 100' buffer to provide additional separation and screening from single family residential uses to the south. Petitioner Response: **A berm would require trees to be removed and may cause more harm than good. Per discussions with staff, the petitioner removed the word "potential" from tree save, so this will be tree save area and no berm is necessary.**
5. Provide clarification on any proposed mitigation for sound impacts associated with the data center use. **Language pertaining to noise mitigation has been added to the language.**

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

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