

REQUEST	Current Zoning: I-2, general industrial Proposed Zoning: UR-3(CD), urban residential conditional
LOCATION	Approximately 15.99 acres located on the east side of Matheson Avenue between N. Tryon Street and the Southern Railway.
CENTER, CORRIDOR OR WEDGE	Corridor
SUMMARY OF PETITION	Accommodate the construction of up to 327 attached townhomes and flats, and an option to add ground floor office and retail up to 44,000 square feet, at a density of 20.45 units per acre.
Property Owner	First Industrial B & L, LLC
Petitioner	First Industrial B & L, LLC
Agent/Representative	Robert L. Brandon, Planning and Zoning Consultants
Community Meeting	Meeting required and held. Report online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend DENIAL of this petition. The following modifications have been made to the petition:</p> <ol style="list-style-type: none"> 1. The petitioner should amend the site plan to reflect only one (1) development option. The site plan has been amended to one development option with a conversion provision. The plan proposes 239 attached townhomes or flats and 44,000 square feet of office / retail space. A reduction of 1,000 square feet of office/retail will allow the development of 2 additional residential units provided that the maximum number of residential units does not exceed 327. 2. The conflict in the amount of retail square footage has been corrected by limiting building 8 to 3,000 square feet of office/retail and eliminating office/retail space in building 7. 3. Building elevations have been included as a part of the petition. However the elevations show a four (4) story building and the proposed buildings are five (5) stories. The note states that railroad elevations and buildings without office/retail and the upper floors will be "similar" to the provided elevation using "brick and other materials". 4. A note will be added to the site plan that two (2) Permitted Sources of Air Pollution are located within 1000 feet of the proposed rezoning, will be disclosed to all potential buyers. 5. A Solid Waste Management Plan will be submitted to LUESA.
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VOTE	Motion/Second: Lipton/Allen
	Yeas: Allen, Carter, Griffith, Johnson, Lipton, and Rosenburgh
	Nays: None
	Absent: Howard and Randolph
	Recused: None

ZONING COMMITTEE DISCUSSION	Staff indicated that since the public hearing, the petitioner had amended the site plan to reflect only one (1) development option with a conversion provision. Staff reviewed the remaining outstanding items pertaining to notification of potential buyers and renters of the existence of two sources of air pollution; and requirements regarding a Solid Waste Management Plan, approval of a No-Rise study, and Dry land Access. Staff stated that the petitioner needed to be asked if agreeable to addressing the outstanding items.
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Mr. Robert Brandon, agent for the petitioner, expressed concerns regarding the notification requirement in the event the two sources of pollution cease to operate. However, Mr. Brandon indicated a willingness to add the note to the site plan regarding notification. He stated that the remaining outstanding items have been addressed.

The Committee discussed the proposal and asked about a second point of access to the site. CDOT staff identified the possibility of extending Chick Godley Road, but noted that there are no proposals for development on affected acreage. Staff also reviewed the petitioner's intent to construct a two lane private drive to be accessible from Chick Godley Road. A Committee member expressed concern regarding the limited access and inquired into the feasibility of installing an emergency connector to Matheson Avenue. CDOT staff replied that it would not be feasible due to topographic and design issues.

The Committee continued to express concerns over safety and emergency access, grade, flooding and the amount of parking in the floodplain. Mr. Brandon responded by stating that the project complies with the requirement that all parking spaces for new buildings be no more than 6" below the Community Base Flood Elevation. A Committee member stated that the project does not appear to be a transit-oriented development.

**STATEMENT OF
CONSISTENCY**

The Zoning Committee unanimously found this petition to be inconsistent with the *Central District Plan* and unreasonable and not in the public interest (motion by Commissioner Johnson seconded by Commissioner Rosenburgh).

STAFF OPINION

Staff recommends approval of this request subject to the petitioner submitting a revised site plan.

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:

- Allow 239 attached townhomes or flats and 44,000 square feet of office/retail space. A reduction of 1,000 square feet of office/retail will allow the development of two additional residential units provided that the maximum number of residential units does not exceed 327.
- Parking area with 327 spaces (239 residential and 88 office/retail).
- Maximum 60' building height (up to five stories).
- Internal pedestrian system consisting of 5-foot sidewalks.
- 100-foot S.W.I.M. stream buffers with tree save areas within buffers, and water quality area.
- Open space and amenity areas.
- Dedication of acreage for greenway purposes.
Refuse/recycling area.

Public Plans and Policies

The *Central District Plan* recommends industrial uses and recognizes this area as an employment district. This area, however, is located within a ½ mile of a transit station. This proposal is inconsistent with the recommendations in the *Central District Plan*. However, considering development trends in the area to a mixture of uses, higher density, and proximity to a proposed transit station this proposal may be considered appropriate.

STAFF RECOMMENDATION (Updated)

Staff recommends approval of the petition.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

CDOT: No issues.

Charlotte Fire Department: No issues.

CATS: No issues.

Schools: The development allowed under existing zoning would generate no students. The project proposes between 239 residential units and a maximum of 327 residential units, depending upon the utilization of the conversion rate. A total of 239 units will generate 134 students, and 327 units will generate 183 students. Memorandums are available for viewing on-line.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Storm Water: No issues.

LUESA: No issues.

Site Design: No issues.

OUTSTANDING ISSUES

1. No outstanding issues.
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Attachments Online at www.rezoning.org

- Pre-Hearing Staff Analysis
- Application Form
- Site Plan
- CDOT Review
- Storm Water Review
- Fire Department Review
- CMS Review
- Community Meeting Report and Sign-In Sheet

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