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<b>REQUEST</b>	Current Zoning: I-2, general industrial Proposed Zoning: UR-3(CD), urban residential conditional
<b>LOCATION</b>	Approximately 15.99 acres located on the east side of Matheson Avenue between N. Tryon Street and the Southern Railway railroad
<b>CENTER, CORRIDOR OR WEDGE</b>	Corridor
<b>SUMMARY OF PETITION</b>	Proposal to rezone property to 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. The original site plan submitted as part of this petition proposed the construction of 163 townhomes and flats. The revised site plan doubles the proposed number of residential units at a density of 20.45 units per acre.
<b>STAFF RECCOMENDATION</b>	The petitioner has worked with staff to address several site design and site plan issues. However, the petitioner must choose one of two proposed development options. Staff recommends approval of this request subject to the petitioner addressing outstanding issues.
<b>Property Owner Petitioner Agent/Representative</b>	First Industrial B & L, LLC First Industrial B & L, LLC Robert L. Brandon, Planning and Zoning Consultants
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Development Option 1, to allow 327 multi-family units and 327 parking spaces.
  - Development Option 2, to allow 239 multi-family units with up to 44,000 square feet of retail/office uses in select buildings and 327 parking spaces (239 spaces residential and 88 spaces non-residential).
  - 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.
- **Existing Zoning and Land Use**
  - The site is generally surrounded by residential, commercial, and industrial development on properties zoned I-1, I-2, and MUDD(CD).
- **Rezoning History in Area**  
Rezoning Petition 2007-046 was approved on May 21, 2007, rezoning approximately 10.10 acres located on the west side of N. Brevard Street between the Matheson Avenue bridge and E. 36<sup>th</sup> Street from I-2 to MUDD(CD) to allow up to 340 multi-family residential units at a density of 33.1 dwelling units per acre. The majority of recent rezonings in the area have occurred to the south along Davidson Street to allow a mix of office, retail, and residential development.

**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.

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**PUBLIC INFRASTRUCTURE** (see full department reports online)**Vehicle Trip Generation**

Current zoning: 3,500 trips per day

Proposed zoning: 5,570 trips per day

**CDOT:** CDOT seeks to improve accessibility to this site via the improvement of presently unopened College Street (proposed Chick Godley Drive) along the entire frontage, securing of necessary easements to connect the site to Cullman Avenue, and the provision of better pedestrian circulation.

**Charlotte Fire Department:** No comments received.

**CATS:** No comments received.

**Connectivity:** Access to this site is proposed via the construction of Chick Godley Road and a new private drive.

**Storm Water:** Storm Water Services comments have been addressed.

**Schools:** The development allowed under existing zoning would generate no students. The petitioner proposes two development options with this request. Development option #1 (residential only) will generate 183 students. Development option #2 (including office/retail uses) will produce 134 students. Memorandums are available for viewing on-line.

**Park and Recreation:** The Mecklenburg County Park and Recreation Department is requesting that additional language be provided on the site plan clarifying the dedication of greenway.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

**LUESA:** Notes that two (2) permitted sources of air pollution are located within 1,000 feet of the proposed rezoning, and recommends that should the rezoning be approved the petitioner and all subsequent developers and builders should be required to disclose the above information to all potential buyers. LUESA has also provided information regarding submittal of a Solid Waste Management Plan, approval of a No-Rise flood study, placement of parking spaces below the Community Base Flood Elevation, and Dryland Access per the City of Charlotte Floodplain Regulations.

**Park and Recreation:** The petitioner proposes to dedicate greenway with this request.

**Storm Water:** Notes downstream complaints consisting of flooding and blockage. The site plan identifies 100-foot S.W.I.M. Stream Buffers, FEMA Floodway Encroachment Line, Community Encroachment Line, and storm water quality areas.

**Site Design:**

Identifies acreage within FEMA Floodway Encroachment Line and Community Encroachment Line as "open space areas".

Emphasizes pedestrian mobility through installation of an internal pedestrian system with connections to adjacent rights-of-way, and the future greenway.

Identifies "Tree Save Area" within the S.W.I.M. Buffer.

Facilitates the use of alternative modes of transportation due to the location near a proposed transit station.

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**OUTSTANDING ISSUES**

1. The site plan currently proposes two (2) development options. The petitioner should amend the site plan to reflect only one (1) development option.
2. Conditional Note #17 on Sheet 2 of the site plan notes proposes that Unit 13 contain 1,000 sq. ft. of retail/office, Units 1-6 and 8-12 contain 4,000 square feet in each building, and Unit 7 contain 3,000 square feet. Based upon the above, the amount of retail/office proposed is 48,000 square feet and exceeds the maximum 44,000 square feet identified on the site plan. The petitioner should correct this information on the site plan.
3. The petitioner should add a note to the site plan in reference to the memorandum provided by LUESA stating that the petitioner, all subsequent developers and builders, and property owners will be required to disclose to potential owners and renters that two (2) permitted sources of air pollution are located within 1,000 feet of the proposed project.
4. The petitioner should add notes to the site plan in reference to the memorandum provided by LUESA stating that the petitioner will comply with requirements pertaining to submittal of a Solid Waste Management Plan, approval of a No-Rise flood study, and Dryland Access per the City of Charlotte Floodplain Regulations.
5. The petitioner should address any outstanding Park and Recreation comments regarding requested language for the greenway.
6. This proposal is inconsistent with the recommendations in the *Central District Plan that calls for industrial land uses at this location*. However, considering development trends in the area to a mixture of uses and higher density this proposal may be appropriate considering its proximity to a proposed transit station.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

Application Form  
Site Plan  
CDOT Review  
LUESA Review  
Charlotte Mecklenburg Schools Review  
Park and Recreation Review  
Storm Water Review  
Community Meeting Report

**Planner:** Claire Lyte-Graham, AICP (704) 336-3782