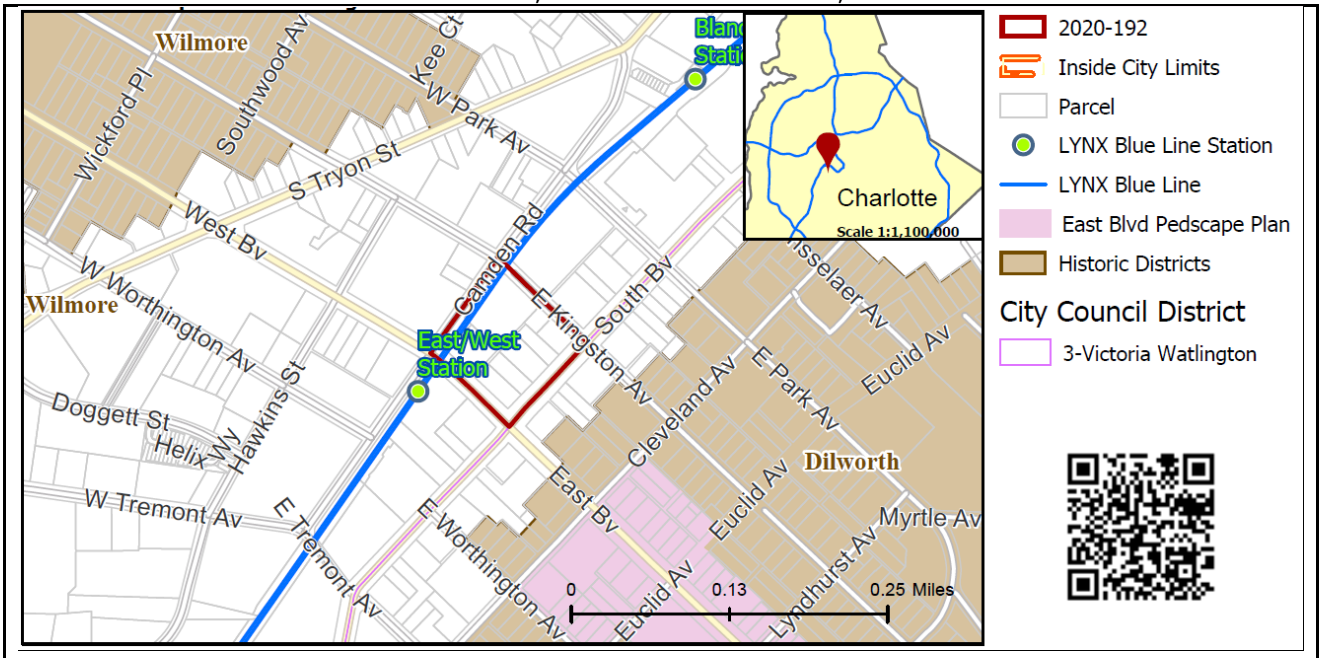
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-192
Post Hearing Staff Analysis
June 1, 2021

REQUEST	Current Zoning: TOD-UC (transit-oriented development-urban center) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 3.50 acres located along the east side of Camden Road, north of East Boulevard, and west of South Boulevard.



SUMMARY OF PETITION	The petition proposes to rezone to a MUDD district that incorporates the TOD-UC design standards while proposing to preserve the existing Dilworth Artisan building and provide an internally-located drive-through accessory use on the site for an existing Walgreens on the site.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	WP Kingston LLC White Point Partners Collin Brown and Brittany Lins/Alexander Ricks
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *South End Transit Station Area Plan* recommendation for transit-oriented development.

Rationale for Recommendation

- The adopted plan recommends transit-oriented development for the entire rezoning site and the proposed conditions of the MUDD district incorporate TOD standards that would implement the goals of the plan.
- The TOD-UC standards will be applied to the rezoning site.

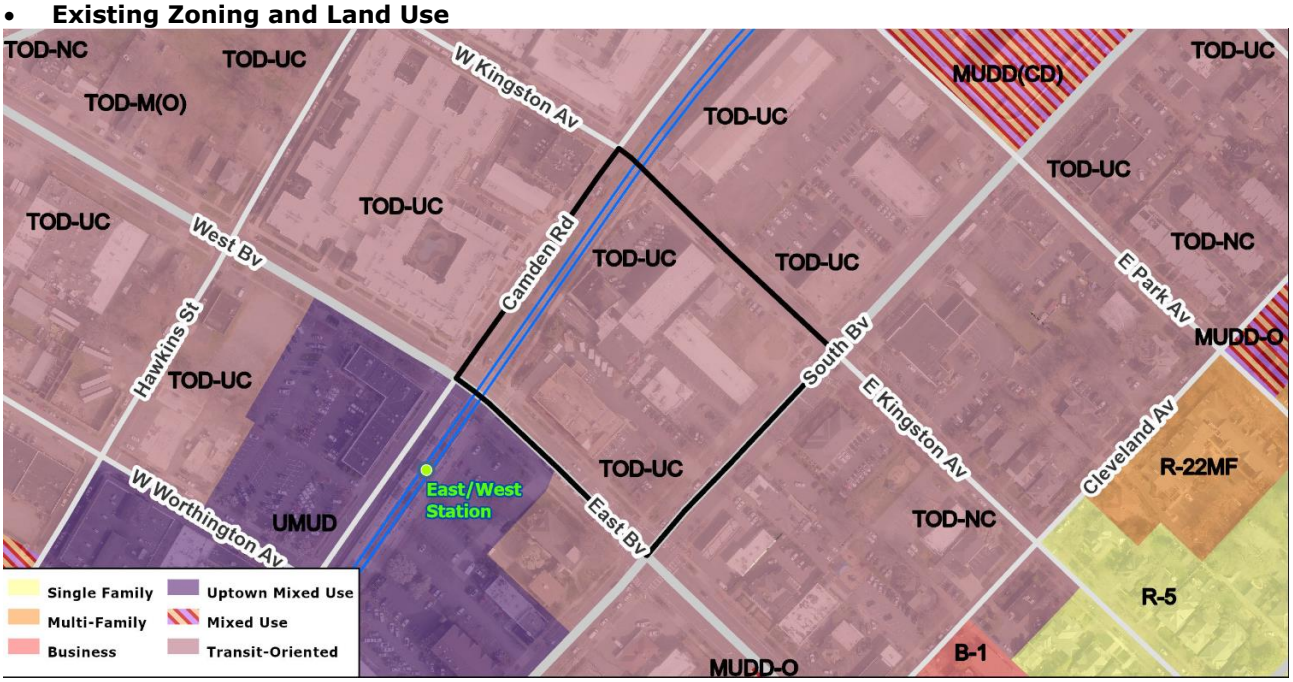
- The TOD-TR standards will be applied to the existing pharmacy with accessory drive through on a portion of the site. The accessory will be redesigned to be internal to the site.
- The subject site is within 200 feet of the East/West Light Rail Station.
- Use of TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Proposes up to 325 apartments, 365,000 square feet of office uses, and 28,000 square feet of retail.
  - Notes maximum building height will not exceed TOD-UC zoning standards.
  - Incorporates the TOD-UC design standards while proposing to preserve the existing Dilworth Artisan building and provide an internally located drive-through accessory use on the site.
  - Illustrates location of existing building proposed to remain.
  - Locates an existing 10-foot alley proposed to be abandoned.
  - Illustrates a proposed development footprint.
  - Notes location for green space and outdoor plaza.
  - Notes that unless the rezoning plan or development standards establish more stringent standards, the regulations established under the ordinance for the TOD-UC zoning district will govern the development and use of the site subject to the specified optional provisions and additional commitments.
  - Proposes the following optional provisions:
    - It is noted that the standards as contained in the ordinance under the TOD-UC zoning district (Chapter 15) shall apply to design standards for this site and be incorporated herein by reference, and the petitioner hereby opts out of the MUDD zoning district standards with the exception of the MUDD permitted uses contained in Sections 9.8502 through 9.8505 of the Ordinance. In addition, the Petitioner requests the following:
      - The petitioner shall preserve the existing building located at 118 E Kingston Avenue for adaptive reuse (unless deemed impractical or unreasonable due to structural or environmental issues as determined by a third-party engineer licensed in North Carolina). For the sake of clarity, the existing skybridge connecting the 118 E Kingston Avenue building (i.e. the preserved building) to a building located at 1708 South Boulevard is not included in this preservation commitment. The petitioner asserts that preserving the character of the existing building is a public benefit as an adaptive reuse project.
      - The petitioner requests the ability to provide a maximum of one (1) internally-located drive-through facility that shall not be visible from public streets and the Rail Trail. The drive-through facility shall also satisfy the standards contained in Section 15.8.4.c.1. of the ordinance (prescribed conditions for accessory drive-through facilities as permitted in the TOD-TR zoning district).
  - Proposes the following transportation commitments:
    - When the petitioner files for permitting, if the proposed development on the site is estimated by CDOT calculations to exceed 2,500 vehicular trips per day (based on the transportation Engineer's *trip generation handbook* or other commonly accepted methodology at the time of permitting), or if otherwise deemed necessary by CDOT, the petitioner will conduct a traffic impact study in coordination with CDOT during the permitting phase of development, to be completed prior to the issuance of the first building certificate of occupancy for new construction buildings. The TIS shall, at a minimum, include the following elements:
      - Identify the development's transportation impacts, via traffic analysis as well as multi-modal analysis;
      - Determine off-site mitigation required (if any) based on the transportation impacts of the proposed development;
      - Identify appropriate phasing of the development; and
      - Determine the appropriate access design that should be incorporated into the site plan.
    - The petitioner will complete and submit an alley abandonment petition form to CDOT for review related to the existing alleyway through the site. The decision of this rezoning petition

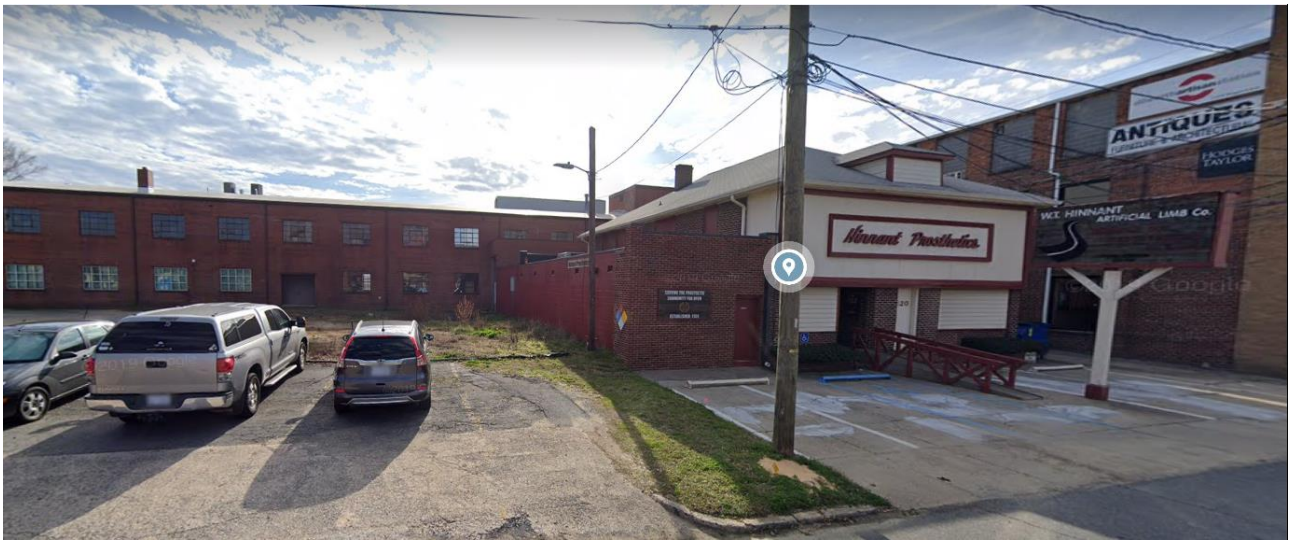
does not correlate with the decision of the possible abandonment, as this decision is issued within the separate right-of-way abandonment process that is controlled by North Carolina General Statutes.

- **Existing Zoning and Land Use**

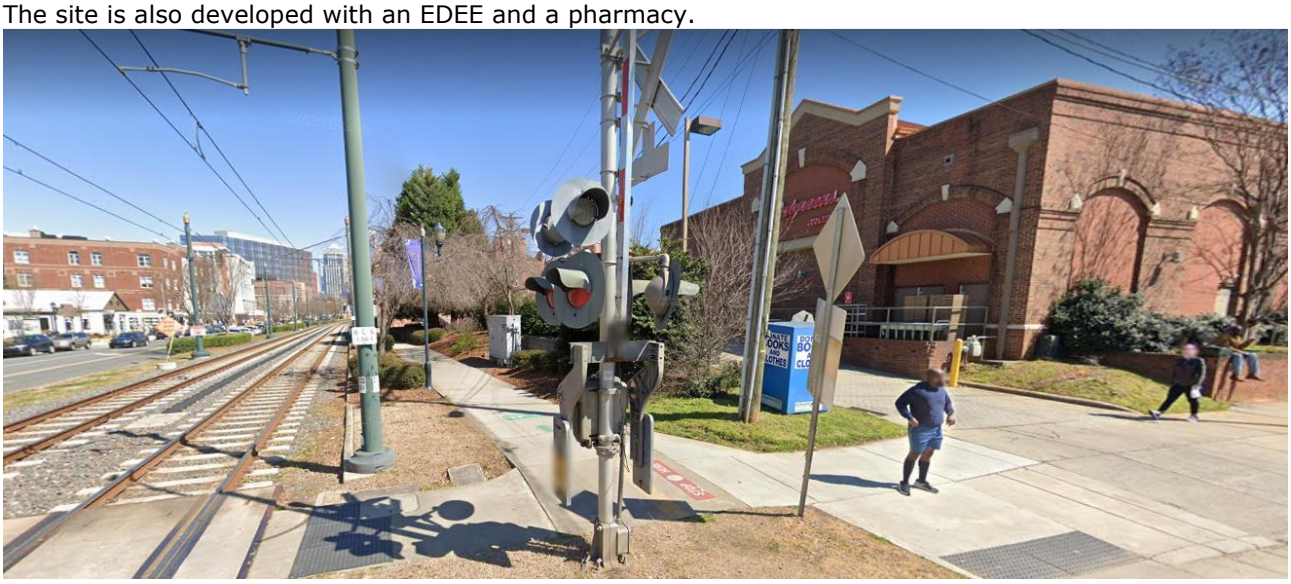


The site is developed with commercial uses on parcels immediately surrounded by a mix of residential and non-residential uses on parcels zoned TOD-UC, TOD-NC, and UMUD.

Portions of the site are developed with brick buildings constructed in 1910 and 1925 (photos above and below). The site is surrounded by a mix of residential and non-residential development on properties zoned TOD-UC.

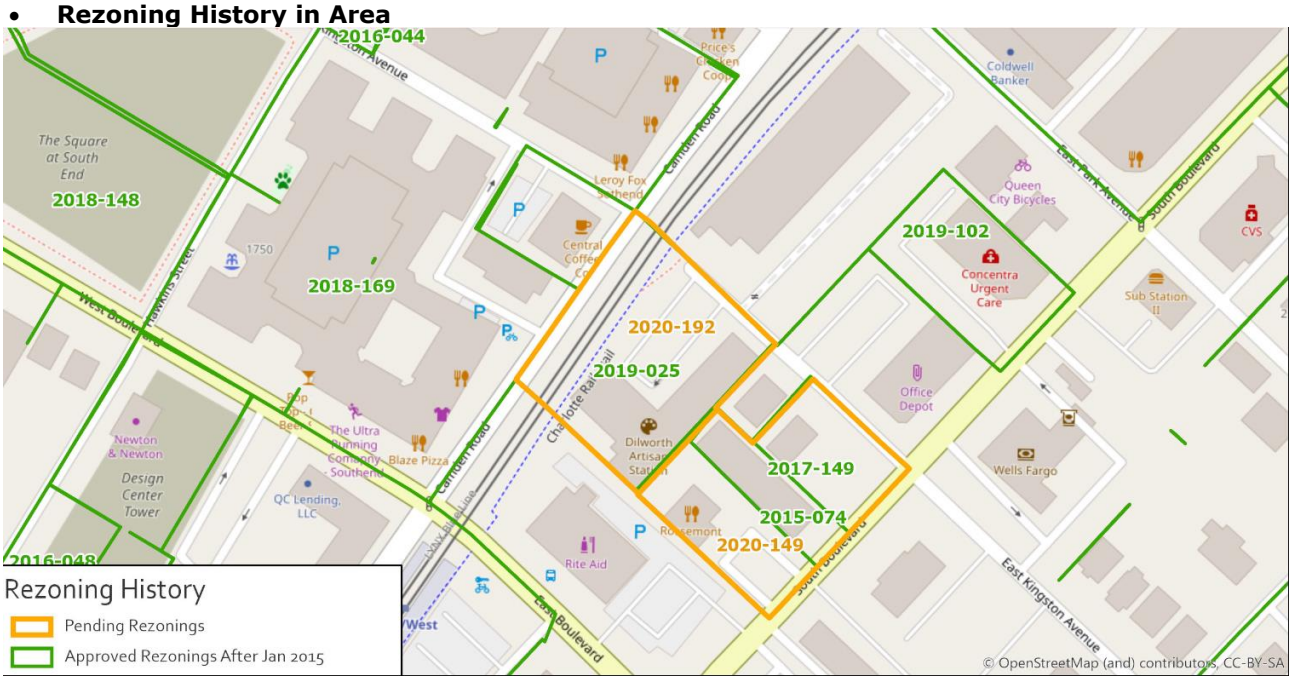


The site is also developed with an EDEE and a pharmacy.



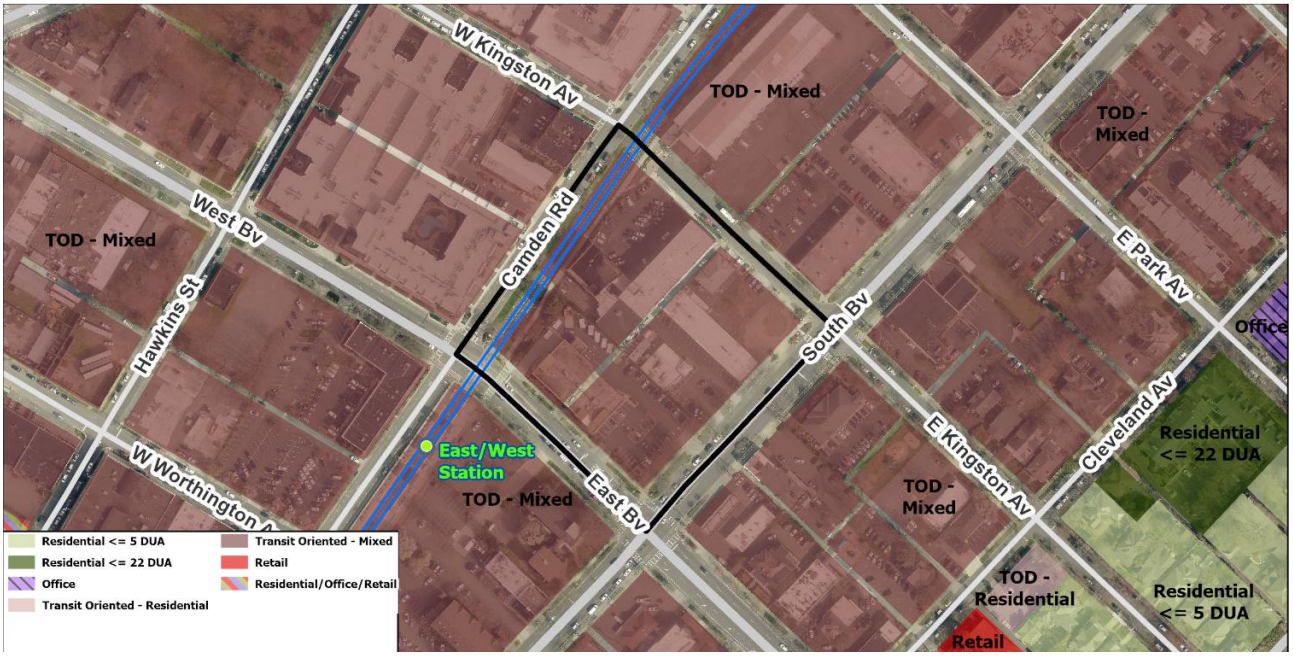
The site lies adjacent to the LYNX Blue Line.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-149	Rezoned 1 acre from MUDD-O and TOD-M(O) to TOD-UC.	Approved
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR.	Approved
2019-025	Rezoned 1.20 acres from B-1 to TOD-UC.	Approved
2018-169	Amendment to zoning ordinance to replace 3 existing transit-oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC district.	Approved
2018-148	Rezoned 1.84 acres from B-1 to TOD-M(O).	Approved
2017-149	Rezoned 0.529 acres from B-1 and TOD-M to TOD-M(O).	Approved
2016-048	Rezoned 0.29 acres from I-2 to TOD-M.	Approved
2016-044	Rezoned 0.9 acres from B-1 to TOD-M(O).	Approved

- **Public Plans and Policies**



- The *South End Transit Station Area Plan* (2005) recommends transit-oriented development.

- **TRANSPORTATION SUMMARY**
  - The site is located on a local road (Kinston Avenue) and is located less than ¼ mile north of the LYNX East/West Blue Line Station. The Petitioner has changed their rezoning request to include seven (7) additional property parcels that include the full block bound by E. Kingston Ave, South Blvd, East Blvd, and the rail line. The rezoning changed from a request for procurement of a TOD-UC EX to MUDD-O. CDOT will review a Traffic Impact Study (TIS) during permitting since the site is currently entitled as TOD-UC and is coming through as MUDD-O only to accommodate a drive-through use. There are no outstanding CDOT items.
  - **Active Projects:**
    - Charlotte City Pedestrian and Bike project along South Blvd and East Blvd.
      - Chapter 15 – Transit Oriented Development Districts. South End Vision Plan.
      - Construction is estimated for 2018 to 2021 for completion.
      - Monica Holmes with the City of Charlotte; Monica.Holmes@charlottenc.gov
  - **Transportation Considerations**
    - No outstanding issues. See advisory comments at www.rezoning.org.
  - **Vehicle Trip Generation:**

    Current Zoning:

    Existing Use: 3,595 trips per day (based on 46,987 square feet of retail).

    Entitlement: Too many uses to determine (based on existing TOD-UC zoning)

    Proposed Zoning: Too many uses to determine (based on proposed MUDD-O zoning)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See advisory comments at www.rezoning.org
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** See advisory comments at www.rezoning.org
- **Charlotte-Mecklenburg Schools:** The rezoning petition has too many possible uses to calculate potential student impact. See advisory comments at www.rezoning.org.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 6-inch water distribution main located along E Kingston Avenue and via a 12-inch main along Camden Road. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along E Kingston Ave and via an 8-inch main along Camden Road. See advisory comments at www.rezoning.org

- **City Arborist:** No comments submitted.
- **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:** See advisory comments at www.rezoning.org.
- **Urban Forestry:** No outstanding issues.

OUTSTANDING ISSUES

Site and Building Design

1. ~~Specify which TOD-UC regulations are to be applied to this request. As written, the request is unclear.~~ Addressed
2. ~~Provide clarity regarding what MUDD regulations the optional requests are for as currently it is unclear.~~ Addressed

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See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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