

City of Charlotte

Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202



Zoning Agenda

Monday, December 14, 2015

Council Chambers

City Council Zoning Meeting

*- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
Al Austin - John Autry
Ed Driggs - Julie Eiselt
Claire Fallon - Patsy Kinsey
LaWana Mayfield - James Mitchell
Greg Phipps - Kenny Smith*

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org**

- 1. Dinner Meeting Agenda**
 1. Agenda Review - Tammie Keplinger
- 2. Follow Up Report**
- 3. Upcoming Cases of Special Interest**

ZONING DECISIONS**4. Rezoning Petition: 2015-054 by PMT Partners V, LLC**

Location: Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

Current Zoning: B-1SC (business shopping center)

Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail uses for this site.

Therefore, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and
- The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and
- The proposed use does not create additional impervious surface area.

5. Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC

Update: Protest Petition (Sufficient)

Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: BD (CD) (distributive business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 5-1 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the majority of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be inconsistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use up to three dwelling units per acre.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The site is not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and
- The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and
- Self-storage facilities have low traffic volumes; and
- The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area.

6. Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)

Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition as modified.

Staff Recommendation:

Staff disagrees with the recommendation of the Zoning Committee, for the following reasons:

- a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district's minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for the location of the new street that is not fully engineered to shift if needed.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *University City Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of residential, office and/or retail uses in this area.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The petition proposes a mixture of hotel rooms and residential units; and
- Provides a new local street that is identified in the adopted area plan as a desired connection; and
- Provides buffers abutting multi-family residential uses; and
- Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and
- Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment.

7. Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single- family residential)

Proposed Zoning: R-8 (single-family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Sharon & I-485 Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use at eight dwelling units per acre for the site.

Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line; and
- The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots; and
- The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road; and
- The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

8. Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixed use transit supportive development for the site.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The subject site is within a 1/2 mile walk of the Bland Street transit station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to transit supportive land uses; and
- Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

ZONING HEARINGS**9. Rezoning Petition: 2015-125 by White Point Paces**

Location: Approximately 2.096 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) B-2 (general business), and I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development-mixed use)

Staff Recommendation:

Staff recommends approval of this petition.

10. Rezoning Petition: 2015-129 by Doug Bradley

Location: Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to building expansion/demolition, the pedestrian environment, and location of parking.

11. Rezoning Petition: 2015-128 by Cousins Acquisition Entity, LLC

Location: Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business), TOD-M (transit oriented development-mixed use) and MUDD-O (mixed use development, optional)
Proposed Zoning: TOD-M (O) 5-Year Vested Rights (transit oriented development, optional) 5-Year Vested Rights

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

12. Rezoning Petition: 2015-131 by Synco Properties

Location: Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)

Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: MUDD-O 5-Year Vested Rights (mixed use development, optional, with 5-Year Vested Rights)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

13. Rezoning Petition: 2015-090 by Copper Builders, Inc.***Update: Protest Petition (Sufficient)***

Location: Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive (Council District 7 - Driggs)

Current Zoning: INST (CD) (institutional, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

14. Rezoning Petition: 2014-019 by Carolina Development Services, LLC

Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA 5-Year Vested Rights (commercial center, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issues related to water quality treatment facilities, building placement, lighting, and transportation improvements.

15. Rezoning Petition: 2015-133 by BRC Salome Church LLC

Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street. (Council District 4 - Phipps)

Current Zoning: R-3 (single-family residential) and R-22MF (CD) (multi-family residential, conditional)

Proposed Zoning: R-12MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

16. Rezoning Petition: 2015-107 by D.R. Horton

Location: Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)

Current Zoning: INST (CD) (institutional, conditional) & MX-2 (INNOV) (mixed use, innovative standards)

Proposed Zoning: MX-2 (INNOV) (mixed used, innovative standards) & MX-2 (INNOV) SPA (mixed use, innovative standards site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

17. Rezoning Petition: 2015-118 by Pavillion Development Company

Update: Protest Petition (Sufficient)

Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

Current Zoning: CC (commercial center)

Proposed Zoning: CC (SPA) (commercial center, site plan amendment)

Staff Recommendation:

Staff does not recommend approval of this petition.

18. Rezoning Petition: 2015-092 by QuikTrip Corporation

Location: Approximately 5.11 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 5 - Autry)

Current Zoning: R-4 (single family residential) and B-1 (CD) (neighborhood business, conditional).

Proposed Zoning: B-1 (CD) (neighborhood business, conditional) and B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of the petition upon resolution of outstanding issues related to clarification of uses, building orientation, environmental features, and transportation improvements.

19. Rezoning Petition: 2015-099 by Pappas Properties

Location: Text Amendment to the City of Charlotte Zoning Ordinance to 1) add retail establishments and eating, drinking and entertainment establishments in hotels and motels, office, and multi-family buildings; and 2) add and modify the prescribed conditions when located in an office zoning district, with PED (pedestrian overlay) district designation.

Staff Recommendation:

Staff recommends approval of this petition.

20. Rezoning Petition: 2015-101 by Kolter Acquisitions, LLC

Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1 (CD) (neighborhood business, conditional)

Proposed Zoning: NS (neighborhood services) 5-year Vested Rights and MX-1 (INNOV) 5-year Vested Rights (mixed use, innovative)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

21. Rezoning Petition: 2015-123 by Bainbridge Communities Acquisition I, LLC

Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and TOD-M (transit oriented development-mixed use)

Proposed Zoning: TOD-RO (transit oriented development-residential, optional)

Staff Recommendation:

Staff recommends approval upon resolution of requested technical revisions and outstanding issues related to streetscape and building elevations.

22. Rezoning Petition: 2015-132 by Simonini Saratoga, LLC

Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road. (Council District 1 - Kinsey)

Current Zoning: R-4 (single-family residential) and B-1 (neighborhood business)

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design for the area between the building and the public sidewalk.

23. Rezoning Petition: 2015-134 by Charlotte Merlane FDS 713525

Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential)

Proposed Zoning: NS (neighborhood services)

Staff Recommendation:

Staff recommends denial of this petition.



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Agenda Date: 12/14/2015

Agenda #: 1. File #: 15-1994 Type: Dinner Briefing

Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger

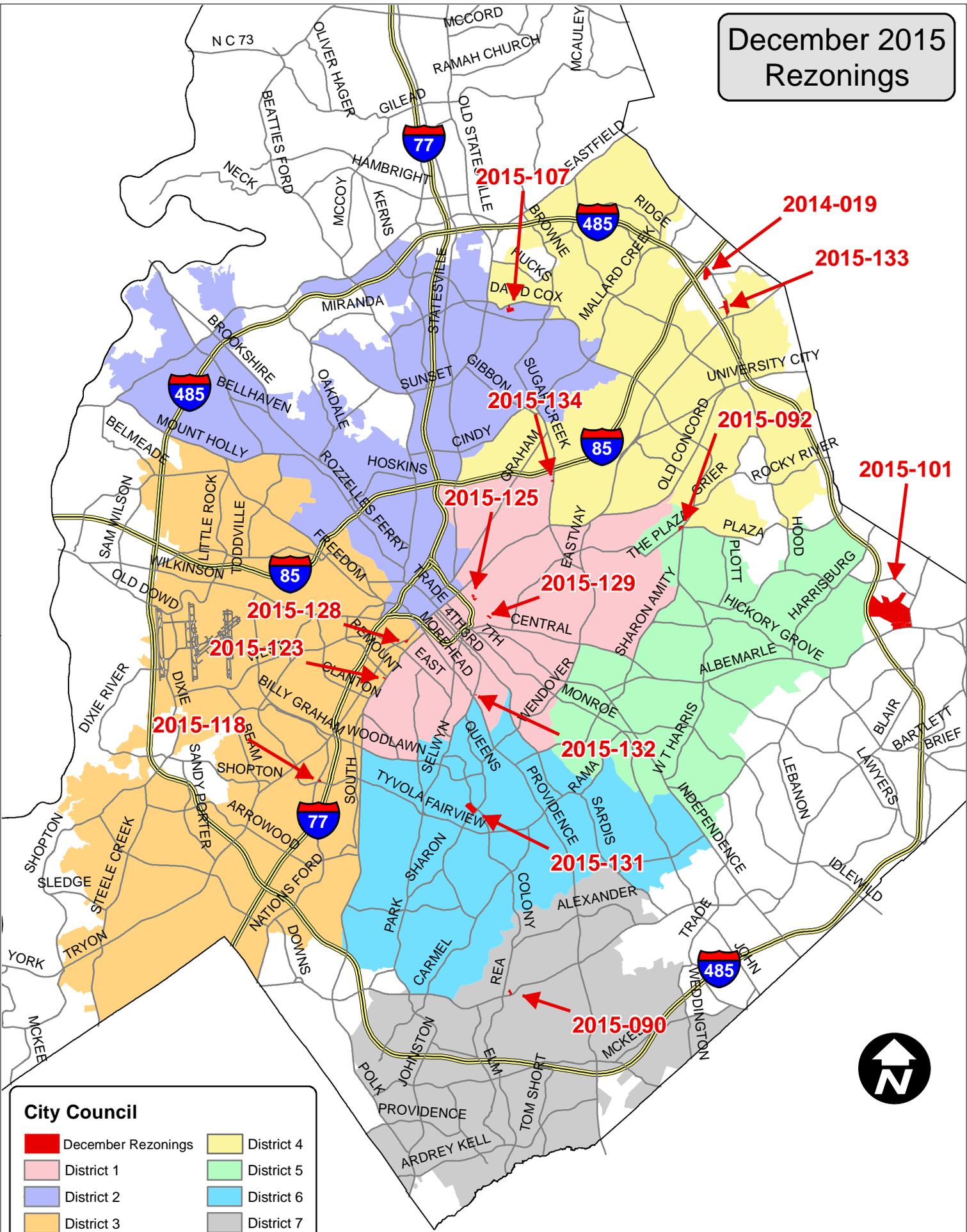
DINNER MEETING AGENDA
Monday, December 14, 2015

1. Agenda Review – Tammie Keplinger

MISCELLANEOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
5	2015-078	Taylor/Theus Development Holdings, LLC – Northwest corner at the intersection of Ardrey Kell Road and Community House Road	Decision – <ul style="list-style-type: none">• Protest Petition sufficient.
13	2015-090	Copper Builders, Inc - North side of Pineville-Matthews Road between Read Road and Windswept Drive.	Hearing – <ul style="list-style-type: none">• Protest Petition sufficient.
17	2015-118	Pavilion Development Company - Northeast corner at the intersection of Nations Ford Road and Tyvola Road	Hearing – <ul style="list-style-type: none">• Protest Petition sufficient.

December 2015 Rezoning





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Charlotte-Mecklenburg
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600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 2.File #: 15-1995 Type: Dinner Briefing

Follow Up Report



CHARLOTTE™

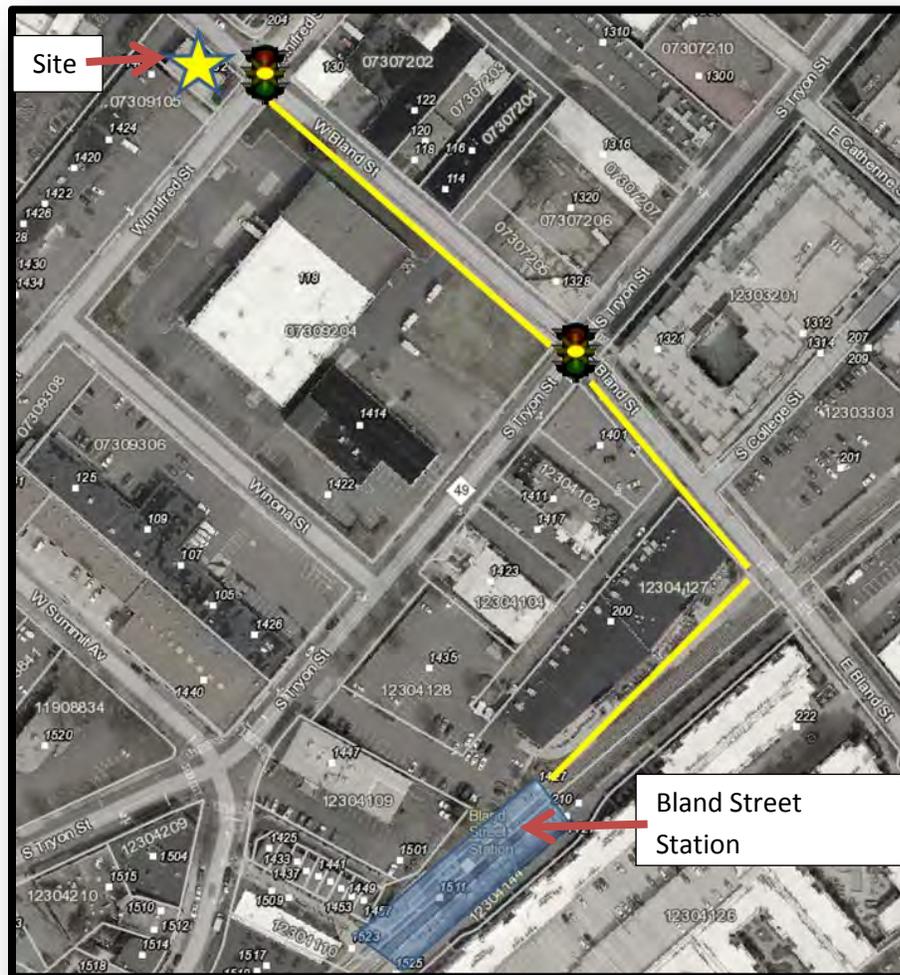
City Council Follow-Up Report From the November 16, 2015 Zoning Meeting

2015-127

Roger and Kathe Ball – located on the northwest corner at the intersection of the intersection of Winnifred Street and West Bland Street.

Provide a map showing the pedestrian walk pattern highlighted on a map from the site to the transit station. Is it continuous?

Staff Response: The pedestrian access from this site to the Bland Street Station is provided by continuous sidewalks along Bland Street and the rail trail, with signalized crosswalks at every street crossing. The sidewalks along Bland Street are substandard, but are expected to be widened and moved away from the back of the curb through incremental redevelopment. The total walk distance is ¼ mile.





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Agenda Date: 12/14/2015

Agenda #: 3.File #: 15-1996 Type: Dinner Briefing

Upcoming Cases of Special Interest

Rezoning Cases of Special Interest – December 2015

January Hearings (29 scheduled)				
Petition	Petitioner	Council District	Location	Description
2015-058	Childress Klein	6 – Smith	Southwest corner at the intersection of Morrison Boulevard and Sharon Road.	Rezoning from R-3 (single family residential) and B-1SCD (neighborhood shopping center) to MUDD-O (mixed use development, optional) with five year vested rights, in order to allow up to 170,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses; hotel uses for up to 175 rooms; up to 450 residential dwelling units of all types; indoor recreation uses of up to 20,000 square feet of gross floor area; and religious institutions on Development Areas A, B, and C. Requested Optional provisions pertain to loading access; parking; signage; recessed doors; bike parking; location of certain accessory uses; private street cross-section; gross floor area; and cell tower.
2015-093	1531 Woodlawn (Melrose)	1 – Kinsey	South side of Drexel Place and north side of Woodlawn Road	Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. Requested optional provision pertains to signage.
2015-116	Hwy. 521 Partners, LLC	7 – Driggs	Intersection of Providence Road West and Johnston Road.	Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms.
2015-121	CitiSculpt	6 – Smith	Sharon Road, west of Sharon Hills Road and east of Sharon Acres Road.	Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) with five year vested rights, to allow up to 160 age restricted dependent and/or independent living units/beds (nursing home, rest home, home for the aged, elderly, and disabled) together with accessory uses, as allowed in the UR-2 (urban residential) zoning district.
2015-126	Parkwood Residences, LLC	1 – Kinsey	North side of Parkwood Avenue at North Caldwell Street	Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum).
2016-002	Mosaic Village Holdings, LLC	2 – Austin	West side of West Trade Street and south of South Bruns Avenue	Rezoning from R-8 (single family residential) and B-1 PED (neighborhood business, pedestrian overlay) to R-8(CD) (single family residential, conditional) and B-1 PED(O) (neighborhood business, pedestrian overlay, optional) to allow an additional 13 feet of height in order to enclose a portion of the existing roof terrace on top of the parking deck. Requested optional provision pertains to height.
2016-005	WP Acquisitions, LLC	1 – Kinsey	East side of North Brevard Street between East 24 th and East 25 th Streets.	Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet.
2016-015	FCD-Development, LLC	1 – Kinsey	Northwest corner at the intersection of North Caswell Road and East 7 th Street.	Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet.

Rezoning Cases of Special Interest – December 2015

January Decisions (15 scheduled)				
Petition	Petitioner	Council District	Location	Description
2014-019	Carolina Development Services, LLC	4 – Phipps	West corner of the intersection at Mallard Creek Road and Salome Church Road.	CC SPA (commercial center, site plan amendment) to allow up to 380 multi-family residential dwelling units at a density of 14.34 units per acre. This request was a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report. The petition was presented as a conventional rezoning request at the February 17, 2014 City Council meeting. The Planning Department was originally the applicant, and staff has been working with the property owner to develop a site plan for the property. The property owner has taken on the role of applicant and converting the rezoning to a conditional request, resulting in a new public hearing.
2015-092	QuikTrip Corporation	5 – Autry	Northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza.	Rezoning from R-4 (single family residential) and B-1(CD) (neighborhood business, conditional) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow a convenience store with gasoline sales and accessory uses.
2015-093	1531 Woodlawn (Melrose)	1 – Kinsey	South side of Drexel Place and north side of Woodlawn Road	Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. With a maximum building height of 60 feet and three (3) stories. Requested optional provision pertains to signage.
2015-101	Kolter Acquisitions, LLC	Outside City Limit	Northwest corner at the intersection of Rocky River Church Road and Albemarle Road.	Rezoning from R-3 (single family residential), R-12MF (multi-family residential), and B-1(CD) (neighborhood business, conditional) to MX-1 (Innov) (mixed use, innovative) and NS (neighborhood services) with five year vested rights, to allow up to 290,000 square feet of gross floor area of retail, general and medical office uses; eating drinking entertainment establishments (EDEE); personal services; and other commercial uses; a continuing care retirement community with up to 230 units. Proposed maximum building height will be limited to four (4) stories and 60 feet.
2015-107	D.R. Horton	2 – Austin	South side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway.	Rezoning from INST(CD) (institutional, conditional) and MX-2 (Innov) (mixed use, innovative) to MX-2(Innov) (mixed use, innovative) and MX-2 (Innov) SPA (mixed use, innovative, site plan amendment) to allow up to 103 townhome units.
2015-118	Pavilion Development Co.	3 – Mayfield	Northeast corner at the intersection of Nations Ford Road and Tyvola Road.	CC SPA (commercial center, site plan amendment) to allow a 3,010 square-foot convenience store with fuel sales, and a 2,500 square-foot commercial building.
2015-120	Grubb Properties	6 - Smith	Bounded by Park Road, Abbey Place, Hedgemore Drive and Mockingbird Lane.	Rezoning from O-1 (office) to MUDD-O (mixed use development district, optional) with five (5) year vested rights, to allow up to 600,000 square feet of commercial uses (inclusive of 228,324 square feet of existing office uses) and up to 450 residential units, with conversion rights and a proposed maximum building height of 120 feet. Requested optional provisions pertain to parking, signage, recessed doorways,

Rezoning Cases of Special Interest – December 2015

				streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the “base” of the building.
2015-122	David Weekley Homes	7 – Driggs	West side of North Community House Road, north of Bryant Farms Road and south of Briarwick Lane.	Rezoning from R-3 (single family residential) to MX-2 (mixed use) with five (5) year vested rights to allow to allow 95 residential units (68 townhomes, 27 single family detached lots) at a density of 6.25 dwelling units per acre.
2015-123	Bainbridge Communities Acquisition I, LLC	3 - Mayfield	West side of South Boulevard, north of Poindexter Drive.	Rezoning from I-2 (general industrial) and TOD-M (transit oriented development-mixed use) to TOD-R-O (transit oriented development, residential, optional) to allow up to 200 multifamily dwelling units and accessory uses. Proposed maximum building height is seven (7) stories. Requested optional provision pertains to maximum building height.
2015-128	Cousins Acquisition Entity, LLC	3 – Mayfield	Bounded by South Tryon Street, Camden Road, and West Park Avenue.	Rezoning from TOD-M (transit oriented development-mixed use), B-1 (neighborhood business), and MUDD-O (mixed use development, optional) to TOD-M-O (transit oriented development, mixed use, optional) with five year vested rights to allow up to 285,000 square feet of gross floor area of office uses, which will include vertically integrated ground floor retail, restaurant, and/or personal services uses in an amount not to exceed 25,000 square feet of gross floor area of the total 285,000 square feet of uses, and other accessory uses. Proposed maximum building will be of up to 37 feet higher than the building height allowed in the TOD-M-O (transit oriented-mixed use, optional) district. Requested optional provisions pertain to maximum building height; mechanical equipment screening; non-structured parking uses; signage; and gross floor area.
2015-131	Synco Properties	6 – Smith	Southwest corner at the intersection of Colony and Sharon Roads.	Rezoning from R-17MF(CD) (multi-family residential) to MUDD-O (mixed use development district, optional) to allow up to 1,100 residential units, 250,000 square feet of office uses, 225 hotel rooms, and 300,000 square feet of retail. Proposed maximum building height of 160 feet within certain areas of development. Requested optional provisions pertain to parking; building height; streetscape; location of water quality and stormwater detention facilities, recessed entrances; innovative street designs; definition of the “base” of the building; drive-through service as an accessory to a bank or financial institution; and signage.
2015-133	BRC Salome Church LLC	4 – Phipps	West side of Salome Church Road, north of North Tryon Street and east of I-485.	Rezoning from R-3 (single family residential) and R-22MF (multi-family residential) to R-12MF(CD) to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) at a density of 11.07 units per acre. Maximum building height will not exceed three (3) stories or 48 feet.
2016-003	Eastern Hospitality	3 – Mayfield	East side of Nations Ford Road, north of Tyvola Road, and west of I-77.	CC SPA (commercial, site plan amendment) to allow office or a hotel on Parcels 1 and 2. Approved site plan restricts uses on Parcels 1 and 2 to office only.

Rezoning Cases of Special Interest – December 2015

February Hearings (20 scheduled)				
Petition	Petitioner	Council District	Location	Description
2014-117	Fairview Plaza JLC, LLC	6 – Smith	East side of Park South Drive near the intersection of Fairview Road and Park South Drive, also abutting Piedmont Row Drive South.	Rezoning from O-3(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 400 multi-family dwelling units; 300 hotel rooms; up to 75,000 square feet of gross floor area devoted retail uses and to eating drinking and entertainment establishments; up to 125,000 square feet of gross floor area devoted to professional business and general offices. Requested optional provisions pertain to building height; recessed doors and building entrances; and use of reflective glass.
2015-116	Hwy. 521 Partners, LLC	7 – Driggs	Southwest corner at the intersection of Providence Road West and Johnston Road.	Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms.
2015-126	Parkwood Residences, LLC	1 – Kinsey	North side of Parkwood Avenue bounded by North Caldwell Street, East 21 st Street and North Brevard Street	Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum).
2016-005	WP Acquisitions, LLC	1 – Kinsey	East side of North Brevard Street between East 24 th and East 25 th Streets.	Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet.
2016-007	City of Charlotte	5 – Autry	West side of Wilora Lake Road, north of Hollyfield Drive on property what used to be the old Eastland Mall Site.	Rezoning from B-1SCD (business shopping center), O-15 (office, conditional), and MUDD-O (mixed use development, optional) to R-4 (single family residential) to allow all uses in the R-4 (single family residential) district.
2016-008	City Center Hotel, Inc.	4 – Phipps	West side of Collins-Aikman Drive, east of Brentmoor Drive.	Rezoning from B-2(CD) (general business, conditional) and O-2 (office, conditional) to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional) to allow up to 392 residential units and 15,000 square feet of retail and/or restaurant space in Area A; and up to 100 residential units, up to 75,000 square feet of retail and/or restaurant space up to 200,000 square feet of office space, and two (2) limited service hotels with up to 300 rooms in Area B. Development standards for conversion rates with respect to office and hotel rooms; and provisions for mix of uses in buildings.
2016-014	Blanchard Family (NC) LLC	6 – Smith	East side of Carmel Road, south of Carmel Hills Drive and north of Shadowlake Drive.	Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 40 attached dwelling units and one (1) detached dwelling unit together with accessory uses.

Rezoning Cases of Special Interest – December 2015

2016-015	FCD-Development, LLC	1 – Kinsey	Northwest corner at the intersection of North Caswell Road and East 7 th Street.	Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet.
2016-016	FCD-Development, LLC	1 – Kinsey	West side of North Davidson Street and north of East 26 th Street.	Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented development-mixed, conditional) and TOD-M (transit oriented development-mixed) to allow all uses permitted in the TOD-M (transit oriented development-mixed) district together with any incidental or accessory uses. Building height not to exceed 60 feet.
2016-022	Phillip W. McLamb	1 – Kinsey	North side of Central Avenue, west of Landis Avenue and east of Nandina Street.	Rezoning from B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional) to allow operation of a brewery. Proposed optional provisions pertain to additional outdoor space and building encroachment into the setback.
2016-025	BNA Homes, LLC	3 – Mayfield	North side of South Tryon Street, east of Wrights Ferry Road and west of Steelescrot Parkway.	Rezoning from R-3 (single family residential) to R-12MF(CD) (multi-family residential conditional) and BD(CD) (distributive business, conditional) to allow up to 74 townhomes and a climate controlled storage facility.
2016-026	Hopper Communities	2 – Austin	North side of Wesley Heights Way, west of Duckworth Avenue and east of Walnut Avenue.	Rezoning from R-8 (single family residential), UR-3(CD) PED-O (urban residential, conditional, pedestrian overlay), and UR-3(CD) (urban residential, conditional) to UR-3(CD) PED-) (urban residential, conditional, pedestrian overlay) and UR-3(CD) SPA PED-O (urban residential, conditional, site plan amendment, pedestrian overlay) to allow up to 85 attached dwelling units.
2016-027	Linda Pistone	2 – Austin	East side of Statesville Road, north of Old Statesville Road.	Rezoning from I-1(CD) (light industrial, conditional) to I-1 (light industrial) in order to allow all uses in the I-1 (light industrial) district.
2016-030	Johnson Development Associates, Inc.	6 – Smith	East side of Park Road and south side of Mockingbird Lane.	Rezoning from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow up to 360 multi-family dwelling units and up to 17,000 square feet of gross floor area devoted to retail, EDEE (eating drinking entertainment establishments), general and medical offices, and personal service uses. Maximum building height not to exceed 80 feet (six stories). Proposed optional provisions pertain to signage, recessed doors, and parking.



Agenda Date: 11/23/2015

Agenda #: 4.File #: 15-1990 Type: Zoning Decision

Rezoning Petition: 2015-054 by PMT Partners V, LLC

Location: Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

Current Zoning: B-1SC (business shopping center)

Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends retail uses for this site.

Therefore, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and
- The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and
- The proposed use does not create additional impervious surface area.

Attachments:

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

REQUEST	Current Zoning: B-1SCD (business shopping center) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	Approximately 1.56 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow up 10,000 square feet of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	PMT Partners V, LLC PMT Partners V, LLC Jeff Brown and Keith MacVean/Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent with the <i>Steele Creek Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends retail uses for this site. <p>Therefore, this petition was found to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and • The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and • The proposed use does not create additional impervious surface area; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The language in the Site Data Table has been amended to prohibit a convenience store with gasoline sales and an automobile service station with gasoline sales. 2. The parking information in the Site Data Table has been amended to specify that the rezoning site will be looked at as part of the York Ridge Shopping Center for the purposes of calculating required parking for the allowed uses. Parking will be provided at the rate of one space per 250 square feet of gross floor area. Parking for the site may be located on the area zoned B-1 (neighborhood business) as well as portions of the site zoned B-1SCD (shopping center). 3. Permitted Uses and Development Area Limitation Note 2.a. has been amended to read: "The site may be developed with 10,000 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1 zoning district, including without limitation, personal service uses as defined below and one fast food restaurant with an accessory drive-through window, subject, however, to the restrictions and requirements in section 2.b. and 2.c. below." 4. Permitted Uses and Development Area Limitation Note 2.b. has been modified to read: "In no event shall a convenience store with
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- gasoline sales or an automotive service station with gasoline sales be located on the site.”
5. Language defining “gross floor area” or “GFA” has been removed from paragraph under Permitted Uses and Development area Limitation Note 2.b.
 6. Permitted Use and Development Area Limitation Note 2.c. has been added to read: “Administrative Amendment as to Adjacent York Ridge Shopping Center. Prior to issuance of a building permit for the uses permitted on the Site as described in Section 2a. above, the Petitioner shall have received approval from the Planning Department of an administrative site plan amendment associated with the Conditional Rezoning Plan/Petition governing the adjacent York Ridge Shopping Center stating that:
 - I. the total combined gross floor area of the uses located on the adjacent York Ridge Shopping Center and the Site (including the pending approval uses) does not exceed 120,000 square feet;
 - II. in the event that a restaurant with an accessory drive-through window is constructed and operational on the site as allowed in Section 2.a. above, the adjacent York Ridge shopping Center shall not be allowed to contain a restaurant with an accessory drive through window;
 - III. no convenience store with gasoline sales or automotive service station with gasoline sales will be permitted; and
 - IV. if the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.”
 7. Notes have been removed related to minimum ordinance requirements for: Access and Transportation, Environmental Features, Streetscape, Buffers, Yards, and Landscaping, and Signage.
 8. Streetscape, Buffers, Yards, and Landscaping Note 5.d. has been amended to read “Storm water and water quality structures may be located within the setback/buffers established along S. Tryon Street as generally depicted on the rezoning plan (the existing BMP is located in the setback).”
 9. “Alternate Plan” has been modified to show a building footprint with a (new) possible drive-through service window.

VOTE

Motion/Second: Wiggins/Nelson
 Yeas: Dodson, Eschert, Labovitz, Nelson, Sullivan, and Wiggins
 Nays: None
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff reviewed the background on and presented the petition to the Zoning Committee. Staff noted that the site plan was amended to allow a new outparcel with up to 10,000 square feet of retail, or a restaurant with a drive-through service window. The uses were modified to prohibit convenience store with gasoline sales and an automobile service station with gasoline sales. In addition, if the outparcel develops as a restaurant with a drive-through accessory window, no additional restaurants with drive-through accessory windows will be allowed in the overall center. Staff noted that the petition is consistent with the *Steele Creek Area Plan*, which recommends retail uses for the property.

One Commissioner noted that the community was happy about the changes to the plan. There was no further discussion of the petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Background**

- Rezoning petition 1988-005C rezoned approximately 130 acres to allow a mix of single family and multi-family residential development, an institutional use, and up to 120,000 square feet of commercial uses. The subject property was included in the 13.9 acres that allowed commercial uses. The approved site plan for the commercial uses provides 50-foot landscaped buffers along Moss Road and South Tryon Street, a 50-foot landscaped buffer along the east property line, and a 25-foot landscaped buffer along the north property line. Subsequent administrative approvals for the site pertained to modifications to design to accommodate a new building on the outparcel, and a reduction in the 50-foot setback along South Tryon Street with the setback varying due to right-of-way required by NCDOT.
- At its June 24, 2015 meeting, the Zoning Committee voted 6-0 to recommend approval of the subject rezoning petition subject to modifications. The petitioner name has since changed (formerly Childress Klein). The site plan has been amended and convenience stores with gasoline sales or automobile service stations with gasoline sales have been eliminated as allowed uses on the site. In addition, one restaurant with an accessory drive-through window is now permitted subject to conditions.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 10,000 square feet of gross floor area of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
- Prohibits a convenience store with gasoline sales use, or an automobile service station.
- Commits to filing an administrative amendment and receiving approval prior to issuance of a building permit that:
 - Restricts total combined gross floor area of the uses located on adjacent York Ridge Shopping Center and rezoning site to 120,000 square feet;
 - In the event an EDEE (eating drinking entertainment establishment) with an accessory drive-through window is constructed and operational on the site, the adjacent York Ridge Shopping Center will not be allowed to contain an EDEE (eating drinking entertainment establishment) with an accessory drive-through window;
 - Prohibits a convenience store with gasoline sales use, or an automobile service station with gasoline sales on the site;
 - If the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.
- Provides an "Alternate Plan" that shows proposed building footprint with an accessory drive-through service window.
- Commits to acquiring an administrative approval request accurately reflecting permitted and prohibited uses, maximum square footage, and required parking for the overall shopping center prior to the issuance of building permits.
- Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
- Buildings will be architecturally compatible with the existing shopping center.
- Maximum of one (1) principal building.
- Modifications to existing shopping center parking lot to accommodate the new use and vehicular circulation.
- Modifications to an existing driveway on South Tryon Street.
- Provides a new sidewalk connecting the proposed parking area to the existing sidewalk along South Tryon Street.
- Provides a 35-foot building setback along South Tryon Street where 20 feet is required per the B-1 (neighborhood business) district. Current B-1SCD (business shopping center) zoning requires a 35-foot setback, and the proposed 35-foot setback will provide for uniformity with existing buildings.
- Maintains the existing 50-foot buffer along the eastern property boundary.
- Retains the existing sidewalk and planting strip along the project frontage on South Tryon Street.

- Detached lighting limited to 25 feet in height. All new lighting shall be full cut-off type fixtures.
- **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.

Transportation Considerations: No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

OUTSTANDING ISSUES

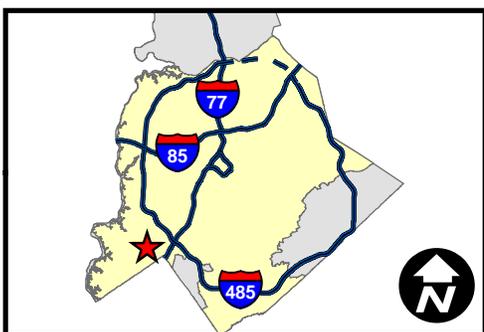
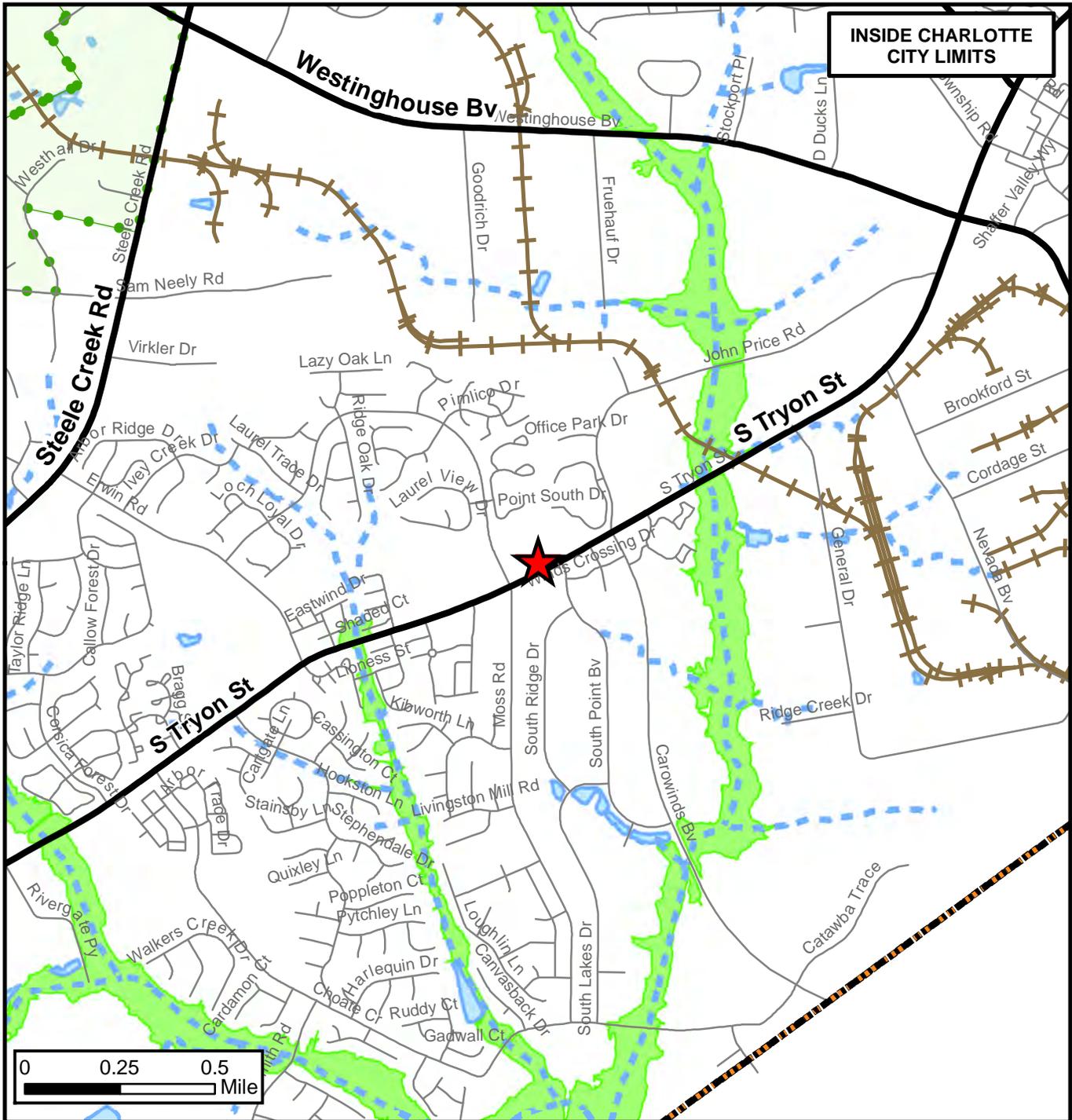
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

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

Acresage & Location : Approximately 12.25 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road.



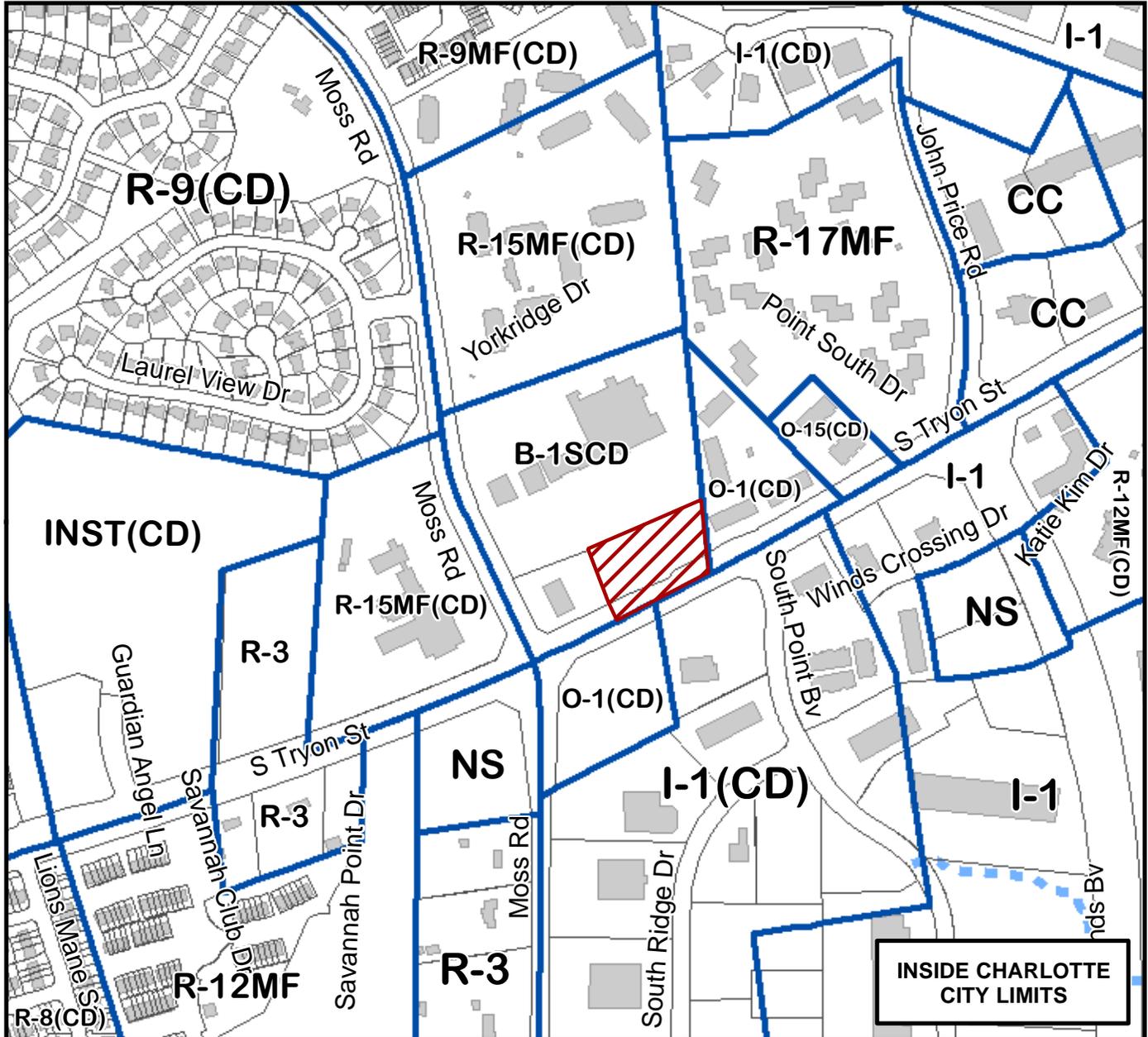
Petition #: **2015-054**

Petitioner: **PMT Partners V, LLC**

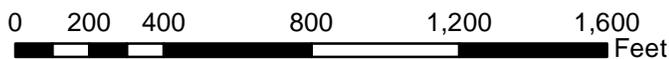
Zoning Classification (Existing): **B-1SCD**
(Business Shopping Center District)

Zoning Classification (Requested): **B-1(CD)**
(Neighborhood Business, Conditional)

Acreage & Location: Approximately 1.56 acres located on the north side of South Tryon Street near the intersection of Moss Road and South Tryon Street.

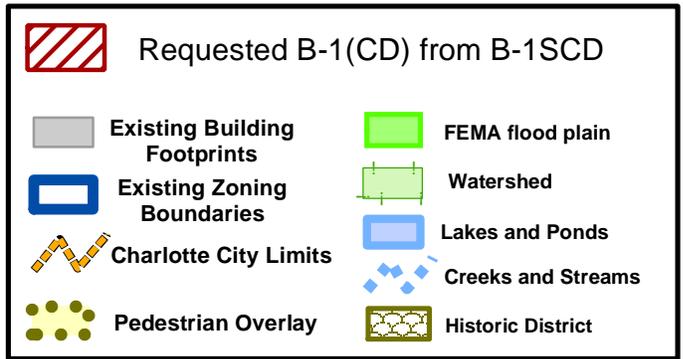


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-26-2015.

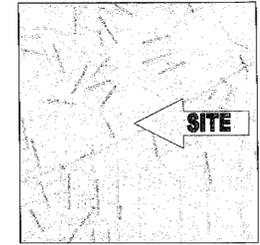


Zoning Map #(s)

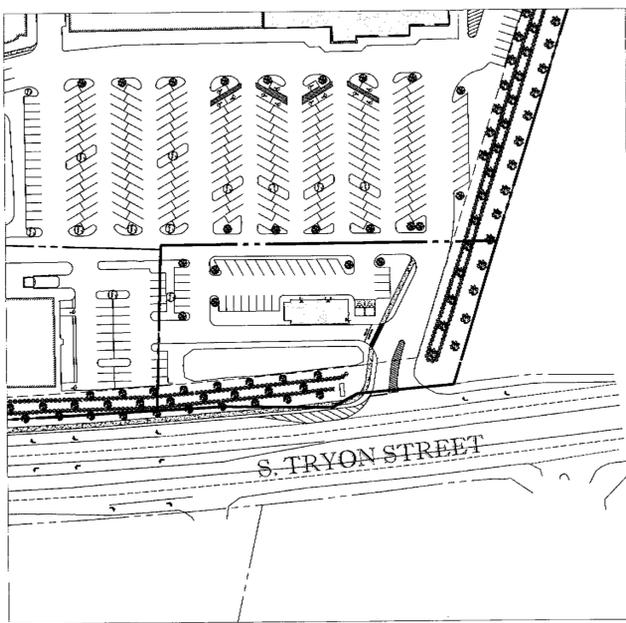
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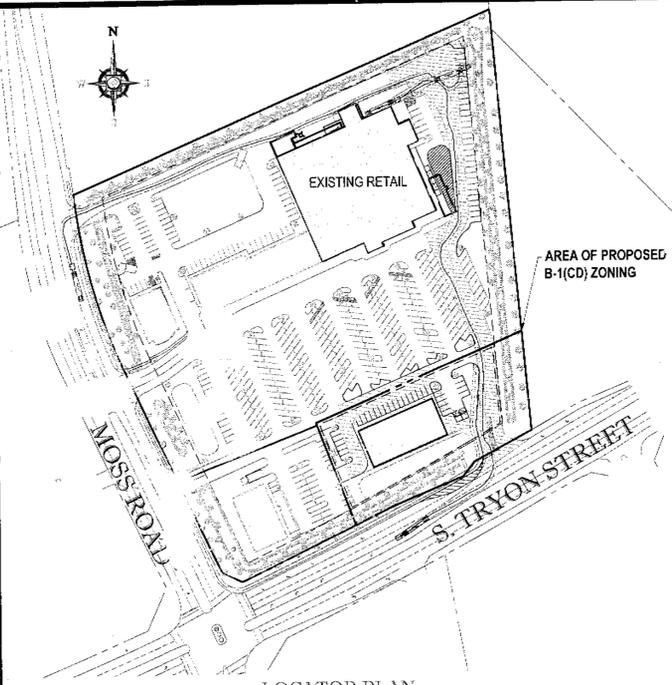
SITE DATA	
PARCELS	PORTION OF 201-401-06
ACREAGE	1.564 AC
OWNERS	PMT PARTNERS LLC
PETITIONER	PMT PARTNERS LLC
EXISTING ZONING	B-1SCD
PROPOSED ZONING	B-1(CD)
EXISTING USES	NEIGHBORHOOD SHOPPING CENTER
PROPOSED USES	USES PERMITTED BY RIGHT & UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED BY THE B-1 ZONING DISTRICT (MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2)
MAXIMUM GROSS SF OF DEVELOPMENT	UP TO 10,000 SF OF GROSS FLOOR AREA OF OFFICE, RETAIL ETEE (RESTAURANTS), PERSONAL SERVICES AND OTHER COMMERCIAL USES AS ALLOWED IN THE B-1 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 2 - SUCH RESTRICTIONS DO NOT PERMIT A CONVENIENCE STORE WITH GASOLINE SALES NOR AUTOMOBILE SERVICE STATIONS WITH GASOLINE SALES
PROVIDED PARKING	THE SITE WILL BE LOOKED AT AS PART OF THE YORK RIDGE SHOPPING CENTER FOR THE PURPOSES OF CALCULATING REQUIRED PARKING FOR THE ALLOWED USES. PARKING WILL BE PROVIDED AT THE RATE OF ONE SPACE PER 250 SQUARE FEET OF GROSS FLOOR AREA. PARKING FOR THE SITE MAY BE LOCATED ON THE AREA ZONED B-1 AS WELL AS PORTIONS OF THE SITE ZONED B-1SCD
MAX BUILDING HEIGHT	AS ALLOWED BY ORDINANCE



LOCATION MAP
N.T.S



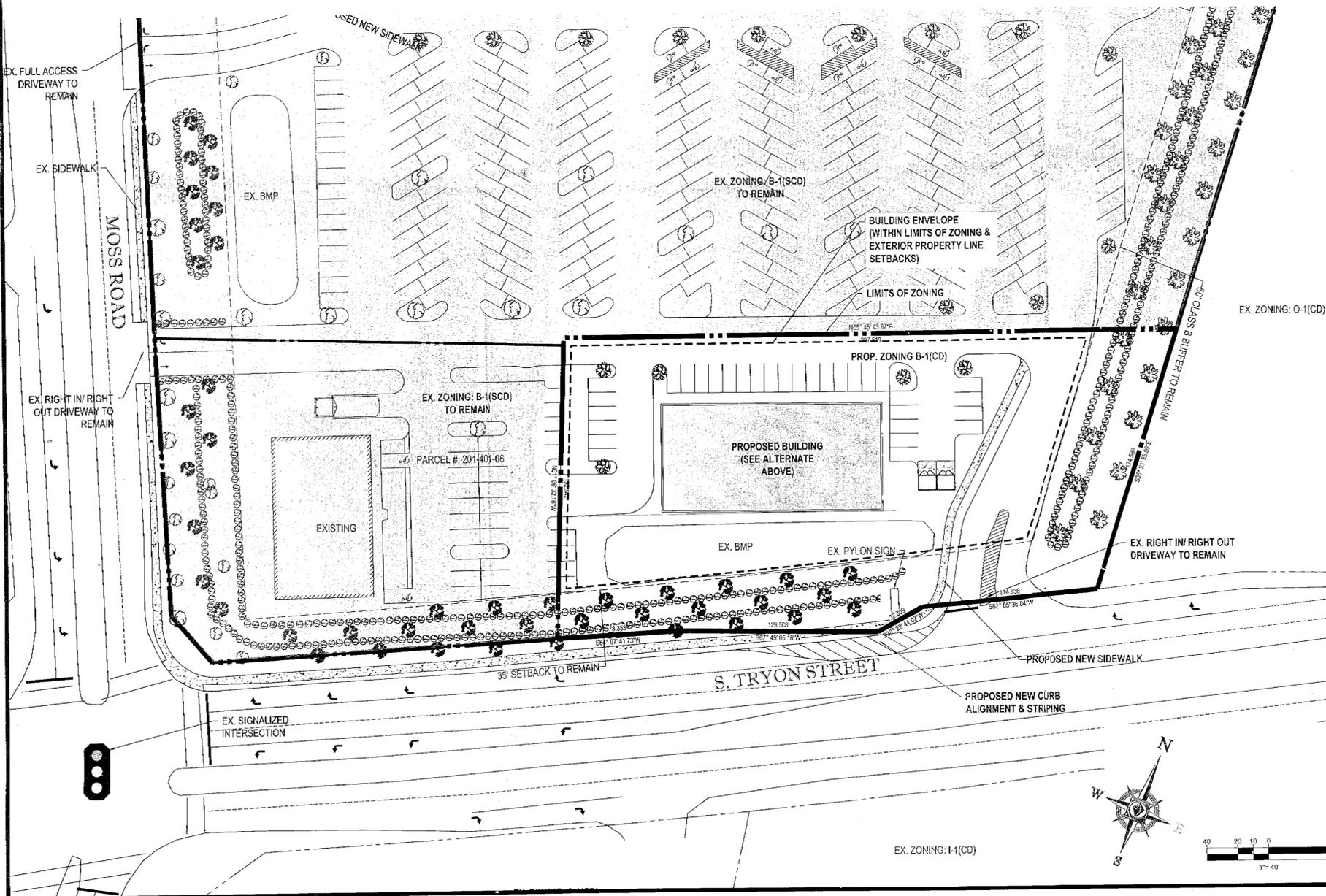
ALTERNATE PLAN
1"=100'



LOCATOR PLAN
N.T.S

DEVELOPMENT STANDARDS

- GENERAL PROVISIONS:
 - SITE LOCATION: THESE DEVELOPMENT STANDARDS FORM A PART OF THE ZONING PLAN, ASSOCIATED WITH THE ZONING PETITION FILED BY CH. LINDSEY KLEIN PROPERTIES (PETITIONER), TO ACCOMMODATE AN ADDITION TO THE EXISTING NEIGHBORHOOD SHOPPING CENTER KNOWN AS YORK RIDGE SHOPPING CENTER ON AN APPROXIMATELY 1.56 ACRES SITE LOCATED AT THE INTERSECTION OF MOSS ROAD AND S. TRYON STREET (THE "SITE").
 - ZONING DISTRICT/ORDINANCE: DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE ZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE ZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE B-1 ZONING CLASSIFICATION SHALL GOVERN.
 - GRAPHICS AND ALTERATIONS: THE SCHEMATIC REPRESENTATIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, DRIVEWAYS, STREETS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS COLLECTIVELY "THE DEVELOPMENT SITE ELEMENTS" SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF "THE DEVELOPMENT SITE ELEMENTS" DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF "THE DEVELOPMENT SITE ELEMENTS" PROPOSED. CHANGES TO THE REZONING PLAN NOT AUTHORIZED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 2.02 OF THE ORDINANCE. SINCE THE SITE IS DEVELOPED BUT WILL BE UNDERGOING RENOVATIONS AND ADDITIONS, IT IS INTENDED THAT THE REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF "THE DEVELOPMENT SITE ELEMENTS". THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 2.02 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:
 - EXPRESSLY PERMITTED BY THE REZONING PLAN; SUCH CHANGES ARE EXPRESSLY PERMITTED BY THE REZONING PLAN IF IT IS DETERMINED THAT THE ALTERATION DOES NOT VIOLATE THE PURPOSES OF THESE DEVELOPMENT STANDARDS; OR
 - MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL USES OR INTENT DEPICED ON THE REZONING PLAN OR
 - NECESSARY TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES IN A RESIDENTIAL DISTRICT OR ADJUTING NEIGHBORHOODS TO MEET OR EXCEED THE EXISTING EXTERIOR SETBACKS, REAR YARDS OR BUFFER AREAS, INDICATED ON SHEET RZ-1.
 THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 2.02 OF THE ORDINANCE. IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S SUCCESSFUL RIGHTS SET FORTH IN THE ORDINANCE.
 - NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY: THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSIDERED VIOLATING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGN AS THE PRINCIPAL BUILDING LOCATED ON THE SITE.
 - PLANNED/UNIFIED DEVELOPMENT: THE SITE TOGETHER WITH THAT CERTAIN SITE LOCATED ADJACENT TO THE SITE AND DESIGNATED AS THE REMAINDER PORTION OF TAX PARCEL NO. 201-041-04 AND TAX PARCEL NO. 201-041-09 ("THE ADJACENT YORK RIDGE SHOPPING CENTER") SHALL BE VIEWED AS A PLANNED/UNIFIED DEVELOPMENT PLAN. THE AGGREGATE AS A SHOPPING CENTER AS TO THE ELEMENTS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN AND THOSE DEPICTED ON THE APPLICABLE ZONING ORDINANCE FOR THE ADJACENT YORK RIDGE SHOPPING CENTER, AS SUCH SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN INTERIMENTS AND OTHER SITE ELEMENTS LOCATED ON THE SITE AND THE ADJACENT YORK RIDGE SHOPPING CENTER. THE PETITIONER AND OTHER OWNERS OF THE SITE AND THE ADJACENT YORK RIDGE SHOPPING CENTER RESERVE THE RIGHT TO SUBDIVIDE THE PORTION OR ALL OF THE SITE AND THE ADJACENT YORK RIDGE SHOPPING CENTER SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE AND THE ADJACENT YORK RIDGE SHOPPING CENTER WITH "HOLD" RIGHTS TO ANY SUCH INTERNAL SEPARATION STANDARDS, PLUS CURBATIVE STREET FRONTAGE REQUIREMENTS AND FAR REQUIREMENTS. PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE AND OF THE ADJACENT YORK RIDGE SHOPPING CENTER SHALL BE ADHERED TO AND ALL FAR REQUIREMENTS WILL BE REGULATED BY ANY DEVELOPMENT LIMITATIONS SET FORTH IN SECTION 2.02 BELOW AS TO THE SITE AND IN THE APPLICABLE ORDINANCE. REZONING PLAN AS TO THE ADJACENT YORK RIDGE SHOPPING CENTER, TAKEN AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR PORTIONS THEREOF.
- PERMITTED USES & DEVELOPMENT AREA LIMITATION:
 - THE SITE MAY BE DEVELOPED WITH UP TO 10,000 SQUARE FEET OF GROSS FLOOR AREA OF USES ALLOWED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES ALLOWED IN THE B-1 ZONING DISTRICT, INCLUDING BUT NOT LIMITED TO: RESTAURANTS, PERSONAL SERVICES USES AS DEFINED BELOW, AND ONE FAST FOOD RESTAURANT WITH AN ACCESSORY DRIVE THROUGH WINDOW SUBJECT HOWEVER TO THE RESTRICTIONS AND REGULATIONS IN SECTION 2.02 AND 2.03 BELOW.
 - IN NO EVENT SHALL A CONVENIENCE STORE WITH GASOLINE SALES, NEARLY SERVICE, OR AN AUTOMOBILE SERVICE STATION WITH GASOLINE SALES, BE LOCATED ON THE SITE. FOR PURPOSES OF THESE DEVELOPMENT STANDARDS, SET FORTH IN THESE DEVELOPMENT STANDARDS, SUCH AS A LIMITATION ON GASOLINE SALES, THE FOLLOWING ITEMS WILL NOT BE COUNTED AS PART OF THE ALLOWED GROSS FLOOR AREA OR FLOOR AREA AS DEFINED BY THE ORDINANCE: (A) THE SITE SURFACE OR STRUCTURE PARKING FACILITIES, ALL LOADING DOCK AREAS (OPEN OR ENCLOSED), AND OUTDOOR DINING AREAS; (B) THE ROOF OF THE BUILDINGS OR AT STREET LEVEL, PARKING FOR OUTDOOR DINING AREAS; AND (C) AREAS PRODUCED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS.
 - PERSONAL SERVICE USES WILL BE LIMITED TO USES THAT PRIMARILY PROVIDE OR SELL A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE MAY ALSO SELL PRODUCTS OR MERCHANDISE BUT THE SALE OF PRODUCTS AND MERCHANDISE IS TYPICALLY ANNUALY. EXAMPLES OF PERSONAL SERVICE USES INCLUDE BUT ARE NOT LIMITED TO: BEAUTY SALONS AND BARBER SHOPS, SPAS, YOGA AND EXERCISE STUDIOS, NAIL SALONS, MASSAGE SHOPS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, FUNERAL HOMES AND ALIKE.
 - ADMINISTRATIVE AMENDMENT AS TO ADJACENT YORK RIDGE SHOPPING CENTER: PER OR TO ASSURE OF A BUILDING PERMIT FOR THE USES PERMITTED ON THE SITE AS DESCRIBED IN SECTION 2.A ABOVE, THE PETITIONER SHALL HAVE RECEIVED FROM THE PLANNING DEPARTMENT OF AN ADMINISTRATIVE AMENDMENT ASSOCIATED WITH THE ORDINANCE FLOOR PLAN, SITE DEVELOPMENT AND PLANNING DEPARTMENT GOVERNING "THE ADJACENT YORK RIDGE SHOPPING CENTER" STATING THAT: (i) "THE TOTAL COMBINED GROSS FLOOR AREA OF THE USES LOCATED ON THE ADJACENT YORK RIDGE SHOPPING CENTER AND THE SITE (INCLUDING THE PERMITTED APPROVAL USES) DOES NOT EXCEED 120,000 SQUARE FEET"; (ii) "THE EVENT THAT A RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW IS CONSTRUCTED AND OPERATED ON THE SITE AS ALLOWED IN SECTION 2.A ABOVE, THE ADJACENT YORK RIDGE SHOPPING CENTER SHALL NOT BE ALLOCATED TO COMPLY A RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW WITH GASOLINE SALES OR A CONVENIENCE STORE WITH GASOLINE SALES OR AN AUTOMOBILE SERVICE STATION WITH GASOLINE SALES WILL BE PERMITTED; AND (iii) "THE ORDER PARCEL AT THE INTERSECTION OF TRYON STREET AND MOSS ROAD IS RECONFIGURED, THE NEW BUILDING WILL CONTAIN MATERIALS COMPATIBLE WITH THE PRIMARY SHOPPING CENTER BUILDING ON THE SITE.
- ACCESS AND TRANSPORTATION:
 - ACCESS TO THE SITE WILL BE FROM S. TRYON STREET AND THROUGH "THE EXISTING SHOPPING CENTER" IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.
 - THE PLACEMENT AND ORIENTATION OF THE VEHICULAR ACCESS POINT IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PHASES AND TO ANY ADDITIONAL REQUIREMENTS OR APPROVAL BY THE CITY, IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
 - THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY, IN ACCORDANCE WITH PUBLISHED STANDARDS.
- ARCHITECTURAL STANDARDS:
 - THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON SITE WILL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, CONCRETE WITH FIBER BOARD, STUCCO, FIBER PANELS, DECORATIVE BLOCK AND WOOD.
 - THE BUILDING CONSTRUCTION SHALL BE COMPATIBLE WITH THE REST OF THE SHOPPING CENTER.
 - ANY RELATED TECHNICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW FROM VIEW OF ADJACENT PROPERTIES AT GRADE.
- STREETSCAPE, BUFFERS, YARDS AND LANDSCAPING:
 - A 35 FOOT SETBACK WILL BE ESTABLISHED ALONG S. TRYON STREET. BUILDINGS AND PARKING AREAS WILL NOT BE ALLOWED IN THE 35 FOOT SETBACK ESTABLISHED ALONG S. TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - A 50 FOOT CLASS B BUFFER HAS BEEN ESTABLISHED AND WILL BE MAINTAINED ALONG THE EASTERN PROPERTY BOUNDARY AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - THE EXISTING SIDEWALKS AND PLANTING STRIPS ALONG S. TRYON STREET WILL BE MAINTAINED.
 - STREETSCAPE BUFFERS AND PLANTING STRIPS SHALL BE LOCATED WITHIN THE SETBACKS AND BUFFERS ESTABLISHED ALONG S. TRYON STREET AS GENERALLY DEPICTED ON THE REZONING PLAN. THE EXISTING BUFFER CALCULATED IN THE SETBACKS.
 - LANDSCAPING WILL BE PROVIDED ALONG THE INTERIOR EDGE OF THE SNIP.
 - SCREENING REQUIREMENTS OF THE ORDINANCE WILL BE MET.
 - ANY ABOVE GROUND BACKFLOW PREVENTERS WILL BE SCREENED FROM PUBLIC VIEW.
- ENVIRONMENTAL FEATURES:
 - THE LOCATOR, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTED AND ARE NOT MATERIALLY APPROVED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 2 OF THE ORDINANCE.
 - REQUIREMENTS AND NATURAL SITE DISBURSEMENT POINTS.
- LIGHTING:
 - ALL NEW LIGHTING SHALL BE FULL CUTOFF TYPE LIGHTING FIXTURES INCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, PARKING AREAS AND COURTYARDS.
 - ANY NEW "BEACON" LIGHTING ON THE SITE WILL BE LIMITED TO 25 FEET IN HEIGHT.
- AMENDMENTS TO THE REZONING PLAN:
 - FUTURE AMENDMENTS TO THE REZONING PLAN WHICH INCLUDES THESE DEVELOPMENT STANDARDS, MAY BE APPLIED FOR BY THE OWNER OR OWNERS OF THE APPLICABLE JURISDICTION AREA PORTION OF THE SITE APPROVED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 2 OF THE ORDINANCE.
- BINDING EFFECT OF THE REZONING APPLICATION:
 - IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.



BOHLER ENGINEERING
 REGISTERED PROFESSIONAL ENGINEERING
 LAND SURVEYING, PLANNING, ARCHITECTURE, CIVIL ENGINEERING, ENVIRONMENTAL ENGINEERING, ELECTRICAL ENGINEERING, MECHANICAL ENGINEERING, CHEMICAL ENGINEERING, METALLURGICAL ENGINEERING, INDUSTRIAL ENGINEERING, AEROSPACE ENGINEERING, MARINE ENGINEERING, TRANSPORTATION ENGINEERING, CONSTRUCTION ENGINEERING, FORESTRY ENGINEERING, AGRICULTURAL ENGINEERING, MINING ENGINEERING, PETROLEUM ENGINEERING, POLYMER ENGINEERING, FOOD ENGINEERING, TEXTILE ENGINEERING, FIBER ENGINEERING, PAPER ENGINEERING, LEATHER ENGINEERING, RUBBER ENGINEERING, PLASTIC ENGINEERING, GLASS ENGINEERING, CERAMIC ENGINEERING, METAL ENGINEERING, WOOD ENGINEERING, TEXTILE ENGINEERING, FIBER ENGINEERING, PAPER ENGINEERING, LEATHER ENGINEERING, RUBBER ENGINEERING, PLASTIC ENGINEERING, GLASS ENGINEERING, CERAMIC ENGINEERING, METAL ENGINEERING, WOOD ENGINEERING.

REVISIONS

REV.	DATE	COMMENT	BY
01	04-06-15		ODR
02	04-17-15		ODR
03	06-19-15		ODR
04	08-24-15		ODR
05	07-02-15		ODR
06	09-21-15		ODR
07	10/7/15		ODR
08	11/12/15		SRF

NOT APPROVED FOR CONSTRUCTION

PROJECT No: NCC152001
 DRAWN BY: ODR
 CHECKED BY: JLB
 DATE: 10/7/15
 SCALE: 1"=40'
 CAD ID: R21

REZONING PLAN FOR PMT PARTNERS, LLC

LOCATION OF SITE
 11108 S. TRYON STREET
 MECKLENBURG COUNTY
 CHARLOTTE, NC

BOHLER ENGINEERING
 800 WEST HILL STREET, SUITE 101
 CHARLOTTE, NC 28208
 Phone: (980) 272-3400
 Fax: (980) 272-3401
 www.BohlerEngineering.com

REZONING PLAN
 PETITION# 2015-054
 SHEET NUMBER
RZ-1



Agenda Date: 12/14/2015

Agenda #: 5.File #: 15-1791 Type: Zoning Decision

Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC

Update: Protest Petition (Sufficient)

Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)

Current Zoning: R-3 (single family residential)

Proposed Zoning: BD (CD) (distributive business, conditional)

Zoning Committee Recommendation:

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition as modified.

Staff Recommendation:

Staff agrees with the recommendation of the majority of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be inconsistent with the *South District Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use up to three dwelling units per acre.

However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The site is not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and
- The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and
- Self-storage facilities have low traffic volumes; and
- The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area.

Attachments:

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

Site Plan

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: BD(CD) (distributive business, conditional)
LOCATION	Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow the development of a climate controlled storage building and general/medical office uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Robert D. Ross and Claudia T. Ross Taylor/Theus Development Holdings, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 51
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential use up to three dwelling units per acre. <p>However, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site is not conducive to residential development due to its size and location adjacent to athletic facilities for Ardrey Kell High School; and • The petition restricts the site to a climate controlled self-storage facility and medical and general office uses; and • Self-storage facilities have low traffic volumes; and • The petition limits maximum building heights, and provides building and site design commitments that reduce the impacts on residential uses in the area; <p>By a 5-1 vote of the Zoning Committee (motion by Wiggins seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications and the petitioner's commitment to address one outstanding issue:</p> <ol style="list-style-type: none"> 1. Staff rescinded the request for the petition to consider a different site layout because the petitioner provided staff with several layout options and it staff determined that the layout as proposed was the best option for internal pedestrian and vehicular circulation, efficient use of the site, and buffering and screening. 2. Deleted note C. IV. and amended note C. IV. to reflect the addition of the building envelope. 3. Provided a rear elevation of the building located in Area B showing the view from Community House Road. 4. Provided a note committing to the provision of supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a "Class C" buffer to ensure that the building is completely screened from Purchase Street. 5. Removed the phrase "(including, without limitation, financial institution uses)" from note 1. A. 6. Specified that windows facing Ardrey Kell and Community House Road will be clear glass within development Area A.
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7. Replaced the existing five-foot sidewalk and two-foot planting strip along Ardrey Kell Road with an eight-foot planting strip (width of planting strip may vary to avoid existing utility poles) and six-foot sidewalk from the intersection of Community House Road and Ardrey Kell Road to the driveway into the site. The existing five-foot sidewalk and six-foot planting strip from the driveway to the western property is sufficient in width and shall remain.
8. Provided a pedestrian connection, across the private driveway from the building in Area B, to the sidewalk network in Area A.
9. Amended Note 9. C. to read, "Wall pak lighting will not be allowed. However, other lighting fixtures that are decorative capped and downwardly directed will be allow on the proposed buildings walls.
10. Reduced the sign height and area specified in Note 8.c. to limit the height of ground mounted signs on Community House Road to four feet and not to exceed 32 square feet in area.
11. Committed to amending the language of note 5.g. to say the width of the planting strip may be increased to avoid existing utility poles.

VOTE

Motion/Second: Wiggins/Sullivan
 Yeas: Dodson, Eschert, Nelson, Sullivan and Wiggins
 Nays: Labovitz
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the rezoning request and the changes made since the public hearing. The petitioner has committed to address the final outstanding issue. Staff pointed out that the opposition provided an example of how a single family development of the site could look. A commissioner asked how the uses on the site related to Ardrey Kell High School. Staff described the site layout and the location of high school facilities. The commissioner asked about comments from Charlotte Mecklenburg Schools (CMS). Staff explained that typically with petitions that do not have residential components CMS does not provide comments. Planning is working with CMS on the issue to determine when they do need to comment. The commissioner suggested that irrespective of the outcome of the Zoning Committee's vote a specific request for comments be asked for this petition. A commissioner asked what other permitted uses would be allowed by the current zoning versus what is proposed. Staff explained that the proposed site plan restricts the uses to an enclosed self-storage facility and general and medical offices. The site is currently zoned R-3 (single family residential) so uses permitted in that district could be developed on the site. These include single family homes, religious institutions, and schools, police stations, and fire stations. Retail would not be permitted.

A commissioner stated that the biggest issue that makes the site not appropriate for residential use in their opinion is the property fronts on two major thoroughfares that will likely be widened in the future. Another commissioner asked CDOT to provide more details on the traffic generation. CDOT staff explained that if the site were developed for single family use there would be about 150 trips versus the proposed use would generate about 1,400 daily trips. Staff pointed out the staff analysis showed a larger proposed trip generation because the petitioner was proposing a financial institution with a drive-through but since the hearing, the petitioner removed that proposed use.

A commissioner asked what other commercial developments there are along Community House Road between Ardrey Kell Road and Ballantyne Commons Parkway. Staff responded that they were not sure but could provide an answer at a future meeting. The commissioner was concerned that this section of Community House Road has a residential feel and this rezoning could start to change that feel. A

commissioner asked if CDOT would allow a cul-de-sac with one way in and out. Staff responded that other standards such as the Subdivision Ordinance requirements would be a factor. A commissioner stated that they felt that a single family developer would have a hard time making a viable project on the site.

Another commissioner said that self-storage facilities are becoming more prevalent and the market has changed the way these uses operate. A commissioner asked what zoning districts allow self-storage. Staff responded that the use is allowed in B-D, I-1, I-2, and UMUD. The commissioner replied that the use in some cases is not monitored. The commissioners suspended the rules to ask the petitioner how the particular facility operates. Bill Theus stated that the use of the facility is restricted by the lease, each person has a key pad entry so you know who comes and goes, there are cameras on every hallway that are on at all times. The site is managed with employees during normal business hours and entry is restricted from six am to ten pm. Loading occurs in rear and left side of the building. There is not a loading dock; vehicles will drive up to the marked loading zone near sliding doors. Lighting is motion sensor inside and on a timer or photocell outside. There are restrictions on the height and type of lighting outside.

A commissioner explained their biggest concern is that this rezoning may set a precedent for additional commercial uses in the primarily residential area. A commissioner replied they compare the mass of the building and facility to that of the high school.

A commissioner asked about the staff's conclusion regarding single family use. Staff responded that it is possible that someone could develop the site for residential use but staff feels that it would be difficult for a single family developer to make a viable project on the site due to the sites location abutting the athletic fields of the high school. The area plan, which recommends residential, was adopted prior to the construction of Ardrey Kell High School. A commissioner asked if at one time the land for the high school was zoned R-3. Staff stated that the property is still zoned R-3. A commissioner asked for clarity on the turning movements along Ardrey Kell Road and the driveway access. CDOT staff explained there is a turn lane and the proposed driveway is full movement.

MINORITY OPINION

The commissioner feels the site is not appropriate for the proposed use and zoning because there is no area zoned non-residential nearby. They are also concerned about safety for vehicles and pedestrians, especially school children. The proposal is inconsistent with the adopted area plan.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

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:

- Proposes two development areas (Area A, along Ardrey Kell Road, and Area B, along Community House Road).
- Allows up to 32,500 square feet of gross floor area for medical and general office uses within Area A and up to 105,000 square feet of gross floor area of climate controlled storage uses within Area B.
- Allows up to four principal buildings on the site.
- Prohibits outdoor storage and truck rental associated with the climate controlled storage facility.

- Limits the maximum building height in Area A to two stories not to exceed 40 feet and the maximum building height in Area B to three stories not to exceed 40 feet.
- Specifies the climate controlled storage use must be located within development Area B.
- Provides access to the site via a driveway off Community House Road, north of Purchase Street, and a driveway off Ardrey Kell Road between Wade Ardrey and Community House Roads.
- Commits to the extension of the east bound left-turn lane on Ardrey Kell Road and restriping of the southbound left-turn lane on Community House Road.
- Maintains the planting strips and sidewalks along Community House Road and a portion of Ardrey Kell Road, replaces the portion of the planting strip and sidewalk along Ardrey Kell Road between the proposed driveway and the intersection with Community House Road with a minimum eight-foot planting strip, six-foot sidewalk, and provides an internal sidewalk network linking buildings and parking areas to the public streets.
- Specifies that loading for the storage facility will not be located facing Community House and Ardrey Kell Roads. Prohibits parking between the buildings in Area A and the public streets.
- Provides a 40-foot setback along Community House Road and 15-foot setback along Ardrey Kell Road.
- Specifies that the majority of the existing trees within the 40-foot setback on Community House Road within Area B will be preserved and provides a landscaping screen for the parking in Area B. Commits to supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a "Class C" buffer to ensure that the building is completely screened from Purchase Street. Screens the parking in Area A with a low wall and accent plantings.
- Commits to landscaping at the corner of Community House Road and Ardrey Kell Road.
- Provides buffers along the north and west property lines adjacent to the athletic fields.
- Specifies building materials and provides elevations of the proposed storage facility.
- Limits the size of wall signs within Area B to 100 square feet of sign surface per wall or 5% of the wall area to which they are attached, whichever is less. The size may be increased by 10% if individual letters are used. Allows two detached signs per street front. Limits detached, ground mounted signs along Community House Road to four feet in height and 32 square feet in area and along Ardrey Kell Road to seven feet in height and 64 square feet in area.
- Prohibits signs on clear glass windows. Specifies that buildings within Area A will have clear glass windows facing Community House and Ardrey Kell Roads.
- Limits the height of detached lighting to 20 feet.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends residential up to three dwelling units per acre.
 - The petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
The existing zoning allows for a variety of uses that could generate significantly different volumes of trips per day and the rezoning proposal has changed since the original filing of the petition. The following is a summary of the trip generation potential under the various possible development scenarios:

Existing zoning: R-3 (single family residential)

Use	Trips per day
Existing (vacant)	0
Community college building	3,400
17 single family dwellings	170

Proposed zoning: BD(CD) (business distributive, conditional)

Use	Trips per day
32,500 square feet of medical office and 105,000 square feet of climate controlled storage	1,440

- **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by developing an infill site.
-

OUTSTANDING ISSUES

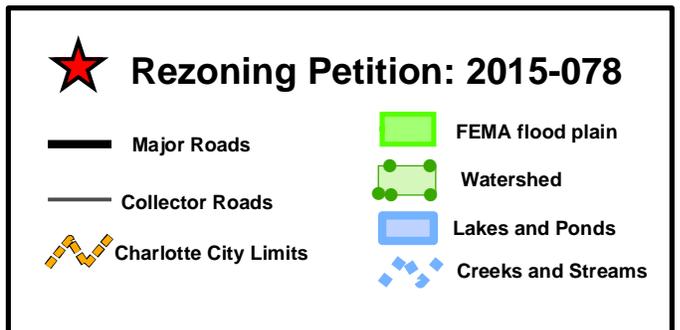
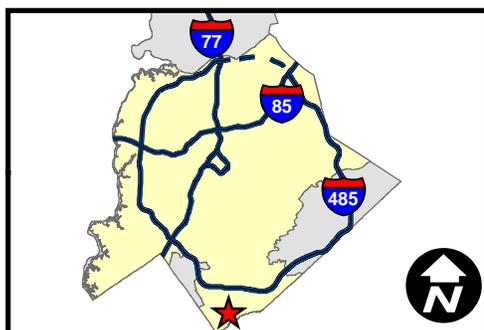
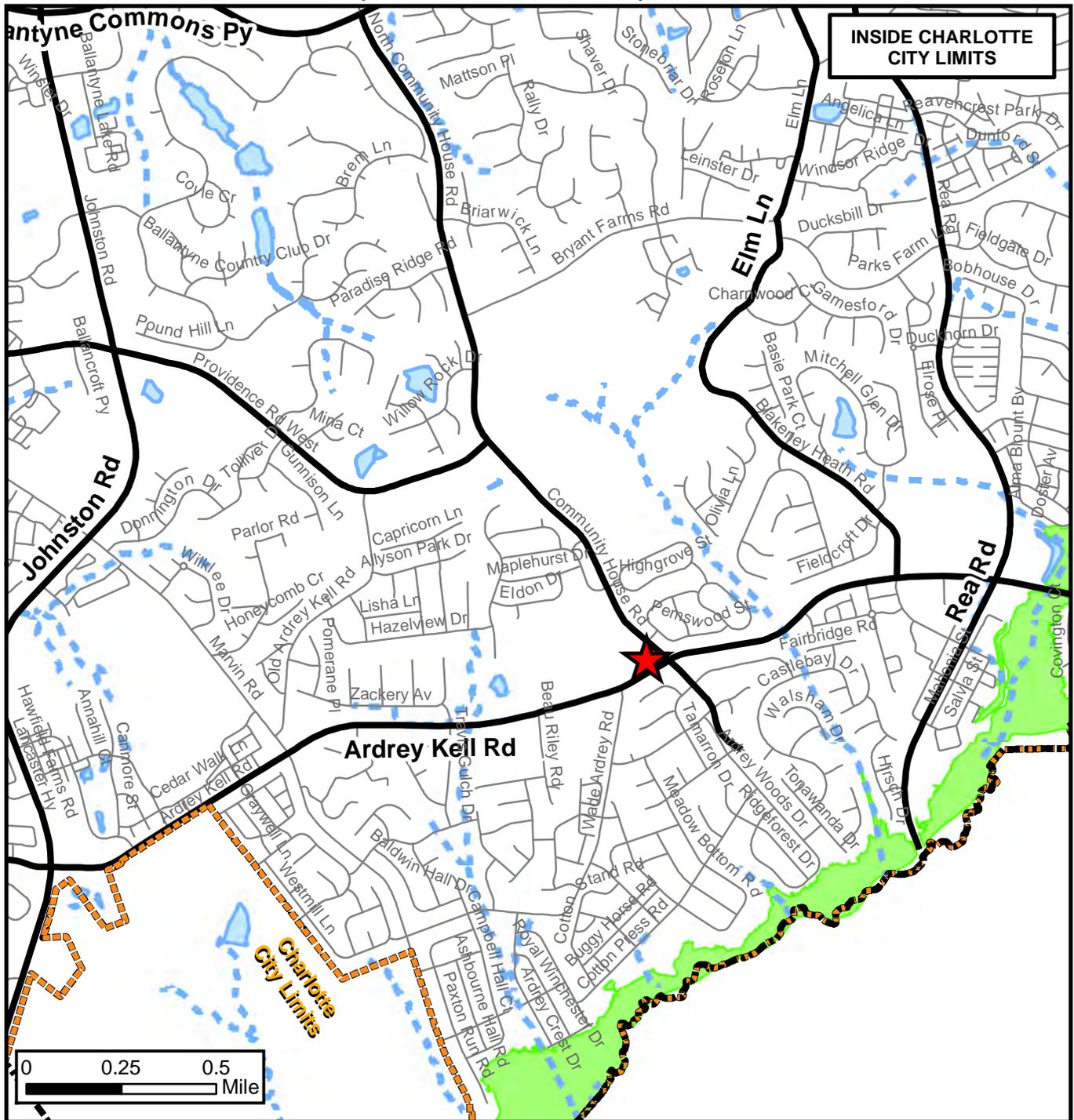
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: John Kinley (704) 336-8311

Acresage & Location : Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road.



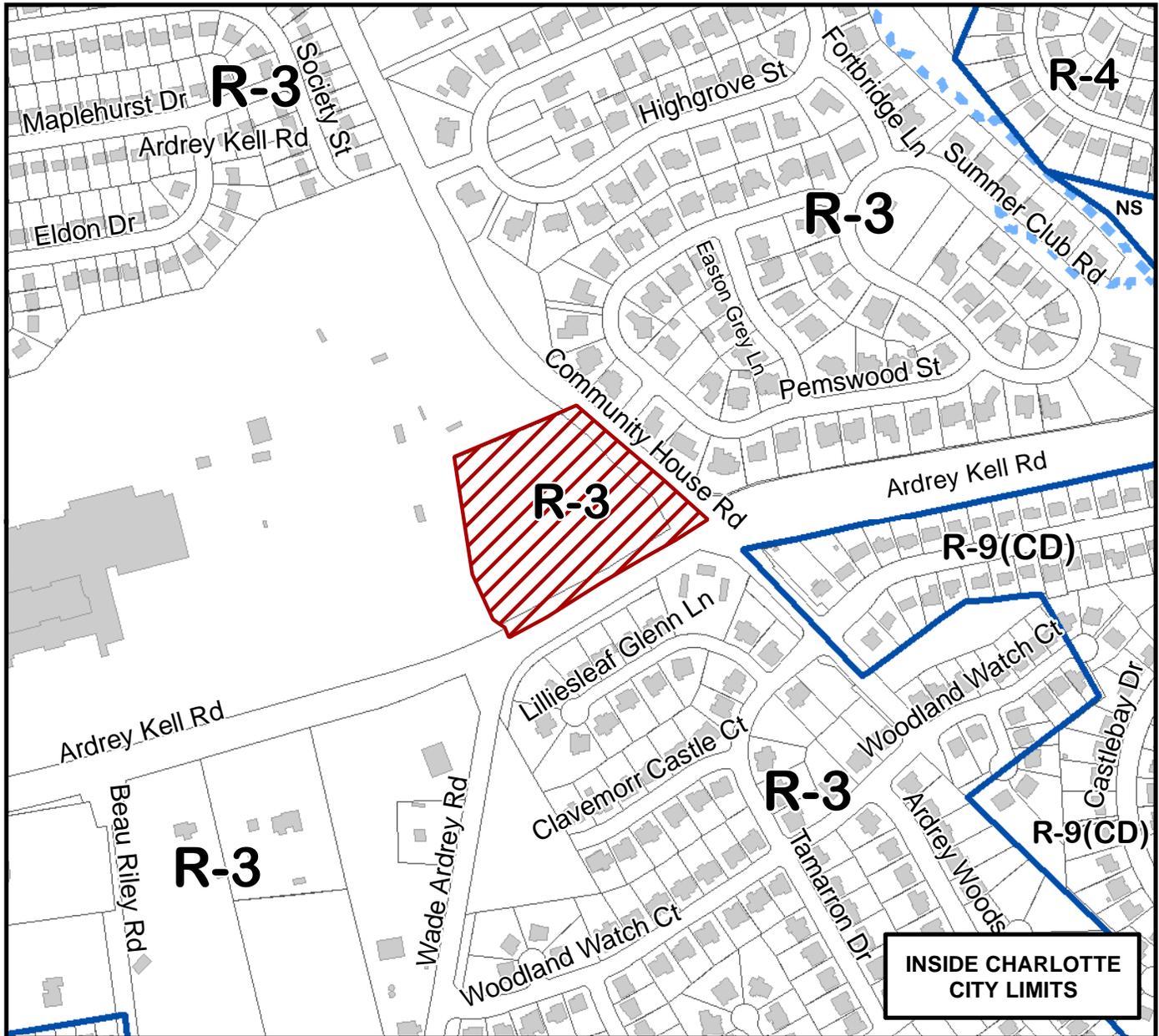
Petition #: **2015-078**

Petitioner: **Taylor/Theus Development Holdings, LLC**

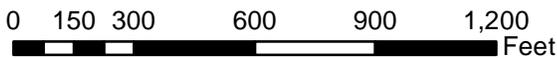
Zoning Classification (Existing): **R-3**
(Single Family, Residential)

Zoning Classification (Requested): **BD(CD)**
(Distributive Business, Conditional)

Acreage & Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road.

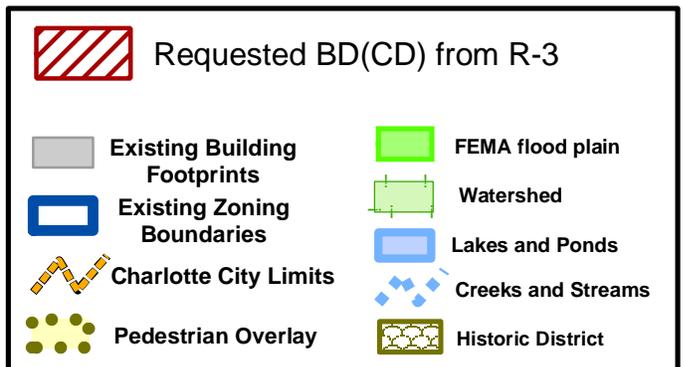


Map Produced by the Charlotte-Mecklenburg Planning Department, 5-19-2015.



Zoning Map #(s)

185



- Site Development Data:**
- Acreage: ± 5.67 acres
 - Tax Parcel #: 229-011-23
 - Existing Zoning: R-3
 - Proposed Zoning: BD(CD)
 - Existing Uses: Vacant
 - Proposed Uses: General and medical offices use, and climate control storage uses, as permitted by right and under prescribed conditions together with accessory uses, as allowed in the BD zoning district (as more specifically described in the Development Standards below).
 - Maximum Gross Square Feet of Development: Up to: (i) 32,500 square feet of gross floor area of general and medical office uses; and (ii) up to 105,000 square feet of gross floor area of climate controlled storage; all as allowed by right and under prescribed conditions in the BD zoning district (as more specifically described in the Development Standards below).
 - Maximum Building Height: Within Development Area A the maximum allowed building height will be two (2) stories not to exceed 40 feet; and within Development Area B the maximum allowed building height will be three (3) stories not to exceed 40 feet; (for the purposes of each of these height limits, roof top mechanical equipment, and screens or devices used to screen roof top structures or equipment, spires, mansards, domes, or other architectural features will not be considered for the calculation of allowed building height; otherwise building height will be measured as defined by the Ordinance).
 - Parking: As required by the Ordinance for the proposed uses.

- 1. General Provisions:**
- a. **Site Location.** These Development Standards, the Technical Data Sheet, Schematic Site Plan and other graphics set forth on attached Sheets RZ-1 and RZ-2 form this rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by Taylor/Theus Development Holdings, LLC ("Petitioner") to accommodate the development of a high quality climate control storage facility, and general and medical office uses on an approximately 5.67 acre site located on the northwest corner of the intersection of N. Community House Road and Ardrey Kell Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the BD zoning classification shall govern all development taking place on the Site.
- c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets, Development Areas (as defined below) and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan shall be reviewed in conjunction with the provisions of the Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or
- ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; such as minor modifications to the configurations of the Development Areas (as defined below), driveway and parking area dimensions and the like as long as the modifications maintain the general building/parking orientation and character of the development generally depicted on the Rezoning Plan; or
- iii. modifications to move structures graphically depicted on the Rezoning Plan within Development Area A closer to adjacent properties but no closer than the "building envelope line" indicated on Sheet RZ-1.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** Notwithstanding the number of buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited four (4). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory structure/building.
- e. **Planned/Unified Development.** The Site shall be viewed in the aggregate as a planned/unified development plan as to the elements and portions of the Site generally depicted on the Rezoning Plan. As such, side and rear yards, buffers, building height separation standards, FAR requirements, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site. The Petitioner and/or owner(s) of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, public/private street frontage requirements and FAR requirements, provided, however, all such separation standards along the exterior boundary of the Site shall be adhered to and all FAR requirements will be regulated by any development limitations set forth in Section 2 below as to the Site, taken as a whole and not individual portions or lots located therein.

2. Permitted Uses, Development Area Limitations:

- a. For ease of reference, the Rezoning Plan sets forth two (2) development areas as generally depicted on the Technical Data Sheet as Development Areas A and B (each a "Development Area" and collectively, the "Development Areas").
- b. Subject to the restrictions and limitations listed below, the principal buildings constructed on the Site may be developed with up to: (i) 32,500 square feet of gross floor area of medical and general office uses in Development Area A; and (ii) 105,000 square feet of gross floor area of climate controlled storage uses ("warehousing within an enclosed building") within Development Area B; together with as to (i) and (ii) accessory uses allowed in the BD zoning district.
- c. The allowed climate controlled storage use must be located within Development Area B.
- d. Outdoor storage will not be allowed.
- e. Truck rental associated with the climate controlled storage facility will not be allowed.

For purposes of the development limitations set forth in these Development Standards (but not to be construed as a limitation on FAR requirements), the term "gross floor area" or "GFA" shall mean and refer to the sum of the gross horizontal areas of each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), areas associated with enclosed escalators and public open space, all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level (parking for outdoor dining areas will be provided as required by the Ordinance or these development standards).

- 3. Access:**
- a. Access to the Site will be from N. Community House Road and Ardrey Kell Road as generally depicted on the Rezoning Plan, subject to adjustments as set forth below.
- b. The Petitioner will extend the existing east bound left turn lane on Ardrey Kell Road to serve the proposed driveway into the Site from Ardrey Kell Road, by repainting the existing pavement markings. The Petitioner will also re-stripe the existing southbound left turn lane on N. Community House Road to allow left turns into the Site.
- c. The existing sidewalk and planting strip will be maintained along N. Community House Road and Ardrey Kell Road.
- d. The Petitioner will provide a sidewalk and a cross-walk network that links the buildings and parking areas on the Site with one another by way of links to sidewalks along the abutting public streets and the internal private drive. The minimum width for these internal sidewalks will be five (5) feet.
- e. The exact alignment, dimensions and locations of the access points to the Site, the driveways on the Site and streetscape cross-sections for the private drive on the Site

may be modified from the elements shown on the Rezoning Plan provided that the overall design intent is not materially altered and requirements described in this Section 3. are met.

4. Parking Areas, Access and Circulation Design Guidelines:

- a. The loading areas associated with the proposed climate controlled storage facility may not be located on the portions of the climate controlled storage facility that faces N. Community House Road or Ardrey Kell Road.
- c. Within Development Area A parking areas or spaces may not be located between the building(s) and (i) Ardrey Kell Road, and (ii) N. Community House Road (but may be located to the side and rear of such building).
- 5. Setbacks, Buffers and Screening:**
- a. A 40 foot setback will be provided along N. Community House Road and a 15 foot setback will be provided along Ardrey Kell Road as generally depicted on the Rezoning Plan.
- b. A 34 foot Class C Buffer will be provided along the Site's northern and western property lines adjacent to Ardrey Kell High School as generally depicted on the Rezoning Plan; provided, however, this buffer may be reduced in width as allowed by the Ordinance. Utility lines may cross the buffer at angles no greater than 75 degrees. The Petitioner reserves the right to install a five (5) foot high black vinyl chain link fence on the interior side of the Class C Buffer (this fence may not be used to reduce the width of the buffer but an opaque fence may be installed and result in such a reduction).
- c. Due to the presence of an existing buffer on the adjacent Ardrey Kell High School, the Petitioner reserves the right to apply for an "Alternative Buffer" approval per Section 12.304 of the Ordinance. The "Alternative Buffer" approval may reduce or eliminate the amount of landscape material that is required to be installed as part of a Class C Buffer.

- d. A majority of the existing trees within the 40 foot setback along N. Community House Road within Development Area B will be preserved. The existing trees that are preserved within this 40 foot setback will be supplemented with additional landscape materials so the combination of existing trees and new landscape material meets the standards of a Class C Buffer as outlined in the Ordinance.
- e. Parking areas located along Ardrey Kell Road will be screened by a low wall (3.0' to 3.5' feet high) and with low accent plantings; and such wall will be constructed of building materials generally compatible with the buildings to which they relate.
- f. The corner of N. Community House Road and Ardrey Kell Road will be attractively landscaped with a variety of landscape materials (trees, shrubs, ornamental grasses, grass, and/or areas of seasonal color) as conceptually illustrated and generally depicted on the Rezoning Plan.
- g. The Petitioner will replace a portion of the existing sidewalk along Ardrey Kell Road with a new six (6) foot sidewalk with an eight (8) foot planting strip (the width of the planting strip may be increased to avoid existing utility poles). The portion of sidewalk to be replaced will be the sidewalk located between N. Community House Road and the proposed driveway into the Site from Ardrey Kell Road as generally depicted on the Rezoning Plan.

6. Architectural Standards Design Guidelines:

- a. The principal buildings constructed on the Site may use a variety of building materials. The building materials used for buildings will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
- b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
- c. The buildings constructed within Development Area A will utilize clear glass on the windows that face N. Community House Road and Ardrey Kell Road.
- d. Meter banks will be screened from adjoining properties and from N. Community House Road and Ardrey Kell Road.
- e. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.
- f. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building. The location of the proposed dumpster and recycling areas is generally depicted on the Rezoning Plan.

7. Environmental Features:

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- b. The Site will comply with Tree Ordinance.

8. Signage:

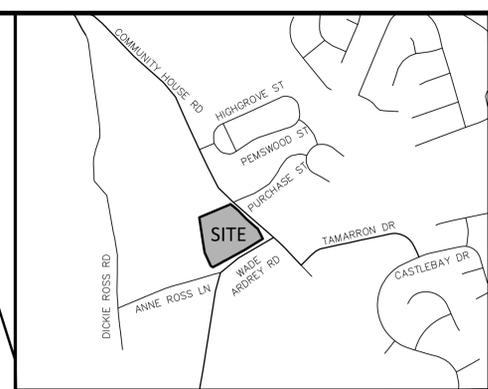
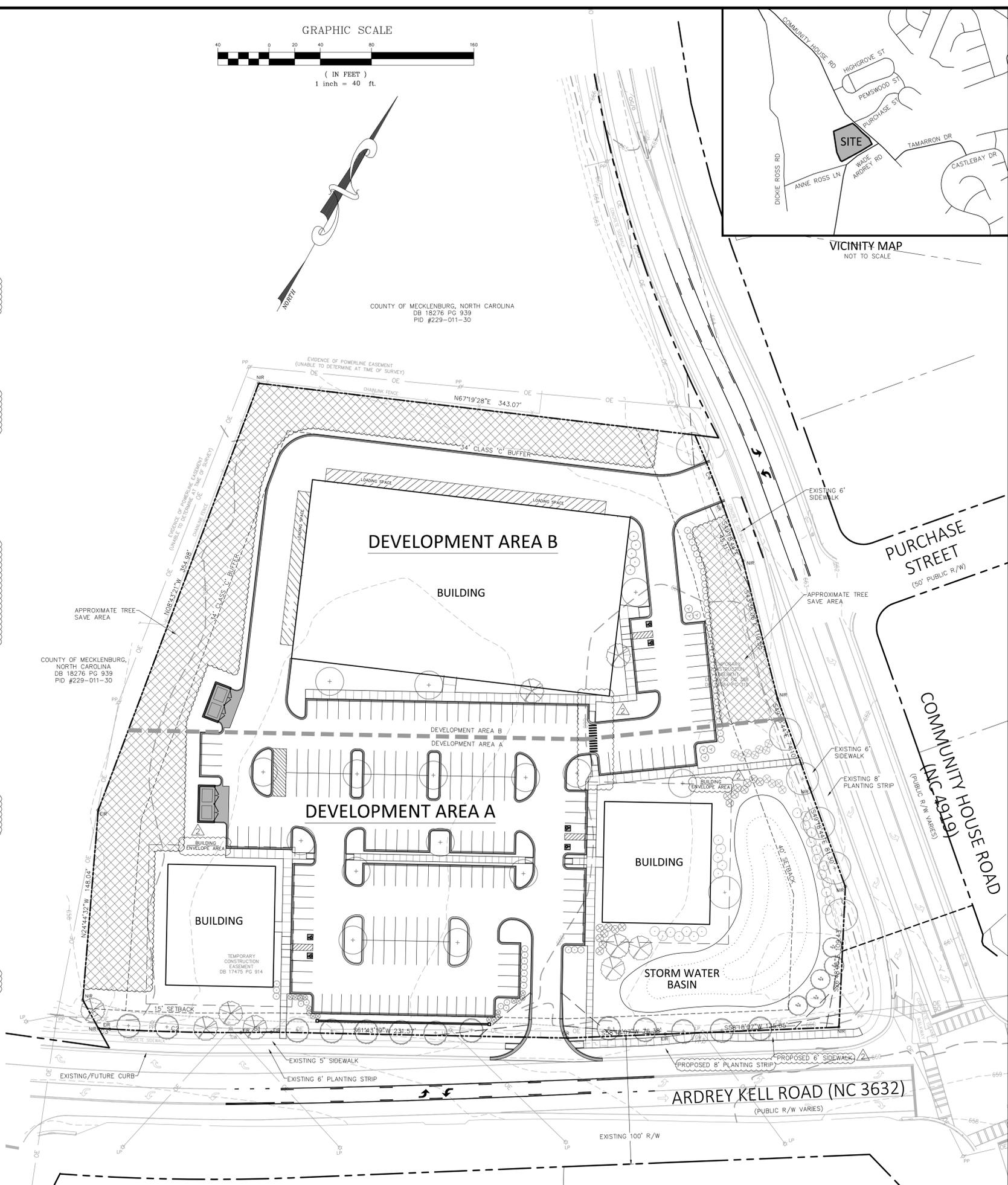
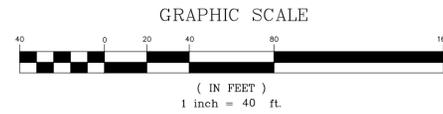
- a. Wall signs within Development Area B will be limited to 100 square feet of sign surface area per wall or 5% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used.
- b. Wall signs within Development Area A will be allowed as allowed by the Ordinance.
- c. Detached signs along N. Community House and Ardrey Kell Road must be ground mounted signs. The maximum height of the detached signs along N. Community House Road will be four (4) feet and may not contain more than 32 square feet of sign area. The maximum height of the detached signs located along Ardrey Kell Road will be seven (7) feet and may not contain more than 64 square feet of sign area.
- d. The uses located within Development Areas A and B will be allowed one detached ground mounted sign per development area along on Ardrey Kell Road and N. Community House Road per the standards above (i.e. a total of two detached signs per street front).
- e. On premises directional and instructional signs may be located throughout the Site per the standards of the Ordinance.
- f. Signs may not be placed on windows with clear vision glass.
- 9. Lighting:**
- a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
- b. Detached lighting on the Site, except street lights located along public streets, will be limited to 20 feet in height.
- c. Wall pack type lighting fixtures that are decorative, capped and downwardly directed will be allowed on the proposed building walls.
- 10. Phasing:**
- a. As part of the construction of the first building on the Site, either in Development Area A or B, the proposed access points and associated roadway improvements will be installed. The Petitioner will also implement the landscaping specified at the corner of N. Community House Road and Ardrey Kell Road.

11. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

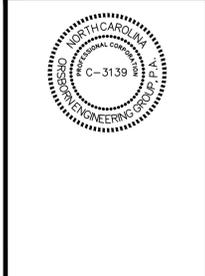
12. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.



SCHEMATIC SITE PLAN PETITION #2015-078
FOR
BALLANTYNE SELF STORAGE
CHARLOTTE, NORTH CAROLINA

TAYLOR/THEUS
DEVELOPMENT
HOLDINGS, LLC.
1213 LADY STREET
SUITE 300
COLUMBIA, SC 29201



| DATE | REVISED PER STAFF COMMENTS |
|----------|----------------------------|----------------------------|----------------------------|----------------------------|
| 09/08/15 | REVISED PER STAFF COMMENTS |
| 07/23/15 | REVISED PER STAFF COMMENTS |
| 06/18/15 | REVISED PER STAFF COMMENTS |

JOB # 14039
DATE: 04/22/15
SCALE: 1" = 40'
DRAWN BY: JAW
APPROVED BY: JCO

RZ-1



SELF STORAGE BUILDING
(VIEW FROM ARDREY KELL ROAD)



SELF STORAGE BUILDING
(VIEW FROM SOUTHBOUND COMMUNITY HOUSE ROAD)


COTHRAN HARRIS
 ARCHITECTURE


ORSBORN ENGINEERING GROUP
 610 EAST MORHEAD STREET, SUITE 106
 CHARLOTTE, NC 28202
 P) 704-749-1432 • F) 704-749-1433

SCHEMATIC SITE PLAN PETITION #2015-000
 FOR
BALLANTYNE SELF STORAGE
 CHARLOTTE, NORTH CAROLINA

TAYLOR/THEUS
 DEVELOPMENT
 HOLDINGS, LLC.
 1213 LADY STREET
 SUITE 300
 COLUMBIA, SC 29201



NO.	DATE	REVISIONS
1	06/18/15	REVISED PER STAFF COMMENTS
2	07/23/15	REVISED PER STAFF COMMENTS

JOB # 14039
 DATE 04/22/15
 SCALE NTS
 DRAWN BY JAW
 APPROVED BY JCO

NOTE:
THIS ELEVATION IS PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDINGS CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).

RZ-2

September 09, 2015 8:46am By: JNicker
 C:\Users\jnpf\OneDrive\Autocad\Pub\606414039 RZ-1 REZONING.dwg



Agenda Date: 12/14/2015

Agenda #: 6.File #: 15-1991 Type: Zoning Decision

Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)

Current Zoning: O-2 (CD) (office district, conditional)

Proposed Zoning: MUDD-O (mixed use development district, optional)

Zoning Committee Recommendation:

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition as modified.

Staff Recommendation:

Staff disagrees with the recommendation of the Zoning Committee, for the following reasons:

- a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district's minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for the location of the new street that is not fully engineered to shift if needed.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *University City Area Plan* based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of residential, office and/or retail uses in this area.

Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The petition proposes a mixture of hotel rooms and residential units; and
- Provides a new local street that is identified in the adopted area plan as a desired connection; and
- Provides buffers abutting multi-family residential uses; and
- Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and
- Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment.

Attachments:

Zoning Committee Recommendation
Vicinity Map

Agenda #: 6.File #: 15-1991 Type: Zoning Decision

Rezoning Map
Site Plan

REQUEST	Current Zoning: O-2(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W. T. Harris Boulevard and University Executive Park Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to develop a vacant site located within a half mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charlotte University Park, LLC Water Walk RE Development Services, LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online Number of people attending the Community Meeting: 0
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>University City Area Plan</i> based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends a mix of residential, office and/or retail uses in this area. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The petition proposes a mixture of hotel rooms and residential units; and • Provides a new local street that is identified in the adopted area plan as a desired connection; and • Provides buffers abutting multi-family residential uses; and • Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and • Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment; <p>By a 6-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reoriented building to shift location of primary entrance toward University Executive Park Drive. 2. Added a porte-cochere for drop-off and to help further create a prominent primary entrance. 3. The petitioner has provided a 10-foot Class "C" buffer along the property line with the existing multi-family use in O-3(CD) zoning as the proposed MUDD (mixed use development) does not require buffers. 4. Reduced parking from a rate of 1.6 spaces per unit to 1.2 spaces per unit, for a total of 180 parking spaces. 5. Oriented public open space to be accessible from the street network. 6. Added Notes 4(a) and (b) as follows: Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University
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Executive Park Drive subject to the City agreeing to provide the petitioner up to \$250,000 to construct the new public street. As part of this agreement the petitioner will:

7. Dedicate or convey to the city a 40-foot wide strip of property along the site's northern property boundary for the construction of a new public street that will connect Collins Aikman Drive to University Executive Park Drive;
8. Construct within the 40-foot right-of-way a public street that will contain two travel lanes with 20 feet of pavement; 2.5-foot curb and gutter on each side; and an eight-foot planting strip and six-foot sidewalk on the side of the new public street adjacent to the site (on street parking may also be provided along the street).
9. The City will be responsible for the maintenance and up keep of the new street, upon dedication or conveyance of the street to the City.
10. Reflects an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on University Executive Park Drive, and commits to provide an eight-foot planting strip and six-foot sidewalk on the side of the Collins Aikman Drive Extension adjacent to the site.
11. Deleted Note 1(c)(i-iv) including the footnote.
12. Amended Note 4c to delete the following: The existing sidewalk and planting strip on Executive Park Drive will remain.
13. Deleted Note 6c, which indicated that screening will meet ordinance requirements.
15. Specified the location of proposed gates at driveway entrances.
16. Updated building elevations and included an optional elevation that reflects a change to building materials as allowed per Note 5a.
17. Provided a knee wall and ornamental fencing to screen parking along the new street.
18. Amended plan to show that the gate on the driveway from University Executive Park Drive will be located a minimum of 60 feet from the back of the sidewalk, and to add a note that the gated access from the new public street will be equipped with a transponder or similar equipment.
19. Amended plan to shift the outer row of nine parking spaces that abuts the new street.
20. Added a note that the petitioner will discuss with University Research Partners (URP) the possibility of allowing the on-site tree save area to be used as public open space.
21. Amended Note 2c to clarify that the optional request seeks to allow a three-foot screen wall instead of the minimum four-foot high wall required per the ordinance.
22. Added a note that if the alignment of the new road shifts during the Subdivision approval process the proposed storm water detention area and the on-site parking areas will shift accordingly.
23. Added a note that approval for the road will be done through the Subdivision approval process and that site plan approval for the remainder of the site will be done through the MUDD approval process.
24. Amended Note 6a to state that the proposed 16-foot setback along University Executive Park Drive will be measured from the existing or future back of curb as required by the Ordinance.
25. Added #2 to the notes regarding Optional Provisions.
26. Amended Note 4(a)(II) as follows: If on-street parking is provided along the new public street it must be recessed and can only be accommodated if the road is widened and additional right-of-way provided. On-street parking cannot be provided in the proposed 40-foot right-of-way.
27. Amended Note 4(d) to clarify that an eight-foot planting strip and six-foot sidewalk will be provided along the existing cul-de-sac bulb of Collins Aikman Drive as well as the new extension of Collins Aikman Drive (one side only).
28. Amended Note 5e to delete reference to Abbey Place.

- 29. Added a note that the petitioner must design, build, and plat the new road prior to issuance of a certificate of occupancy for the proposed single building designed to serve as corporate housing units. The petitioner must post a bond at the time of platting if road work is not completed.
- 30. Deleted Sheet R-100.

VOTE

Motion/Second: Labovitz/Eschert
 Yeas: Dodson, Eschert, Labovitz, Nelson, Sullivan, and Wiggins
 Nays: None
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition, reviewed new notes added by the petitioner the day of the Zoning Committee meeting, and noted that one outstanding issue has not been addressed. The outstanding issue was identified as the request to remove the outer row of nine parking spaces that abuts the new street, and specified staff’s rationale for the request include:

- a) the site is parked at 1.2 spaces per unit, which exceeds the MUDD district’s minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for the new street to shift if needed.

A committee member asked if the site would meet the parking requirement if the nine spaces are removed. Staff responded the site should meet the parking requirement based on the proposed 1.2 spaces per unit, which exceeds the minimum ordinance parking required for both uses.

Another committee member asked the number of bedrooms that will be provided per unit. Staff could not answer this question. The committee asked the aforementioned questions to the petitioner and agent. The agent, Keith MacVean, responded that the site would not meet the required parking if the nine spaces were to be removed and specified that one, two and three-bedroom units will be provided.

A committee member stated that though the site is in a proposed transit area it is currently very suburban in nature. The member asked how the road is being installed. CDOT staff stated that the Northeast Corridor Infrastructure Program (NECI) program is providing up to \$250,000 toward installation of the road.

A member asked the typical length of stay at the proposed facility. The petitioner, Bill Chaffee, responded over 80 days on the hotel site and an average 180 days for the extended stay side. The petitioner’s agent further clarified that both hotel units and extended stay units are designed the same but that some of the units are fully furnished and the other portion are unfurnished. Staff clarified that the zoning ordinance does not have a definition or use category for extended stay facilities. The Zoning Administrator made an interpretation that the length of stay allowed by some of the units constituted a living unit and was classified as a multi-family dwelling unit. Because the current approved site plan allows hotel units, the site had to be rezoned to allow residential dwelling units. A committee member stated that an accompanying family member may need use of a car and, for that reason, they were okay with allowing the nine parking spaces to remain.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee, for the following reasons:

- a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district's minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;
- b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;
- c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;
- d) parking in this area leaves little room for location of the new street that is not fully engineered to shift if needed.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- Petition 1998-39 rezoned the subject property (identified as Area 2c) to O-2(CD) to allow two hotels with up to 384 rooms.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- A mix of up to 150 hotel rooms and residential dwellings in one principal building designed to serve as corporate housing.
- Building height limited to four stories and 60 feet.
- Building materials to be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material only to be used on windows, soffits and handrails/railings.
- A minimum of 40% of the exterior of the building, exclusive of windows, doors and roofs to be constructed with masonry materials such as brick, stone, precast stone and precast concrete.
- Building elevations have been provided.
- The portion of the building facing University Executive Park Drive not to have expanses of blank walls that exceed 20 continuous feet in length.
- A 16-foot setback to be provided along University Executive Park Drive and Collins Aikman Drive.
- Parking limited to 1.2 spaces per hotel room or residential unit. This is an increase in parking from one space per residential unit and 0.5 per hotel as required in (mixed use development) MUDD.
- Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University Executive Park Drive subject to the City agreeing to provide the petitioner up to \$250,000 to construct the new public street.
- Site access proposed via gated entrances on one driveway off University Executive Park Drive and a driveway connection on the proposed extension of Collins Aikman Drive.
- Provision of an eight-foot planting strip and eight-foot sidewalk along the site's frontage on University Executive Park Drive, and an eight-foot planting strip and six-foot sidewalk along the existing cul-de-sac and proposed extension of Collins Aikman Drive.
- A sidewalk and crosswalk network that links the buildings on the site to the sidewalks along University Executive Park Drive and Collins Aikman Drive to be provided along the site's internal parking area.
- A 10-foot wide Class C buffer along the property line with the existing multi-family use in O-3(CD) zoning.
- Optional Provisions for the following allowances:
 - Allow parking between the building and Collins Aikman Drive and University Executive Park Drive as generally depicted on the rezoning site plan. Parking between buildings and streets is disallowed in the MUDD (mixed use development) except through an optional provision.
 - Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. The MUDD (mixed use development) district allows signs located on any building wall to have a maximum sign surface not to exceed 5 percent of the building wall area to which the sign is attached up to a maximum of 100 square feet.
 - Allow a three-foot screen wall instead of the minimum four-foot high wall required per the

ordinance.

- **Public Plans and Policies**
 - The *Northeast District Plan* (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.
- **TRANSPORTATION CONSIDERATIONS:** No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 10 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 10 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) significantly. The schools are anticipated to remain at the current utilization shown below.
 - University Meadows Elementary at 139%
 - James Martin Middle at 98%
 - Vance High at 142%
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

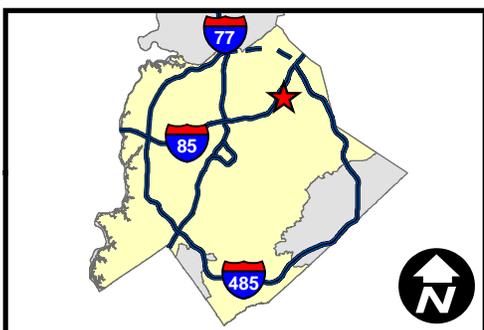
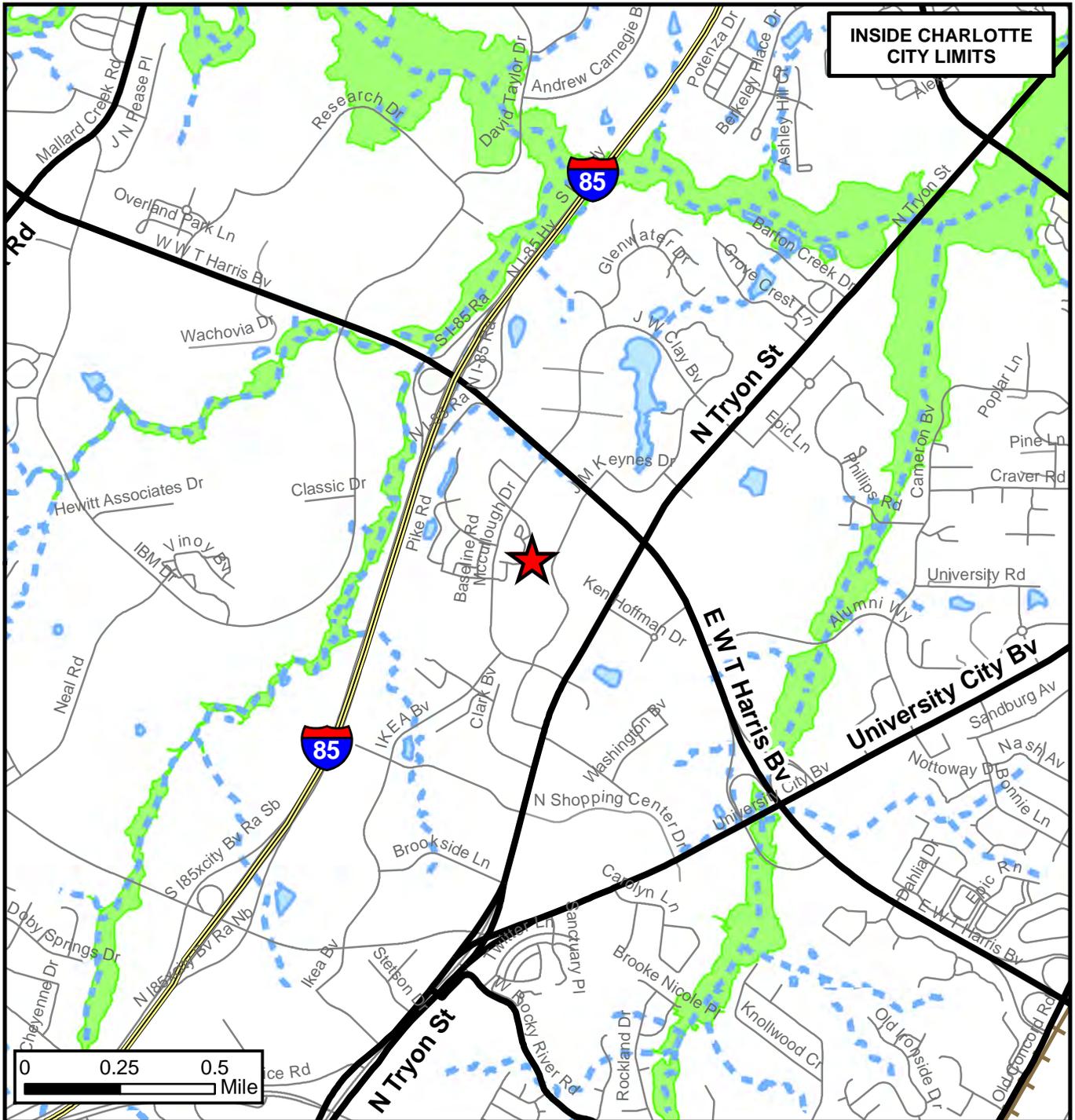
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments:
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Petition #: **2015-109**

Vicinity Map

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.



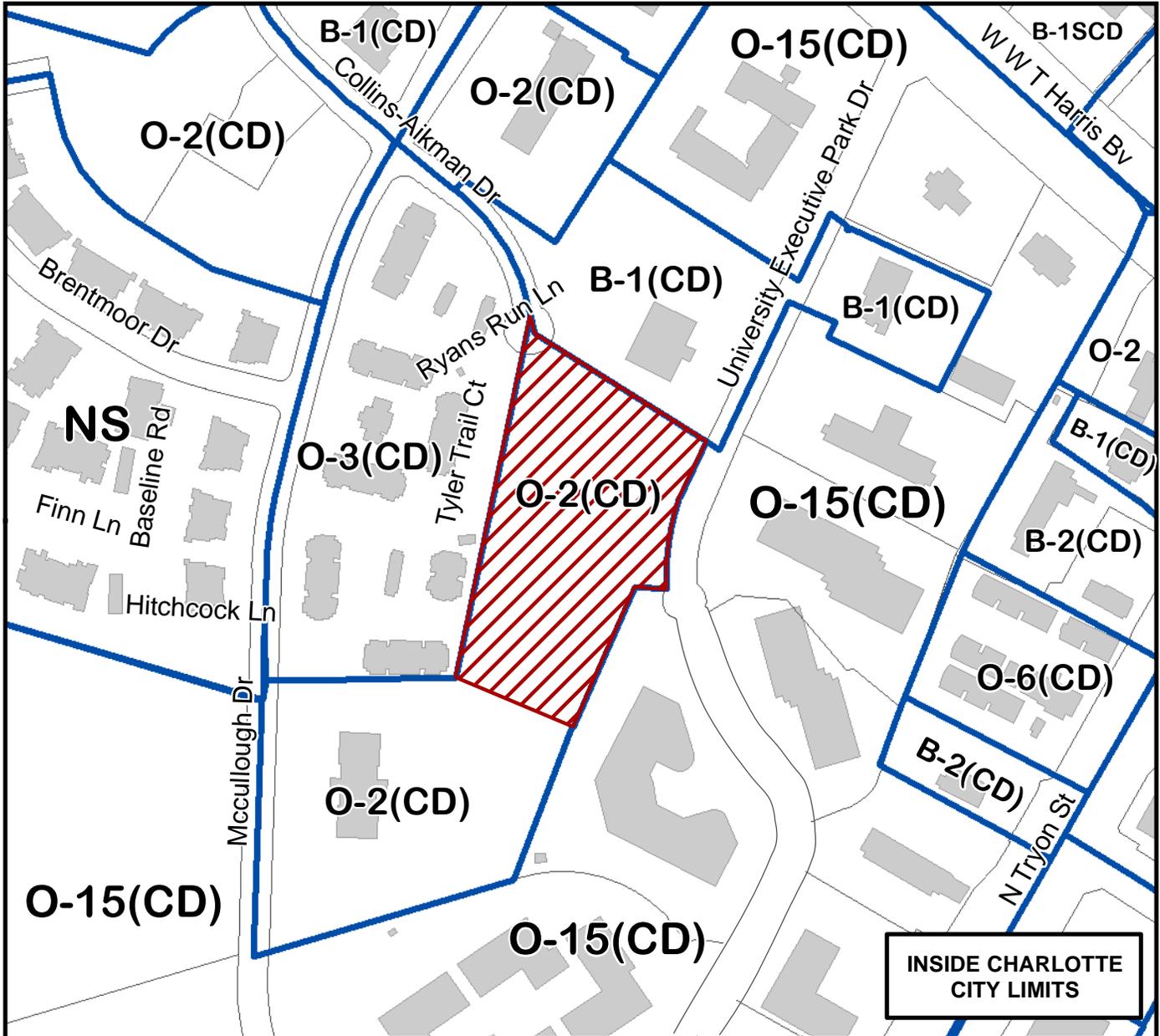
Petition #: **2015-109**

Petitioner: **WaterWalk Redevelopment Services, LLC**

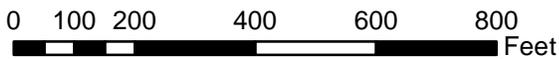
Zoning Classification (Existing): **O-2(CD)**
(Office, Conditional)

Zoning Classification (Requested): **MUDD-O**
(Mixed Use Development District, Optional)

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.

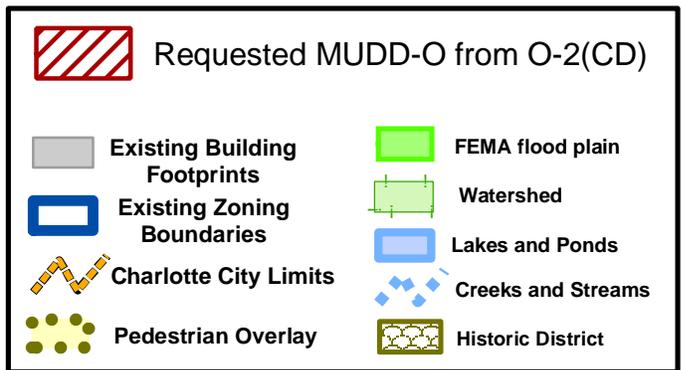


Map Produced by the Charlotte-Mecklenburg Planning Department, 9-9-2015.

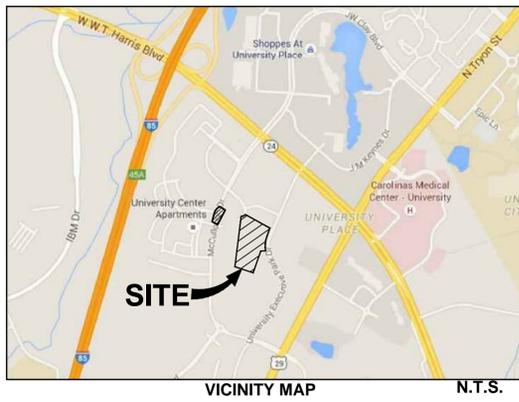


Zoning Map #(s)

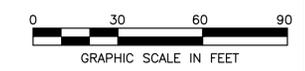
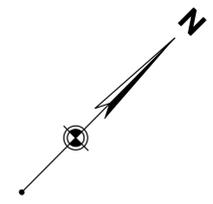
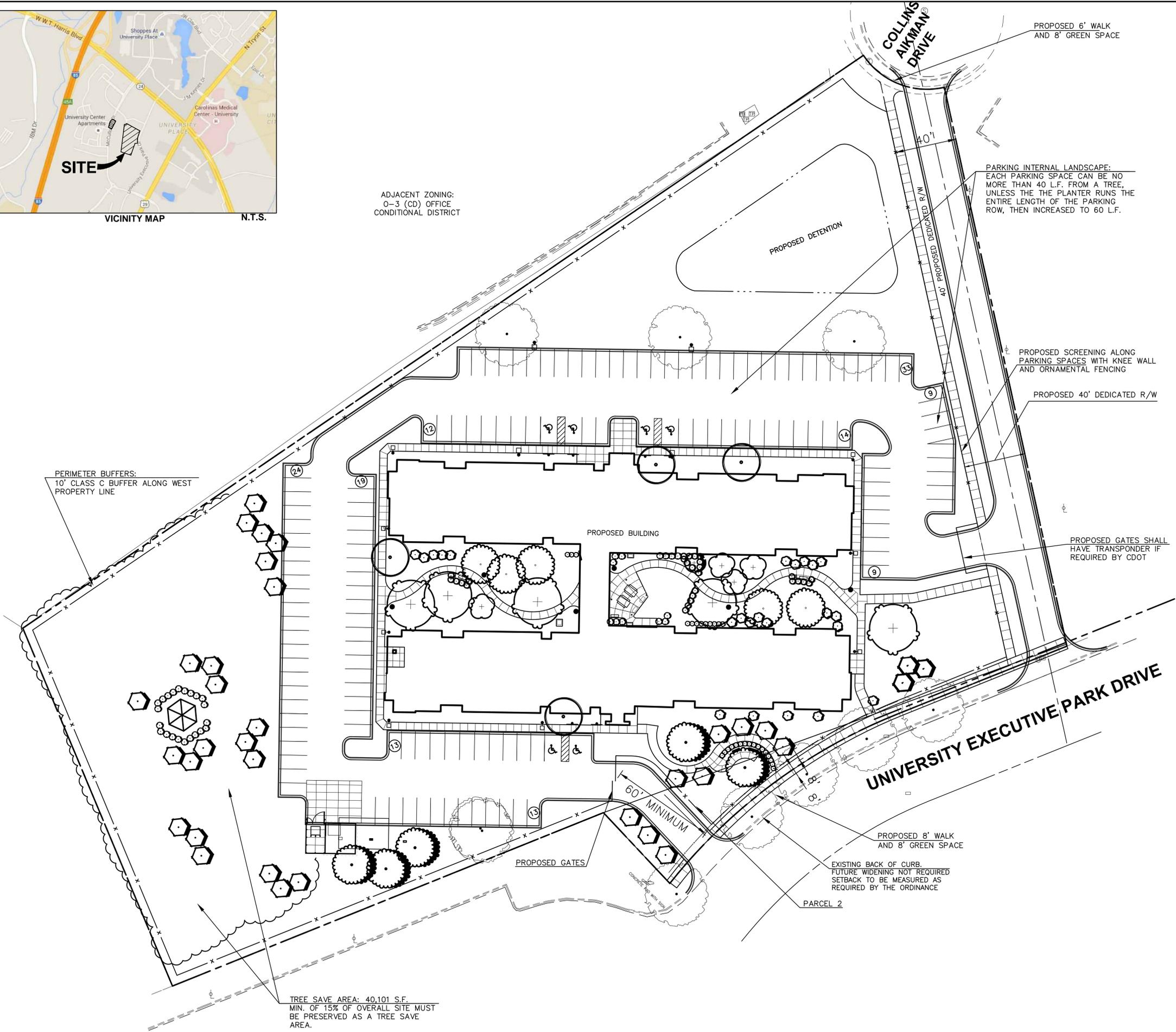
58



Layout Tab Name: L700 Landscape Plan, Images: charlotte waterwalk.jpg; Vicinity Map.jpg; charlotte waterwalk.jpg; UEP Survey_01.jpg; waterwalk logo.jpg; Capture.JPG; Xrefs: 075357-P_ADUJUSTED3.dwg; 075357-X.dwg; 075357-TBLK.dwg
 Last Saved By: hadley, 12/1/2015 4:22:22 PM
 G:\DE\clients\WaterWalk\075357 Charlotte, NC\4.0 Disciplines\Civil\Cadd\Cad\75357 L700 Landscape.dwg Plotted By: hadley, Dennis Plotted: December 2, 2015, 2:22:45 PM



ADJACENT ZONING:
 O-3 (CD) OFFICE
 CONDITIONAL DISTRICT



REVISION	No.	DATE

PROJECT No:	075357
DATE	12/01/15
DES. WER	WER
DR. WDB	WDB
CKD. WER	WER

8731 Red Oak Blvd
 Suite 101
 Charlotte, NC 28217
 704.525.6284
 FAX: 704.525.8529

WOOLPERT

SITE IMPROVEMENT PLANS
WATERWALK
 8515 UNIVERSITY EXECUTIVE PARK DRIVE
 CHARLOTTE, NORTH CAROLINA

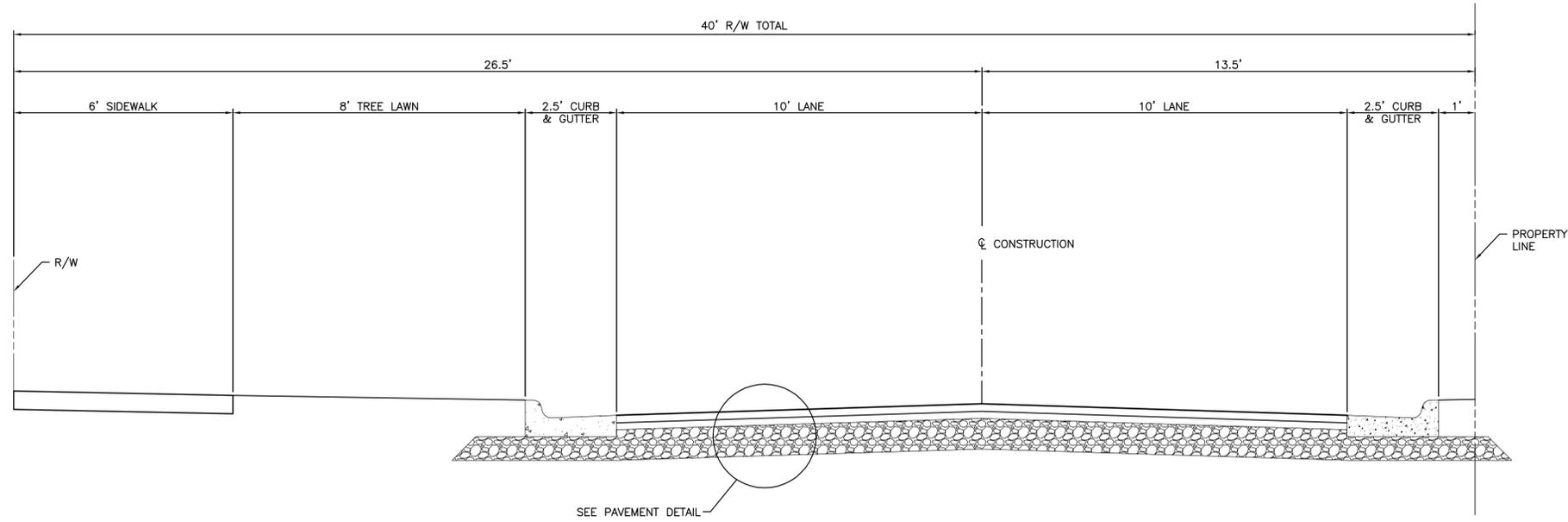
SITE PLAN

Material Legend

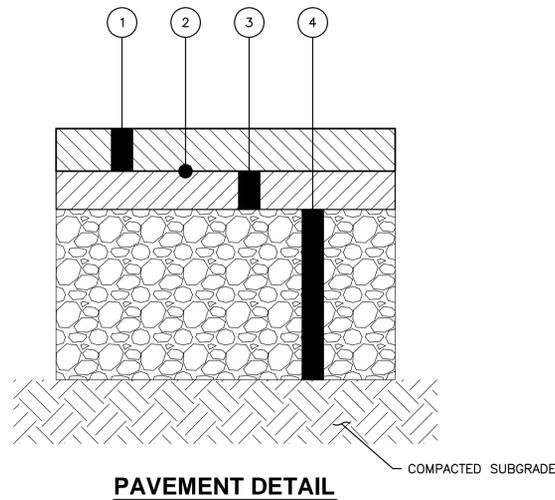
- A** - Cement Fiber Board - Plank (Color 01)
- B** - Cement Fiber Board - Plank (Color 02)
- C** - Not Used
- D** - Cement Fiber Board (Color 03)
- E** - Brick (Color 1)
- F** - Glass/Clear Anodized Frame
- G** - Metal Guardrail
- H** - Column w/Internally lit Glass Panel







TYPICAL SECTION



PAVEMENT DETAIL

LEGEND:

- ① - 2.5" BITUMINOUS CONCRETE SURFACE COURSE, TYPE S9.5B TO BE PLACED IN TWO 1.25" LIFTS EACH
- ② - TACK COAT (SEE SECTION 1.E.4)
- ③ - 2.25" BITUMINOUS CONCRETE INTERMEDIATE COURSE, TYPE I19.0B
- ④ - 10" COMPACTED AGGREGATE BASE COURSE

NOTES:

- 1. TYPICAL SECTION PER CITY OF CHARLOTTE STD. NO. U-04.
- 2. SEE CITY OF CHARLOTTE STD. NO. 10.17A FOR CURB AND GUTTER DETAILS.
- 3. USE OF VALLEY GUTTER PROHIBITED.

REVISION

DATE

No.

PROJECT No:
075357

DATE
06/18/15

DES.
NRH

DR.
NRH

CKD.

8731 Red Oak Blvd
 Suite 101
 Charlotte, NC 28217
 704.525.6284
 FAX: 704.525.8529



SITE IMPROVEMENT PLANS

WATERWALK

8515 UNIVERSITY EXECUTIVE PARK DRIVE
 CHARLOTTE, NORTH CAROLINA

ROADWAY TYPICAL SECTION

SHEET NO.

R300



Agenda Date: 12/14/2015

Agenda #: 7.File #: 15-1992 Type: Zoning Decision

Rezoning Petition: 2015-119 by Mary Cuthbertson

Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)

Current Zoning: R-4 (single- family residential)
Proposed Zoning: R-8 (single-family residential)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

Staff Recommendation

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *Sharon & I-485 Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends residential use at eight dwelling units per acre for the site.

Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line; and
- The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots; and
- The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road; and
- The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.

Attachments:

Zoning Committee Recommendation
Vicinity Map
Rezoning Map

REQUEST	Current Zoning: R-4 (single family residential) Proposed Zoning: R-8 (single family residential)
LOCATION	Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all uses in the R-8 (single family residential) zoning district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mary Cuthbertson Trust Mary Cuthbertson Luella Hinson
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent with the <i>Sharon & I-485 Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential use at eight dwelling units per acre for the site. <p>Therefore, this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line; and • The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots; and • The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road; and • The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Wiggins).</p>
ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.
VOTE	<p>Motion/Second: Nelson/Eschert Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan, and Wiggins Nays: None Absent: None Recused: None</p>
ZONING COMMITTEE DISCUSSION	Staff presented this conventional petition noting that the request is consistent with the <i>Sharon & I-485 Transit Station Area Plan</i> . There was no further discussion of this petition.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.

- Allows all uses permitted in the R-8 (single family residential) zoning district. The uses allowed by right include single family dwellings, duplex, triplex and quadraplex units, farms and parks and greenways. Uses allowed with prescribed conditions include elementary and secondary schools, government buildings, and religious institutions.

- **Public Plans and Policies**

- The *Sharon & I-485 Transit Station Area Plan* recommends residential use at eight dwelling units per acre. The site is within a ¼ mile walk of the I-485/South Boulevard Transit Station, but is recommended for continued lower density residential to preserve the character of the Sterling neighborhood.

- **TRANSPORTATION CONSIDERATIONS**

- No issues.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

Attachments Online at www.rezoning.org

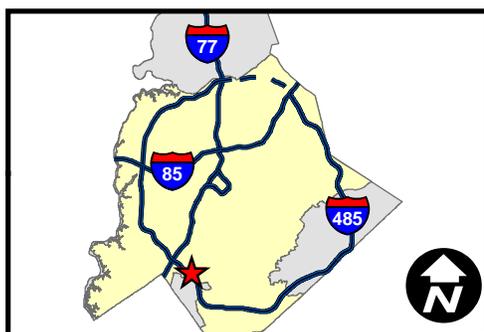
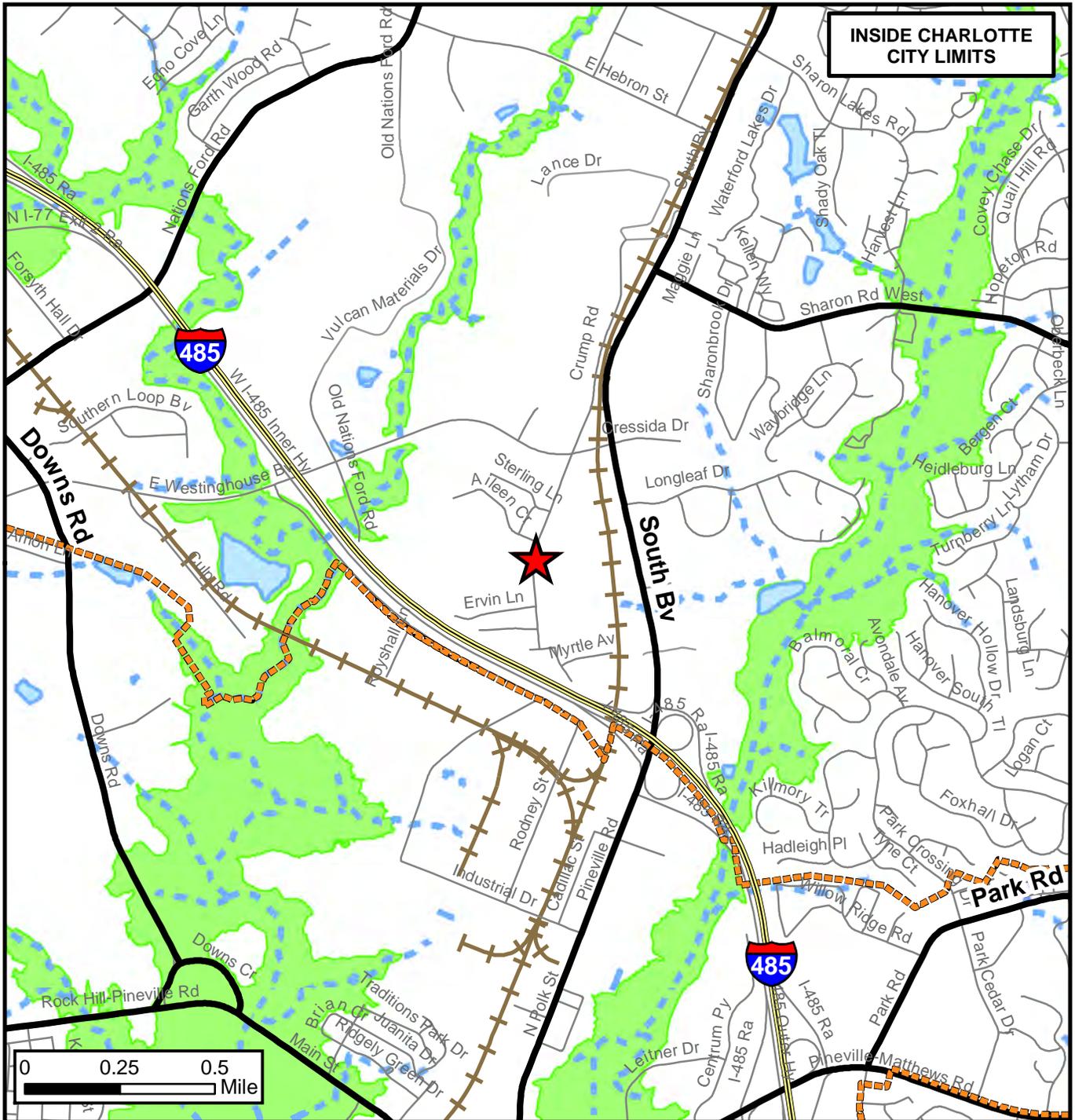
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review
 - Engineering and Property Management Review

Planner: John Kinley (704) 336-8311

Petition #: **2015-119**

Vicinity Map

Acreeage & Location : Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.



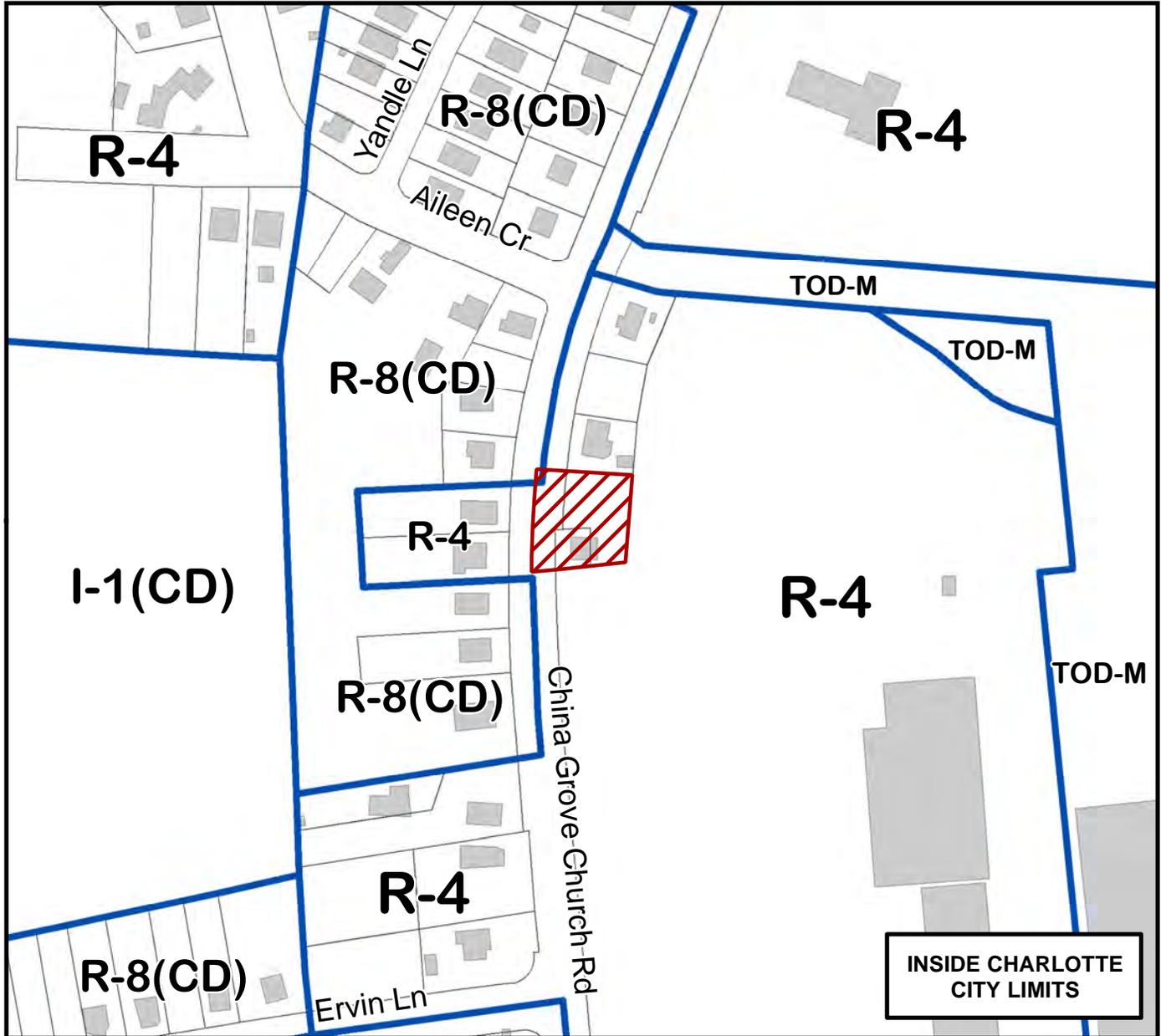
Petition #: **2015-119**

Petitioner: **Mary Cuthbertson**

Zoning Classification (Existing): **R-4**
(Single Family, Residential)

Zoning Classification (Requested): **R-8**
(Single Family, Residential)

Acreage & Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.

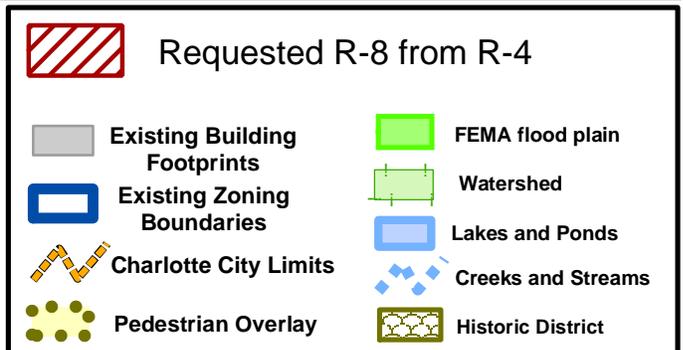


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.



Zoning Map #(s)

157





Agenda Date: 12/14/2015

Agenda #: 8.File #: 15-1993 Type: Zoning Decision

Rezoning Petition: 2015-127 by Roger and Kathe Ball

Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)

Current Zoning: I-2 (general industrial)

Proposed Zoning: TOD-M (transit oriented development - mixed use)

Zoning Committee Recommendation:

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.

Staff Recommendation:

Staff agrees with the recommendation of the Zoning Committee.

Statement of Consistency:

The Zoning Committee found this petition to be consistent with the *South End Transit Station Area Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan recommends a mixed use transit supportive development for the site.

Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:

- The subject site is within a 1/2 mile walk of the Bland Street transit station on the LYNX Blue Line; and
- The proposal allows a site previously used for an industrial office to convert to transit supportive land uses; and
- Use of conventional TOD-M (transit oriented development - mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Attachments:

Zoning Committee Recommendation

Vicinity Map

Rezoning Map

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
LOCATION	Approximately 0.17 acres located on the west corner at the intersection of Winnifred Street and West Bland Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.17 acre site that is located in South End and is within a ½ mile walk of the Bland Street light rail station. Uses allowed in the TOD-M district include office, residential, retail and civic uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Roger D. and Kathe W. Ball Roger and Kathe Ball Not applicable
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be consistent with the <i>South End Transit Station Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends a mixed use transit supportive development for the site. <p>Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The subject site is within a 1/2 mile walk of the Bland Street transit station on the LYNX Blue Line; and • The proposal allows a site previously used for an industrial office to convert to transit supportive land uses; and • Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and • TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Labovitz).</p>
ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.
VOTE	<p>Motion/Second: Wiggins/Labovitz Yeas: Dodson, Eschert, Labovitz, Lathrop, Nelson, Sullivan, and Wiggins Nays: None Absent: None Recused: None</p>
ZONING COMMITTEE DISCUSSION	Staff presented this item and noted that this was a conventional rezoning with no site plan and all uses in the TOD-M (transit oriented development – mixed-use) district would be allowed. There was no further discussion of the petition.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Proposed Request Details**

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-M (transit oriented development – mixed-use) zoning district.

- **Public Plans and Policies**

- The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development for the subject site and surrounding properties.
- The petition supports the *General Development Policies-Environment* by redeveloping an infill site near a transit station, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**

- No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

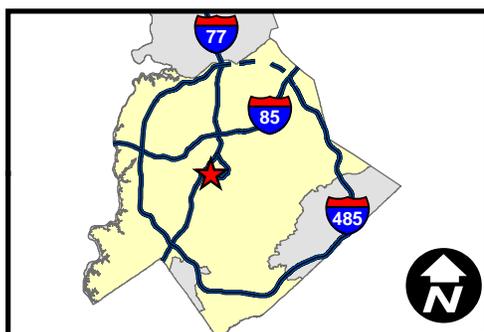
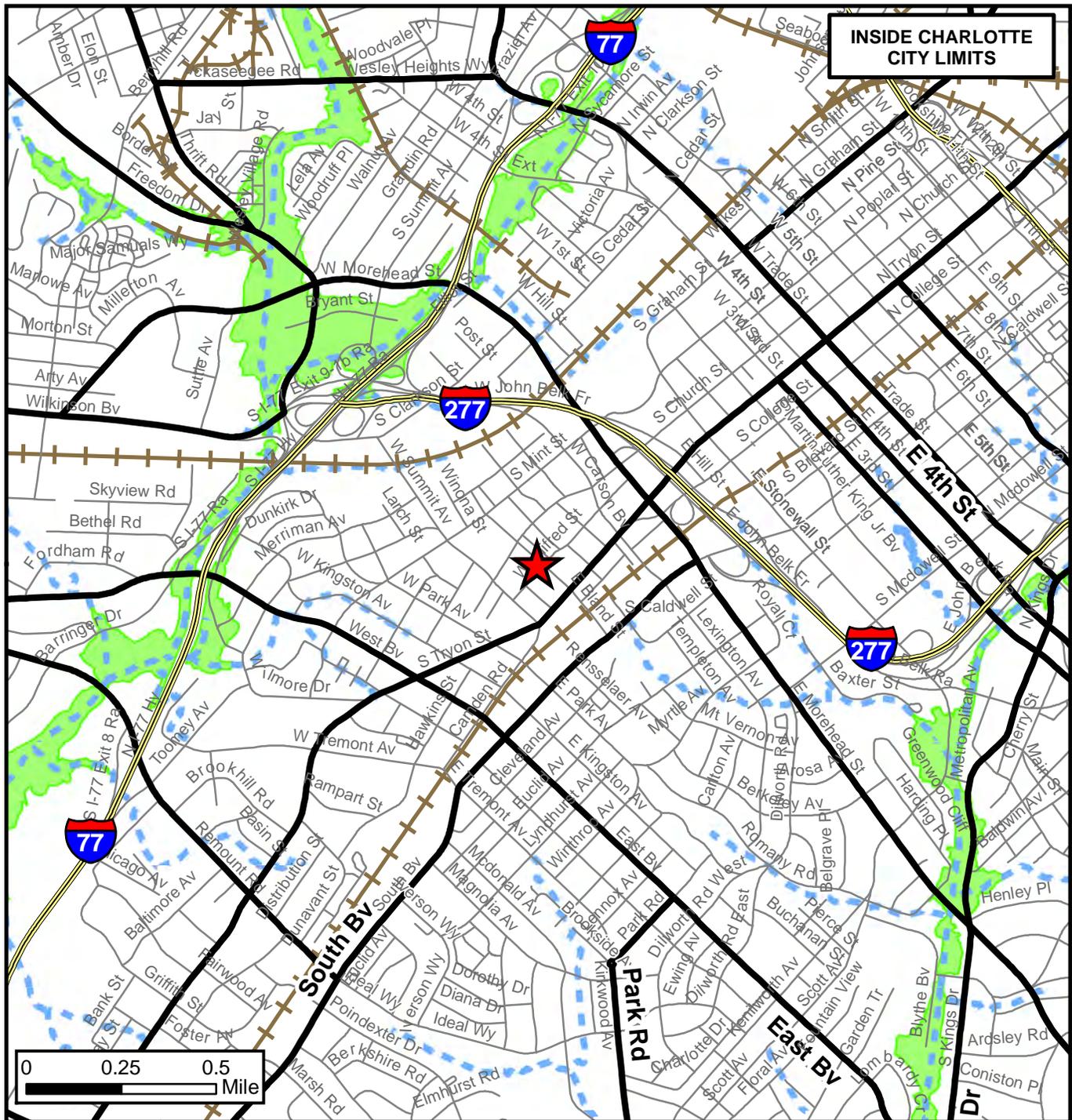
- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326

Acreeage & Location : Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.



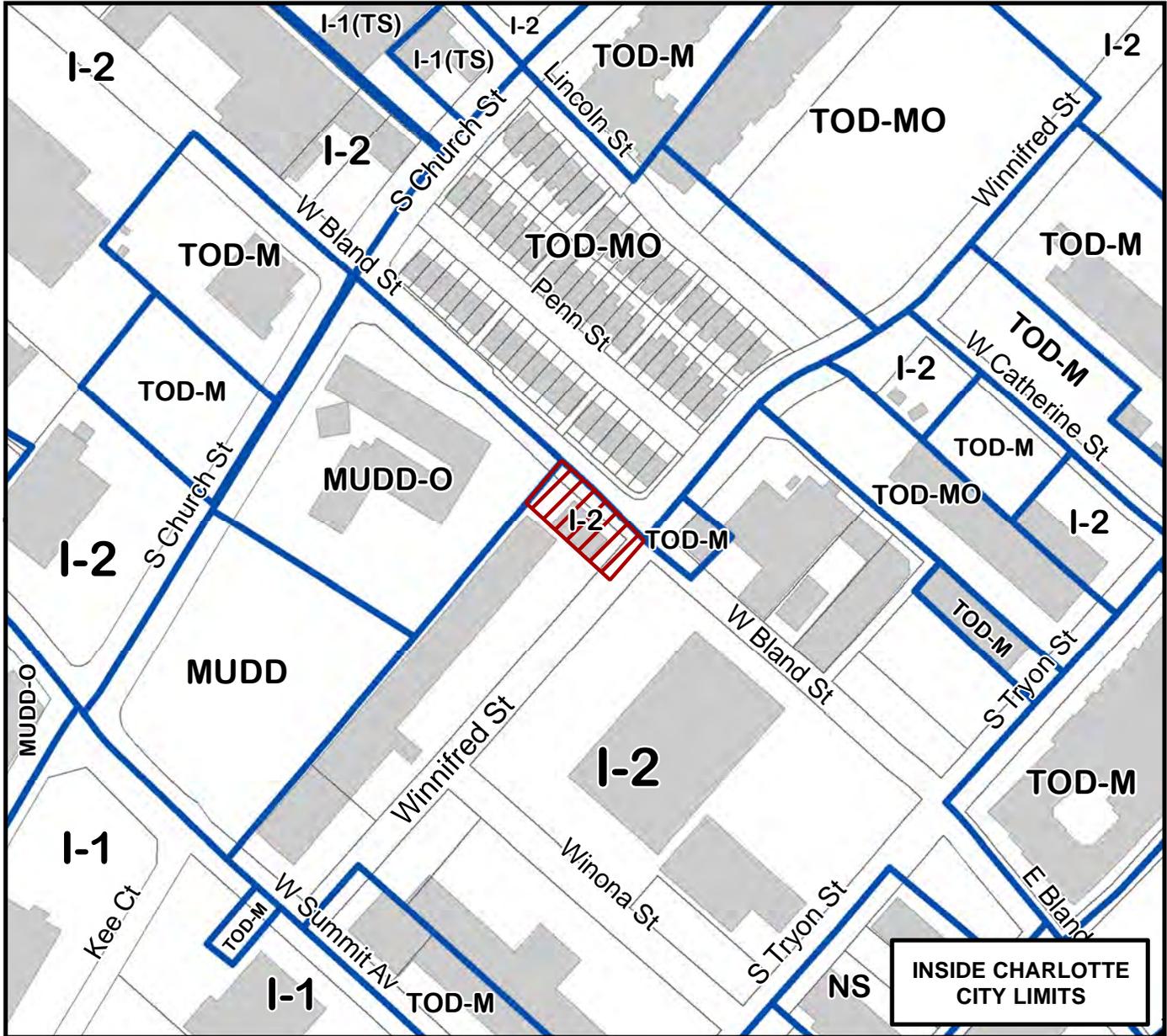
Petition #: **2015-127**

Petitioner: **Roger and Kathe Ball**

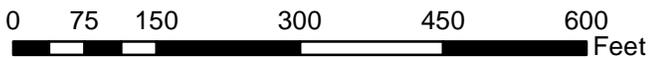
Zoning Classification (Existing): **I-2**
(General Industrial)

Zoning Classification (Requested): **TOD-M**
(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.



Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.



Zoning Map #(s)

102

	Requested TOD-M from I-2
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	Pedestrian Overlay
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams
	Historic District



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 9.File #: 15-2028 Type: Zoning Hearing

Rezoning Petition: 2015-125 by White Point Paces

Location: Approximately 2.096 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson. (Council District 1 - Kinsey)

Current Zoning: B-1 (neighborhood business) B-2 (general business), and I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development-mixed use)

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map

REQUEST	Current Zoning: B-1 (neighborhood commercial), B-2 (highway commercial) and I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development – mixed-use)
LOCATION	Approximately 4.78 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson Street. The properties are located on two adjacent blocks divided by North Caldwell Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 4.78 acre site that is located along the Blue Line Extension and is within the Optimist Park neighborhood and is within a ½ mile walk of the proposed Parkwood light rail station. Uses allowed in the TOD-M district include office, residential, retail and civic uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous White Point Paces Properties, LLC John Carmichael, Robinson Bradshaw and Hinson

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Blue Line Extension Transit Station Area Plan</i> recommendation for transit supportive development.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The site is between ¼ and ½ mile walk distance from the Parkwood Transit Station on the LYNX Blue Line Extension. • This site and all other parcels on the blocks on which the site is located are recommended for mixed use transit supportive development. • The proposal will allow property currently undeveloped and used for truck and vehicle parking to convert to transit supportive land uses. • The addition of transit supportive land uses on this and nearby sites will support the revitalization of this part of the Optimist Park neighborhood which is primarily industrial and where heavy industrial uses are not well screened and are visually unattractive, adversely impacting the single family character of the neighborhood. • Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. • A conditional site plan is not necessary to ensure compliance with the area plan recommendations or to address site specific issues.
---------------------------------	---

PLANNING STAFF REVIEW

• **Proposed Request Details**

This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-M (transit oriented development – mixed-use) zoning district.

• **Existing Zoning and Land Use**

- The subject property is zoned B-1 (neighborhood business), B-2 (general business) and I-2 (heavy industrial) and developed with an automotive garage, at the corner of Belmont Avenue and North Davidson Street and a residential structure used as a beauty salon, at the corner of East 13th Street and North Davidson Street. The remainder of the property is vacant.
- The surrounding area has a range of uses from single family, north of the site, at the corner of Belmont Avenue and North Brevard Street and within R-8 (single family residential) zoning;

multi-family residential, north and south of the site and within R-22MF (multi-family residential) and MUDD-O (mixed use development, optional) zoning; and, industrial uses including warehouses, automotive repair and automotive junkyards within B-2 (general business) and I-2 (heavy industrial) zoning.

- See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2014-23 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street to reduce the overall number of multi-family dwelling units from 150 to 120 and allow a "for rent" option.
- **Public Plans and Policies**
 - The *Blue Line Extension Transit Station Area Plans* (2013) recommends transit oriented development for this site and for other adjacent properties.
 - The petition supports the *General Development Policies-Environment* by providing transit-supportive development and by developing an infill site, thereby minimizing further environmental impacts while accommodating growth
- **TRANSPORTATION CONSIDERATIONS**
 - Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, CDOT supports intense development in close proximity to rail transit stations. Pedestrians and bicyclists will be able to connect to the Parkwood transit station via the shared use path to be constructed with the Blue Line Extension. This site will not be allowed access from North Caldwell Street due to limited vertical and horizontal intersection sight distance. Site access will be allowed from Belmont Avenue and North Brevard Street. CDOT is planning for a possible traffic signal to be installed at the North Caldwell Street/ Parkwood Avenue/Belmont Avenue intersection, which will help moderate vehicle speeds on Parkwood and provide an improved pedestrian crossing location.
 - **Vehicle Trip Generation:**
Current Zoning: 900 trips per day (retail and industrial uses)
Proposed Zoning: Will allow a wide variety of trip generation based on the proposed zoning classification.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

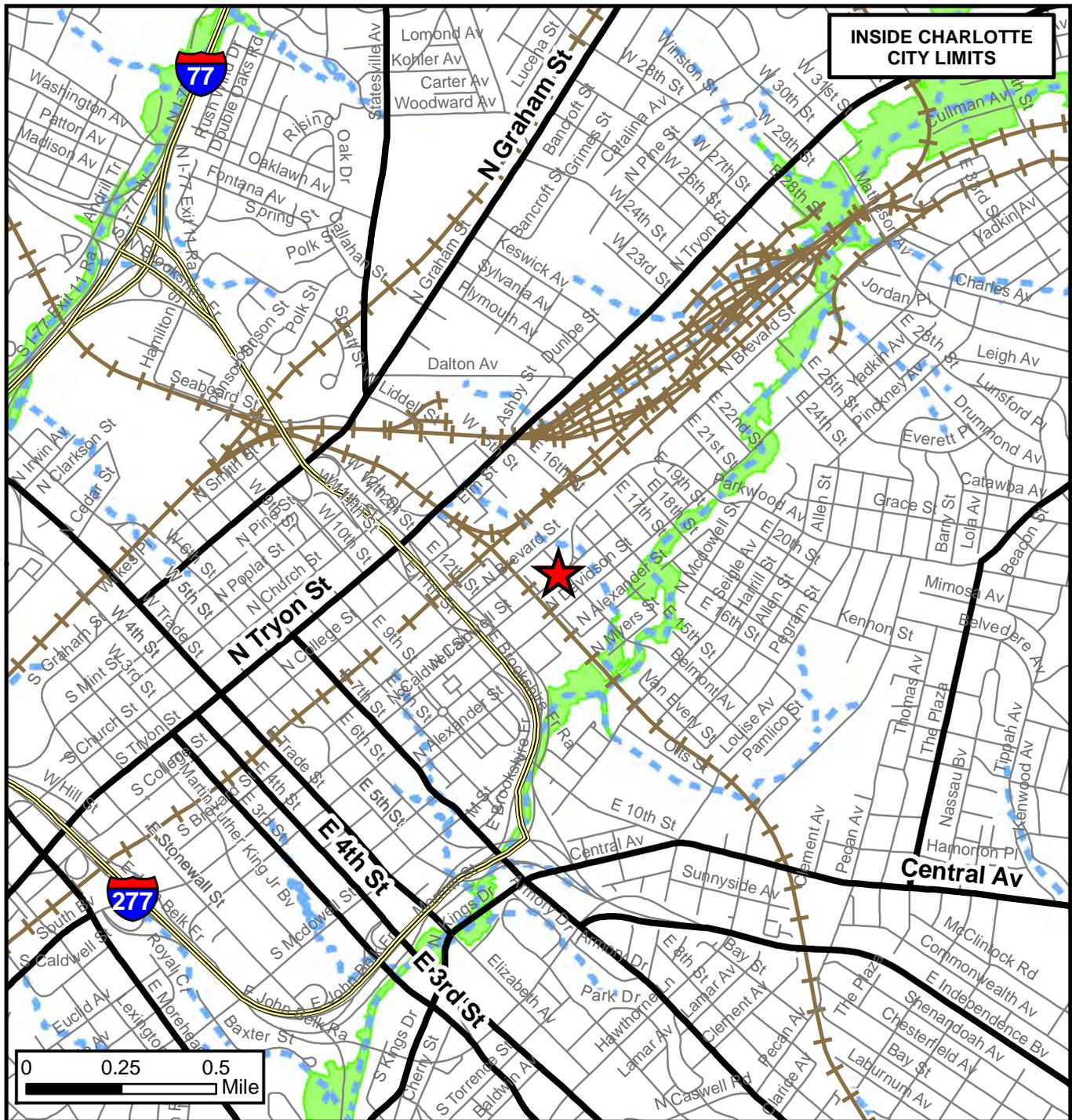
Attachments Online at www.rezoning.org

- Application
- Locator Map
- Department Comments
 - Charlotte Area Transit System Review

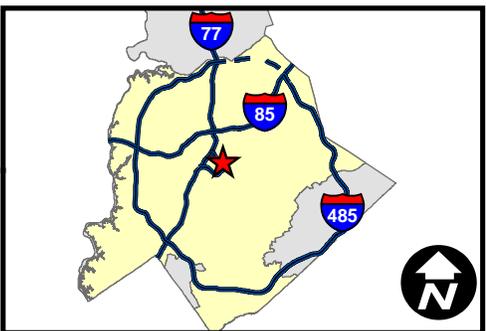
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- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Acreage & Location : Approximately 2.096 acres generally bounded by North Brevard Street, Belmont Avenue, North Caldwell Street and East 13th Avenue.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2015-125

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

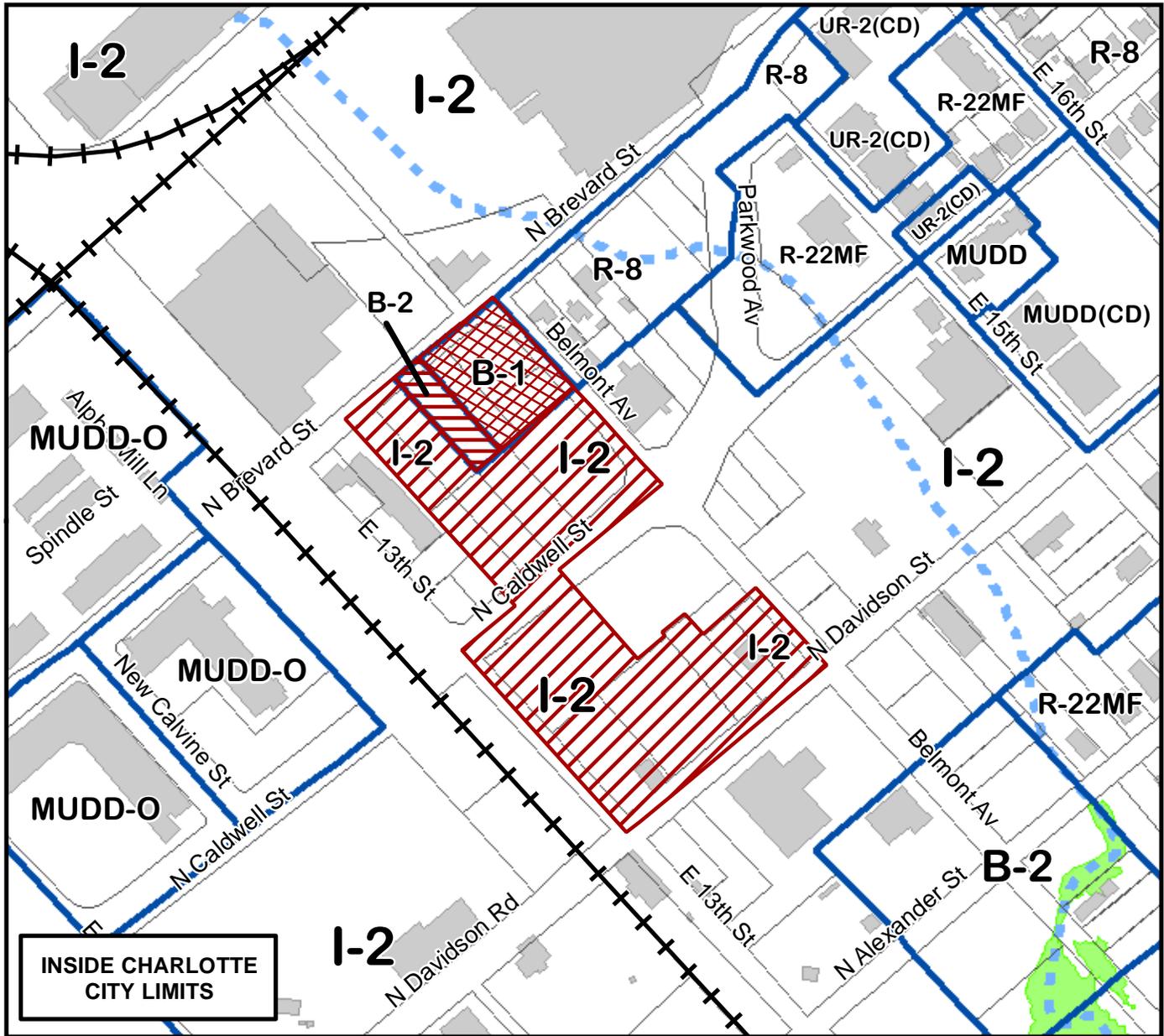
Petition #: **2015-125**

Petitioner: **White Point Paces Properties, LLC**

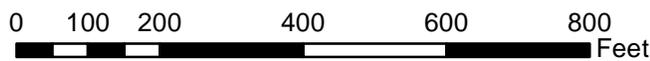
Zoning Classification (Existing): **B-1, B-2, & I-2**
(Neighborhood Business, General Business, and General Industrial)

Zoning Classification (Requested): **TOD-M**
(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 2.096 acres generally bounded by North Brevard Street, Belmont Avenue, North Caldwell Street and East 13th Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 11-25-2015.



Zoning Map #(s)

102

	Requested TOD-M from B-1		FEMA flood plain
	Requested TOD-M from B-2		Watershed
	Requested TOD-M from I-2		Lakes and Ponds
	Existing Building Footprints		Creeks and Streams
	Existing Zoning Boundaries		Historic District
	Charlotte City Limits		
	Pedestrian Overlay		



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 10.File #: 15-2030 Type: Zoning Hearing

Rezoning Petition: 2015-129 by Doug Bradley

Location: Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue. (Council District 1 - Kinsey)

Current Zoning: I-2 (general industrial)

Proposed Zoning: MUDD-O (mixed use development, optional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to building expansion/demolition, the pedestrian environment, and location of parking.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 2.77 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petitioners seek to reuse an existing 129,965-square foot industrial building constructed in 1945 and located in the Belmont neighborhood for any use permitted in the MUDD (mixed use development) district. Allowed uses in MUDD generally include retail, office, residential, institutional, and eating/drinking/entertainment establishments (EDEE).
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Mill Village Partners, LLC Doug Bradley Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to building expansion/demolition, the pedestrian environment, and location of parking.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Belmont Area Revitalization Plan</i> recommendation for industrial uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Although the proposed MUDD (mixed use development) uses are inconsistent with plan's land use recommendation for industrial uses, the <i>Belmont Area Revitalization Plan</i> does recommend removal of some industrial uses and replacement with non-industrial uses to help buffer the City's Fleet Management site from the Belmont neighborhood. • This site is located between the City's Fleet Management site and the Belmont neighborhood, and would be an appropriate site for non-industrial uses that would buffer the neighborhood. • This project proposes to repurpose the existing factory constructed in 1945 and previously used for a Kellogg bakery, and the City has approved approximately \$65,000 in façade grants for improvements to restore the exterior of key facades. • The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Belmont neighborhood.
---------------------------------	---

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Will repurpose and renovate an existing 129,965-square foot industrial factory building. Existing building will be preserved but may be modified with minor demolitions and/or minor additions involving up to 20% of the floor area of the existing building.
- Building modifications may include the installation of windows and doors as well as artwork to break up expanses of blank walls. The addition of outdoor dining will not be counted as new floor area and the removal of roof extensions for loading docks that are not conditioned space will not be counted toward the 20% modification limit.
- Allows all uses permitted in the MUDD (mixed use development) district.
- Optional Provisions for the following:
 - A modified streetscape along the Otts Street. Streetscape will not be the typical office/commercial street cross-section due to the existing site constraints, such as the

location of a retaining wall. Petition does include a sidewalk and provides trees along the top of the existing retaining wall between the existing parking lot and the sidewalk.

- Parking and maneuvering between the building and Otts Street to accommodate the existing condition.
- **Existing Zoning and Land Use**
 - The site is currently zoned I-1 and contains a structure previously used as a Kellogg bakery and later as a manufacturing and distribution site. It abuts the active Seaboard Coast rail line.
 - Abutting to the west and across Otts Street to the south are City of Charlotte fleet management and solid waste services facilities in I-2 (general industrial) zoning. To the north across the railroad track fronting Louise Avenue is a warehouse/industrial building zoned I-1(CD) (light industrial, conditional) and I-2 (general industrial). Also abutting to the north across the railroad track is a single family neighborhood located in R-5 (single family residential) zoning. To the northeast diagonally across Louise Avenue and the railroad track is the former Hawthorne Mill industrial building rezoned to MUDD(CD) (mixed use development, conditional) by petition 2013-059 for residential and office in the existing structure.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2014-034 rezoned 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street to MUDD(CD) (mixed use development, conditional) to allow a change of use for an existing building from a church fellowship hall to a restaurant.
 - Petition 2013-059 rezoned six acres located on the north side of the Seaboard Coast Line Railroad between Louise Avenue and Hawthorne Lane to MUDD-O (mixed use development district, optional) for redevelopment of an existing mill to be reused for 150 multi-family units and 10,000 square feet of office and business uses.
- **Public Plans and Policies**
 - The *Belmont Area Revitalization Plan* (2003) recommends industrial uses for this site. It further recommends that some of the industrial uses in the area could be removed to help buffer the City's Fleet Management facility site from the Belmont neighborhood.
 - The plan's overall emphasis is preserving and enhancing the unique character of the area, including its residences, businesses, and buildings. Ways to accomplish this preservation-oriented approach are noted to include:
 - a) Wherever possible and practical, buildings should be preserved and rehabilitated.
 - b) New construction and rehabilitation projects should be designed in a way that is compatible with the character of the area.
 - The petition supports the *General Development Policies-Environment* by reusing an existing building, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
 - Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, there is adequate local street network in the area to accommodate development under this zoning district. The reuse of the existing building prevents implementing the complete streetscape along Otts St. CDOT has worked with the petitioner to ensure a continuous eight-foot wide sidewalk will be implemented with on-street parking.
 - **Vehicle Trip Generation:**
 - Current Zoning: 110 trips per day based on warehouse use.
 - Proposed Zoning: Will allow a wide variety of trip generation based on the proposed zoning classification.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The proposed district allows a variety of uses; therefore, the impact on local schools cannot be determined.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No comments received.
-

OUTSTANDING ISSUES

Site and Building Design

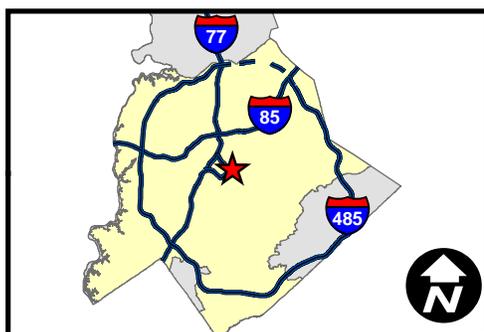
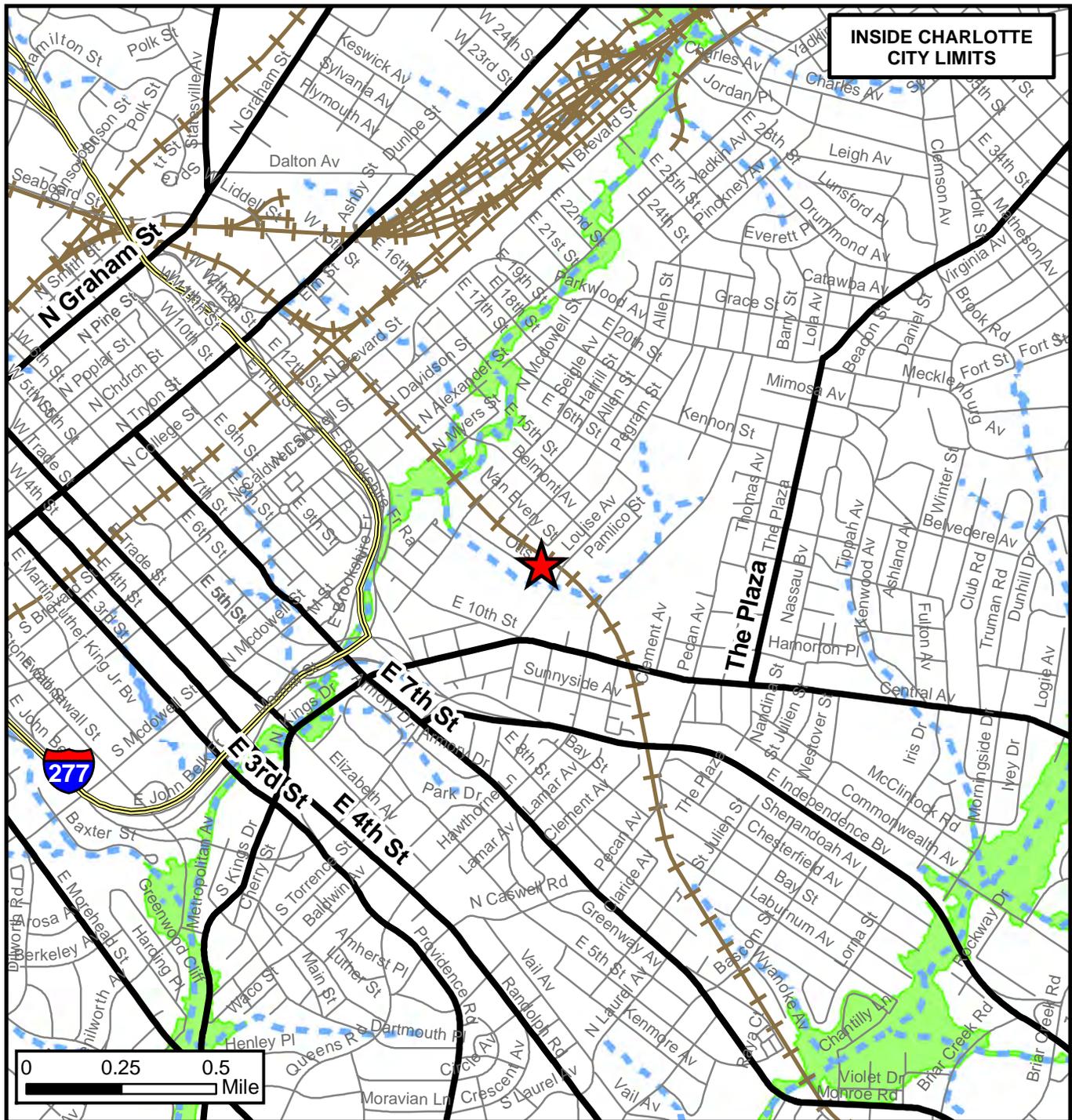
1. Specify maximum building square footage and reflect the location of any proposed building expansions.
 2. Add a note that the site will require a rezoning if more than 20 percent of the building is demolished.
 3. Add a note that artwork or vertical landscaping will be added to the existing and proposed retaining wall to break up the blank wall.
 4. Clarify optional request to allow parking and maneuvering between the building and the street to specify whether it applies to the existing condition or if additional parking will be added to the area.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Acresage & Location : Approximately 2.77 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue.



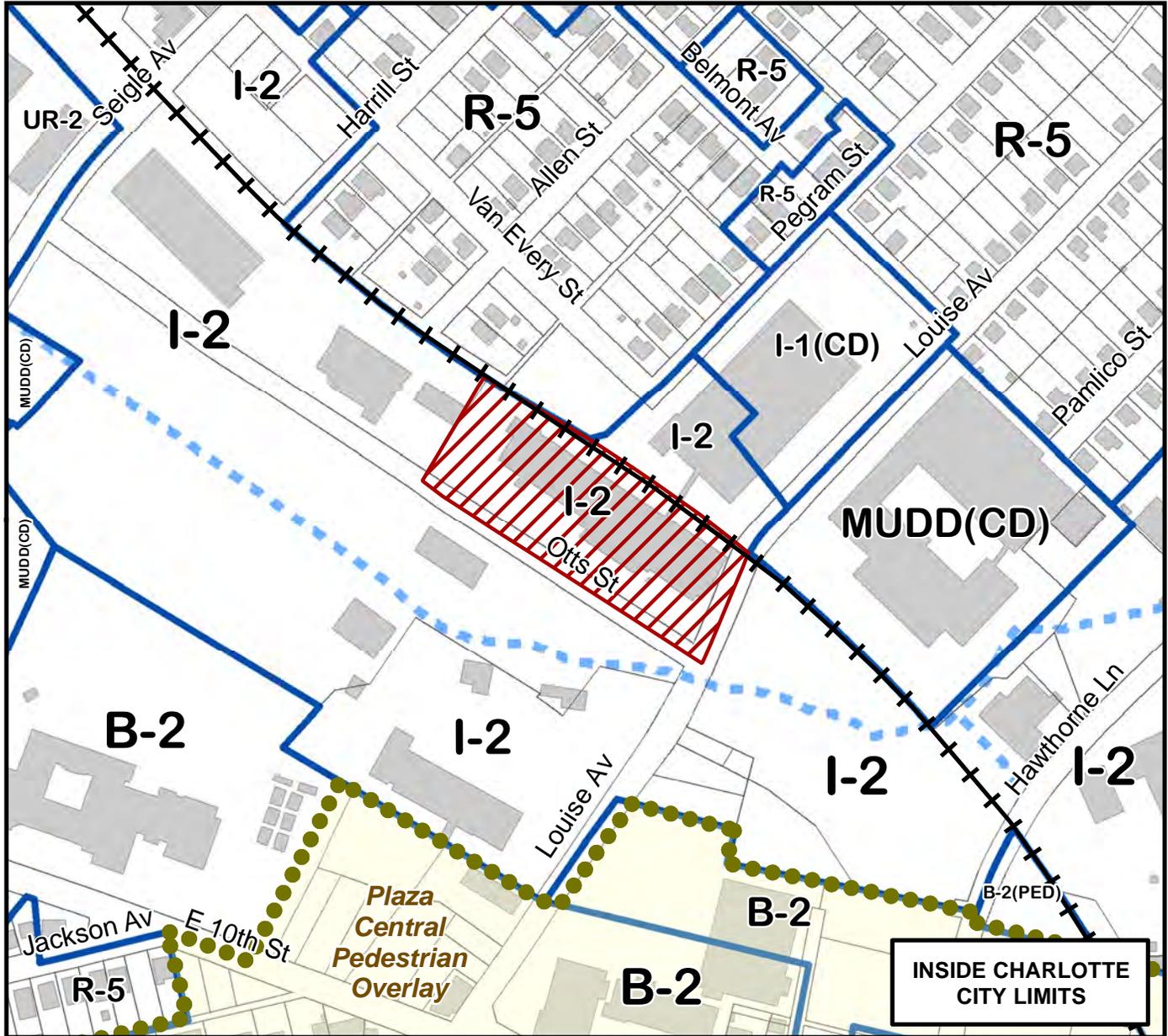
Petition #: **2015-129**

Petitioner: **Doug Bradley**

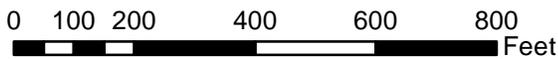
Zoning Classification (Existing): **I-2**
(Light Industrial)

Zoning Classification (Requested): **MUDD-O**
(Mixed Use Development District, Optional)

Acreage & Location: Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue.

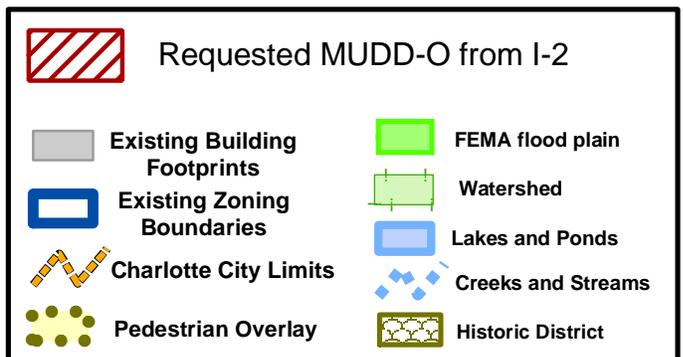


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.



Zoning Map #(s)

101, 102



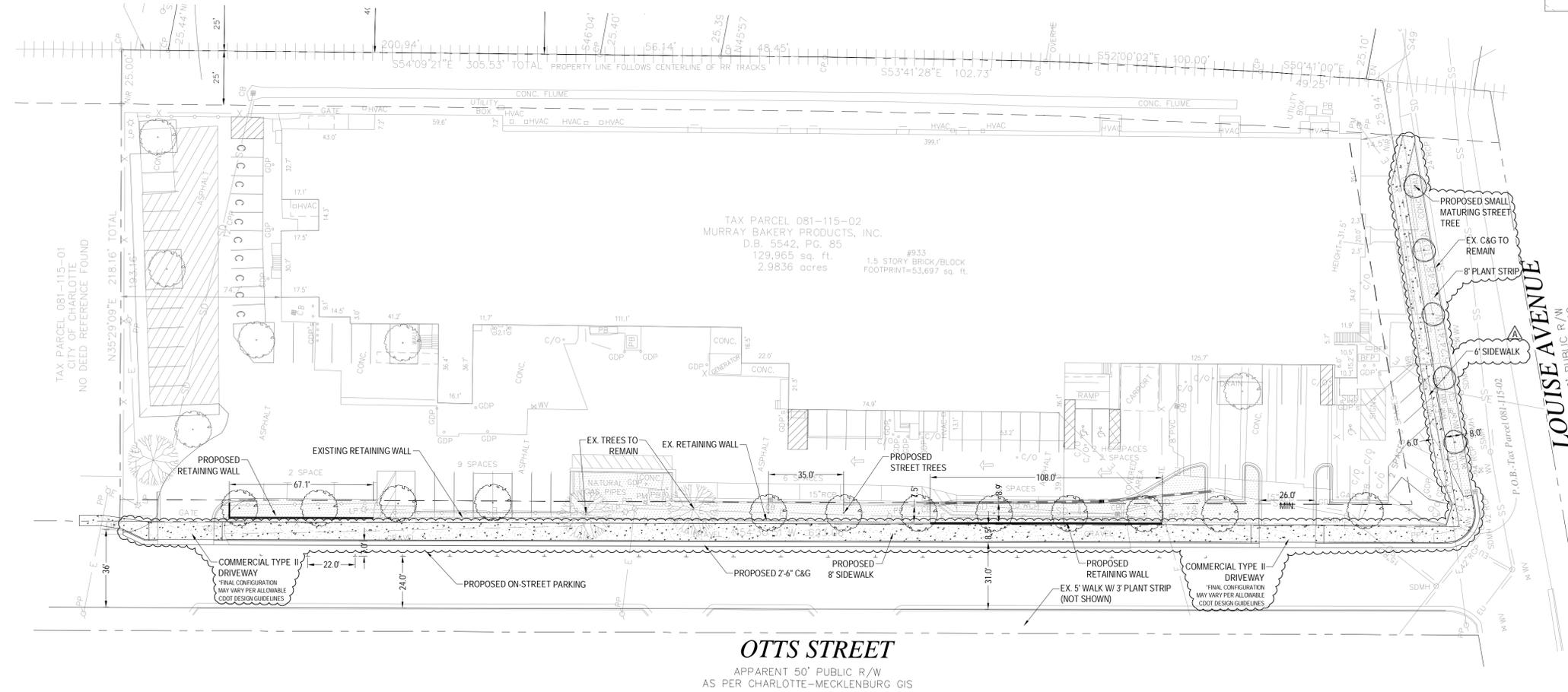
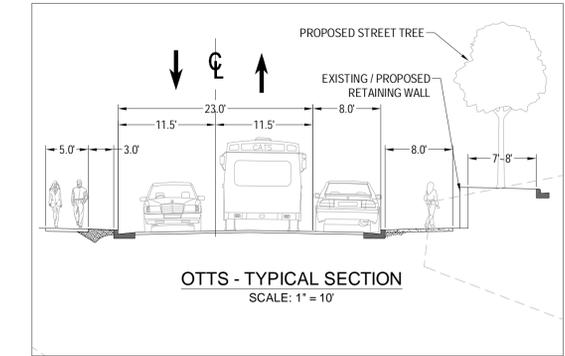
MUDD-O Conditional Development Standards

- General Provisions.**
- The exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.207 of the Zoning Ordinance.
 - The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances that may be applicable to the site.
 - Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.
- Purpose**
- To repurpose and renovate an industrial factory building.
- Permitted Uses**
- Uses allowed on the property included in this Petition are those uses that are permitted in the MUDD district except as may be further limited by the specific provisions of this site plan.
- Transportation**
- The site will utilize driveways that connect to Ott Street as generally depicted on the site plan.
 - Parking areas are generally depicted on the concept plan for the site.
- Architectural Standards**
- The development of the site will be governed by the district regulations of the Zoning Ordinance for the MUDD. In addition, the existing building will be preserved but may be modified with minor demolition and/or minor additions involving up to 20% of the floor area of the existing building. Modifications may also include the installation of windows and doors as well as artwork to break up expanses of blank walls. The addition of outdoor dining will not be counted as new floor area and the removal of roof extensions for loading docks that are not conditioned space will not be counted toward the 20% modification limit.
- Streetscape and Landscaping**
- Reserved.

- Environmental Features**
- No water supply well, including irrigation wells and open loop geothermal wells will be constructed on the properties
- Parks, Greenways, and Open Space**
- Reserved
- Fire Protection**
- Reserved
- Signage**
- Reserved
- Lighting**
- Freestanding lighting on the site will be limited to 25' in total height and will utilize full cut-off luminaires and no "wall pak" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted
- Phasing**
- Reserved
- MUDD Optional request.**
- The site is fully developed and occupied by an industrial factory building. The site lies at an elevation that is generally above Ott Street and includes retaining walls ranging up to 8 feet above the street. As a result, it is not possible to comply with the normal MUDD streetscape standards along the Ott Street frontage. The Optional request is to allow for a modified streetscape along the Ott Street frontage as generally depicted on the rezoning site plan.
- In addition, the Petitioner proposes through the Optional process to be allowed to have and maintain parking between the building and the streets that adjoin the site. The site is fully developed and the parking on the site is predominately located between the building and the street. Inasmuch as the building will remain in place there is no means by which the parking can be relocated to another location on the site.
- Initial submission 9/28/15, 1.1
Revised per staff comments, 11/13/15, 1.3

DEVELOPMENT SUMMARY

REZONING SITE AREA:	2.98 ACRES
TAX PARCEL ID:	081-115-02
EXISTING ZONING:	I-2
PROPOSED ZONING:	MUDD-O
EXISTING USES:	MANUFACTURING/OFFICE
PROPOSED USES:	PER ORDINANCE REQUIREMENTS
EXISTING BUILDING SF:	129,965 SF
PROPOSED SF:	PER ORDINANCE REQUIREMENTS
PARKING:	PER ORDINANCE REQUIREMENTS
BUILDING HEIGHT:	PER ORDINANCE REQUIREMENTS



BANKS ENGINEERING

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CHARLOTTE, NC 28203
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NC License #P-1370
© 2014

BRADLEY CONSTRUCTION GROUP

1111 HAWTHORNE LANE
SUITE 200
CHARLOTTE, NC 28202

CLIENT:

PROJECT:

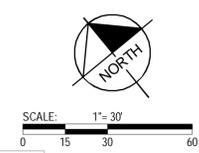
933 LOUISE
933 LOUISE
CHARLOTTE, NC 28205

SHEET:

TECHNICAL DATA
SHEET
PETITION 2015-129

DESIGNED:	JDB
DRAWN:	
CHECKED:	
PROJECT:	01025001
DATE:	09.24.15

RZ1-0





City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 11.File #: 15-2029 Type: Zoning Hearing

Rezoning Petition: 2015-128 by Cousins Acquisition Entity, LLC

Location: Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road. (Council District 3 - Mayfield)

Current Zoning: B-1 (neighborhood business), TOD-M (transit oriented development-mixed use) and MUDD-O (mixed use development, optional)

Proposed Zoning: TOD-M (O) 5-Year Vested Rights (transit oriented development, optional) 5-Year Vested Rights

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

Attachments:

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

Previously Approved Site Plan

REQUEST	Current Zoning: B-1 (general business), TOD-M (transit oriented development – mixed-use), and MUDD-O (mixed use development, optional) Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional) with five-year vested rights
LOCATION	Approximately 2.3 acres located in South End, within a block of the Bland Street LYNX station, on the west side of South Tryon Street between West Park Avenue and Camden Road. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of a single story commercial block, surface parking and vacant property for up to 285,000 square feet of office and ground floor commercial/retail designed to be transit supportive.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various Cousins Acquisition Entity, LLC Jeff Brown & Keith MacVean/ Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 53

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>South End Transit Station Area Plan</i>, which recommends a mix of transit oriented uses with the greatest intensity of development within ¼ mile of the transit station. The plan calls for residential and office development within walking distance of transit stations with local serving retail uses to support and enhance the employment and residential uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The petition is providing significant employment uses immediately adjacent to the Bland Street LYNX station in South End, supporting the mixed use goal of the <i>South End Transit Station Area Plan</i> which envisions living and working options within station areas. • The petition supports the station area plan's goal of street level pedestrian orientation by activating all three street frontages (Camden Road, South Tryon Street and West Park Avenue) with ground floor, neighborhood-serving retail uses and publically accessible urban open spaces. • The petition supports the station area plan's vision of Camden Road as South End's "Main Street" by concentrating street level retail uses along Camden Road. • The requested building height is attenuated by stepping the building back on two sides. The building mass on the southern half of the site is consistent in scale with surrounding buildings.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Multi-story office building with commercial ground floor uses (restaurant, retail, and personal services) and structured parking.
 - 285,000 square feet of gross floor area, including the ground floor commercial uses.
 - Six to seven floors of structured parking, 1-1/2 or 2 floors of which will be underground.
 - Seven floors of office above the ground floor commercial uses for a total of eight stories.
 - A 16-foot setback from curb line along South Tryon Street, West Park Avenue, and Camden Road with sidewalk and trees in grates.

- New streetscape improvements on all adjacent streets, including on-street parking on South Tryon Street and Camden Road.
- Camden Road streetscape to be built as a curbside “festival street” which will accommodate potential temporary block closures for festivals and events.
- Outdoor seating and plazas areas.
- Optional Provisions for the following allowances:
 - Additional building height in excess of the TOD (transit oriented development) height plane. The primary building component will be approximately 156 feet tall and the allowable TOD height for this property is 71 feet due to the proximity of single family zoning across South Tryon Street in the nearby Wilmore neighborhood. This represents a height option request of 85 feet.
 - To not count rooftop mechanical screening toward building height.
 - To not require at least 50% of the structured parking on the West Park Avenue side to be composed of active uses.
 - 75 square feet for monument signs instead of the TOD-permitted 20 square feet; and, 10 percent of wall area up to 220 square feet for wall mounted signs, instead of the TOD-permitted 5 percent of wall area up to a maximum of 100 square feet.
- **Existing Zoning and Land Use**
 - Rezoning petition 2000-036 rezoned the majority of the subject property bounded by South Tryon Street, Camden Road, and Park Avenue (approximately 1.8 acres) from I-2 (general industrial) and B-1 (neighborhood business) to MUDD-O (mixed use development, optional). A portion of the property zoned MUDD-O is occupied by 3,384 square feet of office and 13,926 square feet of retail uses, in buildings constructed in the early 1930s. The majority of the property zoned MUDD-O is vacant.
 - Two parcels are zoned TOD-M (2010-041). One of these parcels contains retail uses in a structure built in 1937, and the other parcel is used for surface parking.
 - The vacant portion of the site is formerly utilized for the Food Truck Friday event held every Friday.
 - Surrounding properties are zoned a mixture of TOD-M (transit oriented development – mixed-use), MUDD (mixed use development), I-1 (light industrial), I-2 (general industrial), B-1 (neighborhood business) and B-2 (general business). Some of these properties have converted to primarily residential transit oriented development, while other properties remain developed with commercial and industrial land uses or are vacant.
 - See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Recent rezonings approved in the area include:
 - Rezoning petition 2010-041 rezoned two parcels (approximately 0.31 acres), one located at the intersection of South Tryon Street and Camden Road and the second located along Camden Road between South Tryon and Park Avenue, from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use). The parcel located at the intersection is occupied by 7,903 sq. ft. of retail built in 1937. The second parcel is vacant.
 - There have been numerous other rezonings to TOD-M (transit oriented development – mixed-use), MUDD (mixed use development), and MUDD(CD) (mixed use development, conditional) in the area to support transit supportive uses.
- **Public Plans and Policies**
 - The *South End Transit Station Area Plan* (2005) recommends a mix of transit oriented uses with the greatest intensity of development within ¼ mile walk of the transit station. The plan also recommends neighborhood-serving retail uses on Camden Road, which is envisioned to be South End’s “Main Street.”
 - The petition supports the *General Development Policies-Environment* by concentrating new development around rapid transit facilities in order to accommodate growth while minimizing impacts to undeveloped areas.
- **TRANSPORTATION CONSIDERATIONS**
 - CDOT supports intense development in close proximity to rail transit stations. Continuous pedestrian and bicycle connectivity to the transit station is provided via the signalized crossing at Tryon/Camden and sidewalks along the Trolley Museum property. The primary transportation goals for this site are to improve the quality of the pedestrian environment and to provide for safe vehicular access to the site. The site plan improves conditions for pedestrians by implementing the area plan-recommended streetscape improvements. In order to ensure safe and efficient access for the site, the petitioner completed a traffic operational study and implemented the recommendations by adding a left-turn lane along Park Avenue, consolidating

the truck and car access into a single driveway, and locating the driveway as far as possible from South Tryon Street.

- **Vehicle Trip Generation:**

Current Zoning: The existing zoning allows for a wide variety of uses.

Proposed Zoning: 2,450 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Provide a minimum square footage for retail, eating/drinking/entertainment establishments and personal services.
2. Remove optional request for signage.
3. Replace optional request "d" with the following language " To opt out of Section 9.1208(6)(l)(1) of the Ordinance by allowing less than 50% of the linear street level frontage of the parking structure on West Park Avenue to be devoted to active uses, as generally shown on Sheets RZ-1 and RZ-5.
4. Remove Note 3C related to "S. Tryon Street Retail Leasing Commitment" and all references to it from the site plan.
5. Provide a note stating that all ground floor commercial space will be accessible and open to the public.
6. Modify Note 1G to remove fitness studios from the allowed uses.
7. Modify proposed lobby area to include retail space that can be accessed from the Plaza area proposed at South Tryon Street and Camden Road.
8. Modify the proposed plaza area/outdoor seating area along Camden Road to provide more usable space.
9. Provide retail entrances along South Tryon Street.
10. Modify wood screen along South Tryon Street to allow for clear glass or decorative features.
11. Add clear glass into the rear wall of the Camden Road outdoor seating area.
12. Provide full elevations similar to that shown on Sheet RZ-8 for all sides of the proposed project.

Streetscape and Transportation

13. Modify the proposed stairs and plaza area along Camden Street. The stairway is inconsistent with the "festival street" concept. The proposed retail finish floor should step down with the sidewalk grade to be generally flush with the public sidewalk to the back of curb.
14. Remove Camden Road crosswalk from site plans.
15. Include cross-section diagram for proposed festival street.
16. Depict and add notes to plan to ensure the festival street concept can be constructed.
17. Eliminate the narrow planting area between the back of the Park Avenue sidewalk and the building face.
18. Lessen the sidewalk grade near the corner retail area on the South Tryon Street side near Park Avenue.

REQUESTED TECHNICAL REVISIONS

1. Modify Note 5B under "Parking Areas, Access and Circulation Design Guidelines" and remove that screening of cars will be done with landscaping.
2. Modify note 5B under "Parking Areas, Access and Circulation Design Guidelines" and state screening of ground level parking will be achieved by using decorative screening and can be supplemented by landscaping.
3. Add a note committing to a minimum of 3,500 square feet of open space and plaza area.

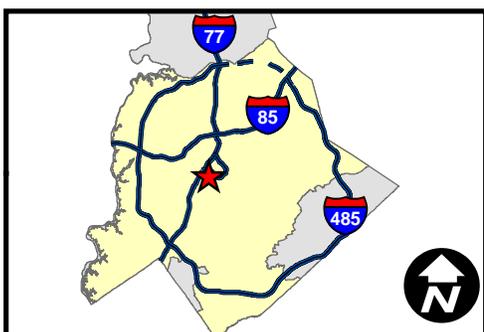
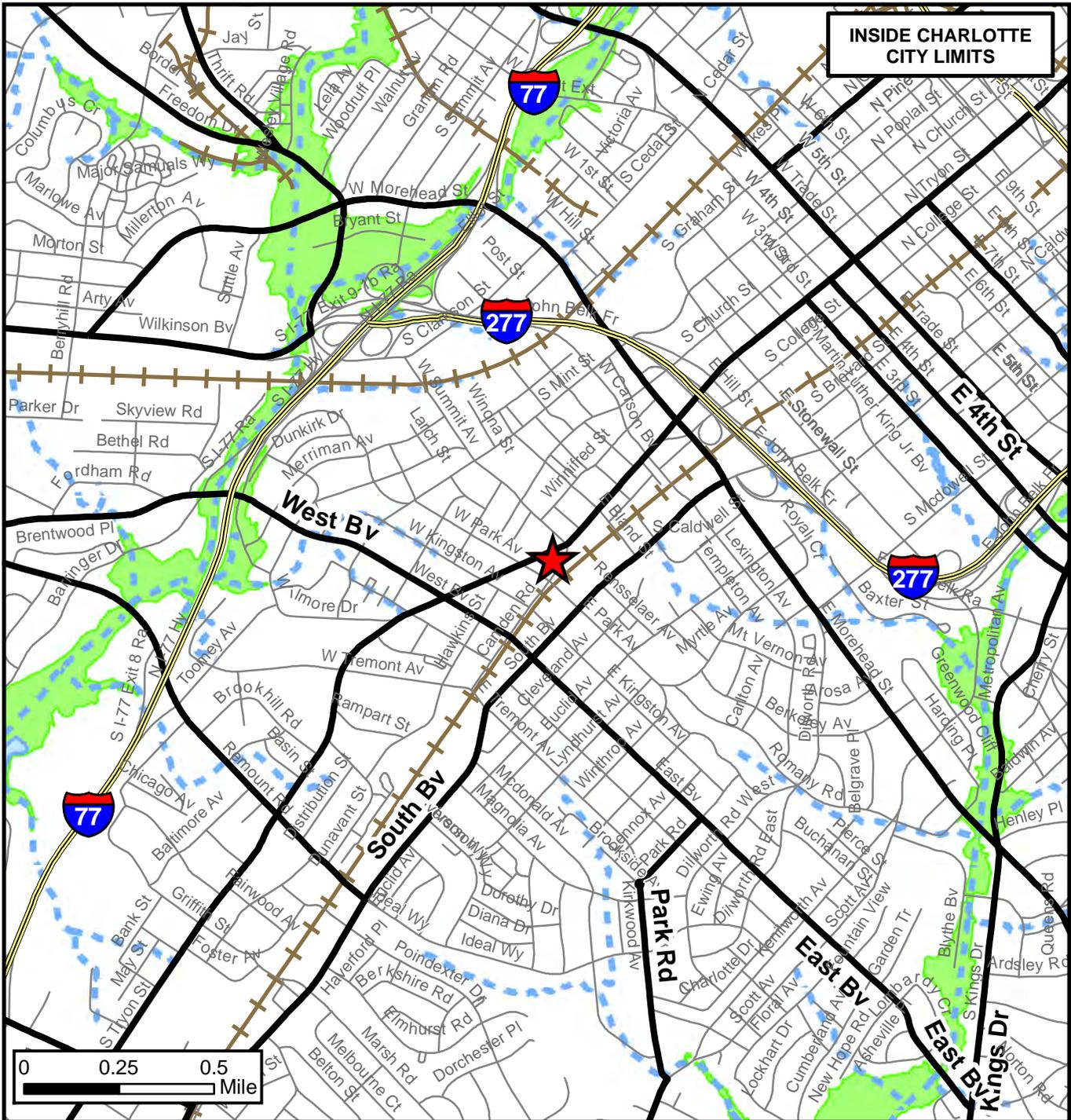
4. Modify elevations to match and be consistent with what is shown on the proposed site plan.
 5. Modify "Description of Building Height" table on sheet RZ-3 by changing the heading of the sixth column from "Variance Requested Due To Residential Zoning" to "Optional Height Requested Above TOD Height Plane".
 6. Modify "Description of Building Height" table on sheet RZ-3 by changing the heading of the last column from "Variance Requested Above TOD Max Building Height" to "Total Building Height" and populate the column with the actual building height above average grade for each area A-E.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326

Acresage & Location : Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road.



★ Rezoning Petition: 2015-128

- Major Roads
- Collector Roads
- Charlotte City Limits
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

Petition #: **2015-128**

Petitioner: **Cousins Acquisition Entity LLC**

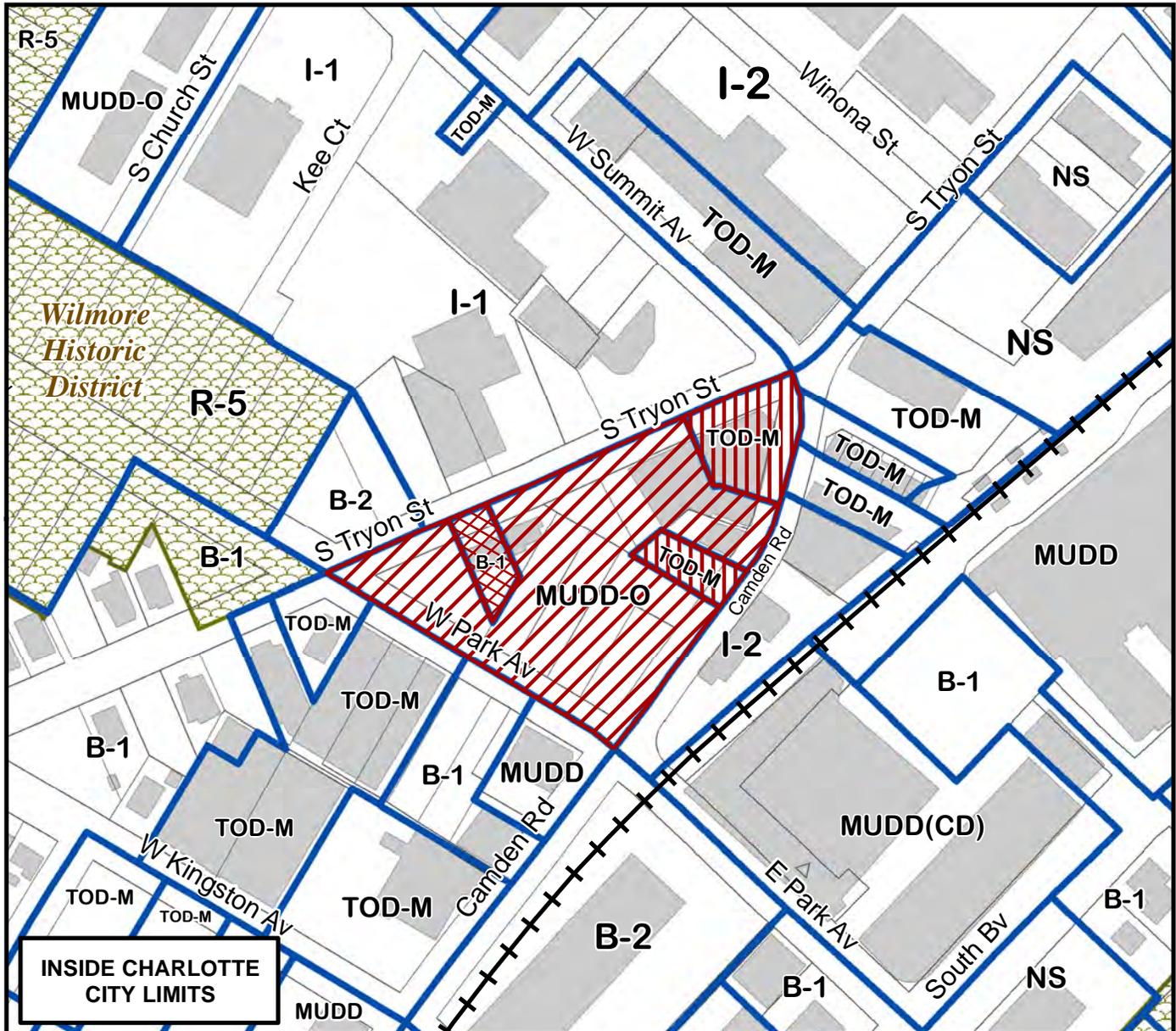
Zoning Classification (Existing): **B-1, TOD-M, & MUDD-O**

(Neighborhood Business, Transit Oriented Development, Mixed Use, and Mixed Use Development District, Optional)

Zoning Classification (Requested): **TOD-MO 5-Year Vested Rights**

(Transit Oriented Development, Mixed Use, Optional, Five Year Vested Rights)

Acres & Location: Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road.

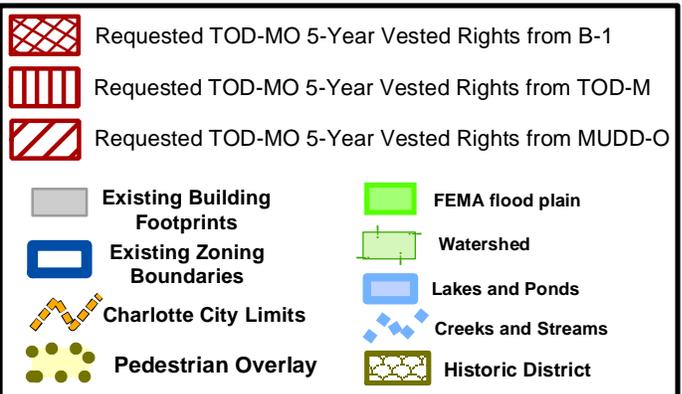


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.

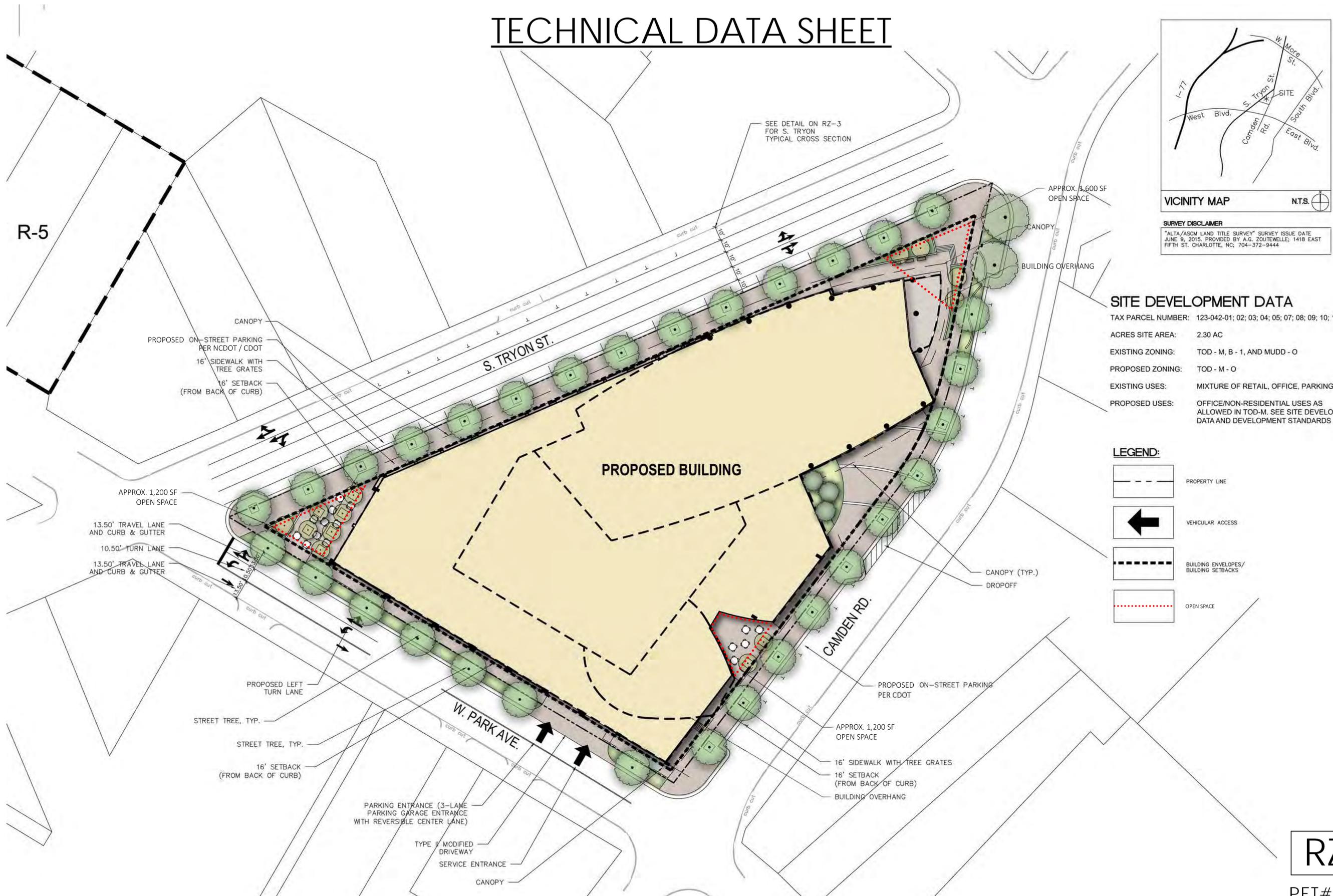


Zoning Map #(s)

102



TECHNICAL DATA SHEET



SITE DEVELOPMENT DATA

TAX PARCEL NUMBER: 123-042-01; 02; 03; 04; 05; 07; 08; 09; 10; 11; 12; 13

ACRES SITE AREA: 2.30 AC

EXISTING ZONING: TOD - M, B - 1, AND MUDD - O

PROPOSED ZONING: TOD - M - O

EXISTING USES: MIXTURE OF RETAIL, OFFICE, PARKING

PROPOSED USES: OFFICE/NON-RESIDENTIAL USES AS ALLOWED IN TOD-M. SEE SITE DEVELOPMENT DATA AND DEVELOPMENT STANDARDS ON RZ-2.

LEGEND:

- PROPERTY LINE
- VEHICULAR ACCESS
- BUILDING ENVELOPES/ BUILDING SETBACKS
- OPEN SPACE

RZ-1

PET#2015-128

DEVELOPMENT STANDARDS

SITE DEVELOPMENT DATA:

- ACREAGE: ± 2.30 ACRES
- TAX PARCEL #: 123-042-01; 02; 03; 04; 05; 07; 08; 09; 10; 11; 12 AND 13
- EXISTING ZONING: TOD-M; B-1; AND MUDD-O
- PROPOSED ZONING: TOD-M-O
- EXISTING USES: MIXTURE OF RETAIL, OFFICE AND PARKING
- PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE TOD-M-O ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3).
- MAXIMUM DEVELOPMENT LEVELS: UP TO 285,000 SQUARE FEET OF GROSS FLOOR AREA (AS DEFINED IN SECTION 3 BELOW) OF OFFICE USES, WHICH SHALL INCLUDE VERTICALLY INTEGRATED GROUND FLOOR RETAIL, RESTAURANT, AND/OR PERSONAL SERVICES USES IN AN AMOUNT NOT TO EXCEED 25,000 SQUARE FEET OF GROSS FLOOR AREA OF THE TOTAL 285,000 SQUARE FEET OF USES, AND SUCH OTHER ACCESSORY USES PERMITTED IN THE TOD-M-O ZONING CLASSIFICATION, INCLUDING, WITHOUT LIMITATION CAFETERIA SPACE, AUDITORIUM SPACE AND SIMILAR USES, ALL AS MORE PARTICULARLY DESCRIBED BELOW IN SECTION 3.

--MAXIMUM BUILDING HEIGHT: A MAXIMUM BUILDING HEIGHT OF UP TO 37 FEET HIGHER THAN THE (120)FOOT BUILDING HEIGHT ALLOWED IN THE TOD-M-O DISTRICT, AS MEASURED FROM AVERAGE GRADE AT THE BASE OF THE BUILDING ALONG EACH OF S. TYRON STREET, W. PARK AVENUE AND CAMDEN ROAD AND AS ALLOWED BY THE OPTIONAL PROVISIONS SET FORTH BELOW, WHICH, AS SHOWN ON SHEET (RZ-3) REFLECTS A SCALE BACK OF THE HEIGHT OF THE BUILDING FROM THE WILMORE RESIDENTIAL ZONING LOCATED DOWN W. PARK AVENUE CONTEMPLATED TO INCLUDE: (I) 1½-2 FLOORS OF UNDERGROUND PARKING & 4½-5 FLOORS OF ABOVE GROUND PARKING CLOSEST TO W. PARK AVENUE; AND (II) 7 FLOORS OF OFFICE USES ABOVE ONE GROUND LEVEL FLOOR OF NON-RESIDENTIAL USES & 2 FLOORS OF UNDERGROUND PARKING, IN THE PORTION OF THE BUILDING CLOSEST TO THE INTERSECTION OF S. TRYON STREET AND CAMDEN ROAD, (THE MAXIMUM BUILDING HEIGHT AS SHOWN ON SHEET RZ-3 ALSO SHOWS THE MAXIMUM HEIGHT OF THE BUILDING IN CERTAIN AREAS IN THE CONTEXT OF THE RESIDENTIAL HEIGHT PLANE REQUIREMENTS).

--PARKING: AS REQUIRED BY THE ORDINANCE FOR THE TOD-M-O ZONING CLASSIFICATION.

1. GENERAL PROVISIONS:

- a. **SITE LOCATION.** THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET AND OTHER GRAPHICS SET FORTH ON ATTACHED RZ SHEETS FROM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY COUSINS PROPERTIES ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF AN OFFICE BASED DEVELOPMENT ON AN APPROXIMATELY 2.30 ACRE SITE LOCATED AT THE INTERSECTION OF S. TRYON STREET, CAMDEN ROAD AND W. PARK AVENUE (THE "SITE").
- b. **ZONING DISTRICTS/ORDINANCE.** DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE TOD-M-O ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE, SUBJECT TO THE OPTIONAL PROVISIONS PROVIDED BELOW.
- c. **GRAPHICS AND ALTERATIONS/MODIFICATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, BUILDING MATERIALS, STREETSCAPE PERSPECTIVES, DRIVEWAYS, STREETS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MINOR MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

- (i) MINOR AND DONT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN, SUCH AS MINOR MODIFICATIONS TO THE CONFIGURATIONS OF THE STREET DIMENSIONS AND THE LIKE AS LONG AS THE MODIFICATIONS MAINTAIN THE GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT GENERALLY DEPICTED ON THE REZONING PLAN; OR
- (ii) MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN CLOSER TO ADJACENT PROPERTIES IN A RESIDENTIAL DISTRICT OR ABUTTING RESIDENTIAL USE BUT NO CLOSER THAN THE "EXTERNAL BUILDING LINE" (IN THIS CASE THE EXTERNAL SETBACKS, REAR/SIDE YARDS OR BUFFER AREAS, IF APPLICABLE) INDICATED ON SHEET RZ-1; OR
- (iii) MODIFICATIONS TO ALLOW MINOR INCREASES IN THE MASS OF THE BUILDING THAT DOES NOT MATERIALLY CHANGE THE DESIGN INTENT DEPICTED ON OR DESCRIBED IN THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

d. **NUMBER OF BUILDINGS PRINCIPAL AND ACCESSORY.** NOTWITHSTANDING THE NUMBER OF BUILDINGS SHOWN ON THE REZONING PLAN, THE TOTAL NUMBER OF PRINCIPAL BUILDINGS TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED ONE (1). ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES WILL BE CONSTRUCTED UTILIZING SIMILAR BUILDING MATERIALS, COLORS, ARCHITECTURAL ELEMENTS AND DESIGNS AS THE PRINCIPAL BUILDING(S) LOCATED ON THE SITE AS THE ACCESSORY STRUCTURE/BUILDING.

e. **FIVE YEAR VESTED RIGHTS.** PURSUANT TO THE PROVISIONS OF SECTION 1.110 OF THE ORDINANCE AND N.C.G.S. SECTION 160A-385.1, DUE TO THE NATURE OF THE DEVELOPMENT AND/OR REDEVELOPMENT, THE LEVEL OF INVESTMENT, THE TIMING OF DEVELOPMENT AND/OR REDEVELOPMENT AND CERTAIN INFRASTRUCTURE IMPROVEMENTS, ECONOMIC CYCLES AND MARKET CONDITIONS, THIS PETITION INCLUDES VESTING OF THE PROPOSED REZONING PLAN AND CONDITIONAL ZONING DISTRICTS ASSOCIATED WITH THE PETITION FOR A FIVE (5) YEAR PERIOD, BUT SUCH PROVISIONS SHALL NOT BE DEEMED A LIMITATION ON ANY OTHER VESTED RIGHTS WHETHER AT COMMON LAW OR OTHERWISE.

f. **GROSS FLOOR AREA.** WHEN DETERMINING THE MAXIMUM DEVELOPMENT LEVELS SET FORTH IN THIS REZONING PLAN, GROSS FLOOR AREA AS DEFINED IN THE ORDINANCE SHALL EXCLUDE ANY SURFACE OR STRUCTURED PARKING FACILITIES AND OUTDOOR DINING AND GATHERING AREAS WHETHER ON THE ROOF OF THE BUILDING OR AT STREET LEVEL (SEE ALSO SECTION 3.G. BELOW).

g. **PERSONAL SERVICES.** PERSONAL SERVICE USES WILL BE DEFINED AS USES THAT PRIMARILY PROVIDE OR SELL A SERVICE TO CUSTOMERS VERSUS THE SELLING OF GOODS. A PERSONAL SERVICE USE MAY ALSO SELL PRODUCTS OR MERCHANDISE BUT THE SALE OF PRODUCTS AND MERCHANDISE IS TYPICALLY ANCILLARY. EXAMPLES OF PERSONAL SERVICE USES INCLUDE BUT ARE NOT LIMITED TO: BEAUTY SALONS AND BARBER SHOPS, SPAS, YOGA AND EXERCISE STUDIOS, FITNESS AND WELLNESS FACILITIES, NAIL SALONS, MARTIAL ART TRAINING STUDIOS, LAUNDRIES AND DRY CLEANING ESTABLISHMENTS, LOCKSMITHS, FUNERAL HOMES AND ALIKE).

2. OPTIONAL PROVISIONS.

THE FOLLOWING OPTIONAL PROVISIONS SHALL APPLY TO THE SITE:

a. **MAXIMUM BUILDING HEIGHT WITHIN TOD-M.** TO ALLOW THE HEIGHT OF THE PRINCIPAL BUILDING CONSTRUCTED ON THE SITE TO EXCEED THE ALLOWED (120)FOOT MAXIMUM BUILDING HEIGHT OF THE TOD-M ZONING DISTRICT BY 36 FEET, AS MEASURED FROM THE AVERAGE GRADE AT THE BASE OF THE BUILDING ALONG EACH OF S. TRYON STREET, W. PARK AVENUE AND CAMDEN ROAD (AND PER SECTION 2.C. BELOW, AS SHOWN ON SHEET RZ-3, THIS REFLECTS A SCALE BACK OF THE HEIGHT OF THE BUILDING FROM THE WILMORE RESIDENTIAL ZONING LOCATED DOWN W. PARK AVENUE CONTEMPLATED TO INCLUDE: (I) 1½-2 FLOORS OF UNDERGROUND PARKING & 4½ FLOORS OF ABOVE GROUND PARKING CLOSEST TO W. PARK AVENUE; AND (II) 7 FLOORS OF OFFICE USES ABOVE ONE GROUND LEVEL FLOOR OF NON-RESIDENTIAL USES & 2 FLOORS OF UNDERGROUND PARKING, IN THE PORTION OF THE BUILDING CLOSEST TO THE INTERSECTION OF S. TRYON STREET AND CAMDEN ROAD.

b. **BUILDING HEIGHT FROM SINGLE-FAMILY RESIDENTIAL ZONING.** TO ALLOW PORTIONS OF THE PROPOSED BUILDING TO EXCEED THE ALLOWED BUILDING HEIGHT FROM SINGLE-FAMILY RESIDENTIAL ZONING, AS MEASURED FROM THE SHORTEST DISTANCE BETWEEN EXISTING SINGLE-FAMILY ZONING AND THE BUILDING EDGES, IN THE MANNER SET FORTH ON SHEET RZ-3, AS SHOWN ON SHEET RZ-3, AT BUILDING LOCATION "C," WHICH IS THE LOCATION OF THE GREATEST VARIANCE ABOVE THE RESIDENTIAL HEIGHT PLANE, (I) THE ALLOWABLE HEIGHT DUE TO PROXIMITY TO RESIDENTIAL ZONING IS ±71 FEET, AND (II) THE VARIANCE REQUESTED IS 86 FEET. FURTHERMORE, RZ-3 REFLECTS A SCALE BACK OF THE HEIGHT OF BUILDING FROM WILMORE RESIDENTIAL ZONING LOCATED DOWN W. PARK AVENUE CONTEMPLATED TO INCLUDE: (I) 1½ FLOORS OF UNDERGROUND PARKING & 4½ FLOORS OF ABOVE GROUND PARKING CLOSEST TO W. PARK AVENUE; AND (II) 7 FLOORS OF OFFICE USES ABOVE ONE GROUND LEVEL FLOOR OF NON-RESIDENTIAL USES & 2 FLOORS OF UNDERGROUND PARKING, IN THE PORTION OF THE BUILDING CLOSEST TO THE INTERSECTION OF S. TRYON STREET AND CAMDEN ROAD.

c. **MECHANICAL EQUIPMENT SCREEN.** IN ORDER TO ENSURE COMPLIANCE WITH APPLICABLE ORDINANCE PROVISIONS, IF NEEDED, TO ALLOW ROOF TOP MECHANICAL EQUIPMENT SCREENS LOCATED ON THE ROOF OF THE BUILDING, AND WHEN LOCATED A MINIMUM OF 30 FEET AWAY FROM THE EDGE OF THE BUILDING'S PARAPET WALL (I.E. LOCATED AWAY FROM THE BUILDING'S EXTERIOR BUILDING FACE AND TOWARD THE CENTER OF THE ROOF) TO NOT BE USED WHEN DETERMINING ALLOWED BUILDING HEIGHT PER THE OPTIONAL PROVISIONS 2.a. AND b.) ABOVE AND OTHERWISE WHEN DETERMINING ALLOWED BUILDING HEIGHT UNDER THIS REZONING PLAN.

d. **NON-STRUCTURED PARKING USES.** TO ALLOW URBAN OPEN SPACE AREAS LOCATED BETWEEN THE PARKING STRUCTURE PORTION OF THE BUILDING AND W. PARK AVENUE AND S. TRYON STREET TO BE USED FOR THE PURPOSE OF COMPLYING WITH SECTION 9.1208(6)(L) OF THE ORDINANCE DEALING WITH PERCENTAGE OF LINEAR STREET FRONTAGE DEVOTED TO NON-STRUCTURED PARKING USES.

e. **DETACHED SIGNS.** IN ADDITION TO OTHER SIGNS PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN, TO ALLOW ONE DETACHED GROUND MOUNTED SIGN ALONG EACH PUBLIC STREET FRONTAGE UP TO 10 FEET IN HEIGHT AND CONTAINING UP TO 75 SQUARE FEET OF SIGN AREA.

f. **WALL SIGNS.** IN ADDITION TO OTHER SIGNS PERMITTED IN THIS SECTION 2 AND OTHERWISE IN THE REZONING PLAN, TO ALLOW WALL SIGNS LOCATED ABOVE THE FOURTH FLOOR OF THE BUILDING TO HAVE UP TO 220 SQUARE FEET OF SIGN SURFACE AREA PER WALL OR 10% OF THE WALL AREA, TO WHICH THEY ARE ATTACHED, WHICHEVER IS LESS.

NOTE: THE OPTIONAL PROVISIONS REGARDING SIGNS ARE ADDITIONS/MODIFICATIONS TO THE STANDARDS FOR SIGNS IN THE TOD DISTRICT AND ARE TO BE USED WITH THE REMAINDER OF TOD STANDARDS FOR SIGNS NOT MODIFIED BY THESE OPTIONAL PROVISIONS.

g. **GROSS FLOOR AREA.** TO ALLOW THE CLARIFICATION REGARDING THE TERM "GROSS FLOOR AREA" IN THE CONTEXT OF MAXIMUM DEVELOPMENT LEVELS IN 1.F ABOVE TO BE USED AND APPLIED IN THE MANNER DESCRIBED BELOW IN SECTION 3.

3. PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

a. **GENERAL.** IN ADDITION TO OTHER DEVELOPMENT PERMITTED ON THE SITE AS DESCRIBED IN THIS SECTION 3, THE PRINCIPAL BUILDING CONSTRUCTED ON THE SITE MAY BE DEVELOPED WITH UP TO 285,000 SQUARE FEET OF GROSS FLOOR AREA OF OFFICE USES, WHICH SHALL INCLUDE VERTICALLY INTEGRATED GROUND FLOOR RETAIL, RESTAURANT, AND/OR PERSONAL SERVICES USES (SEE DEFINITION IN SECTION 1.G. ABOVE) IN AN AMOUNT NOT TO EXCEED 25,000 SQUARE FEET OF GROSS FLOOR AREA OF THE TOTAL 285,000 SQUARE FEET OF USES, AND SUCH OTHER ACCESSORY USES PERMITTED IN THE TOD-M-O ZONING CLASSIFICATION, INCLUDING, WITHOUT LIMITATION CAFETERIA SPACE, FITNESS/WELLNESS SPACE, AUDITORIUM SPACE AND SIMILAR USES.

b. **RETAIL, RESTAURANT AND PERSONAL SERVICES USES.** AS SET FORTH ON SHEET RZ-5 (UPDATED GROUND FLOOR USES) AND SHEET RZ-6 (LOBBY/CAMDEN EMPHASIS), THE REFERENCE TO "PROPOSED RETAIL" FOR THOSE AREAS DESIGNATED IN ORANGE/MAUVE COLOR SHALL INCLUDE RETAIL, RESTAURANT AND/OR PERSONAL SERVICES USES.

c. **S. TRYON STREET RETAIL LEASING COMMITMENT.** AS SET FORTH ON SHEET RZ-5, THAT CERTAIN GROUND FLOOR SPACE LOCATED ALONG S. TRYON STREET NEAR THE INTERSECTION OF S. TRYON STREET AND CAMDEN ROAD DESIGNATED AS "PROPOSED RETAIL" MAY BE USED FOR RETAIL, RESTAURANT AND/OR PERSONAL SERVICES USES (THE "TRYON RETAIL SPACE"). PETITIONER COMMITS TO USE DILIGENT GOOD FAITH EFFORTS TO LEASE THE TRYON RETAIL SPACE FOR ACTIVE RETAIL, RESTAURANT AND/OR PERSONAL SERVICES USES, AS DEMONSTRATED BY ACTIVE LEASING/MARKETING OF THE TRYON RETAIL SPACE FOR NOT LESS THAN 12 MONTHS FROM RECEIPT OF THE BUILDING PERMIT FOR THE BUILDING ("DILIGENT LEASING EFFORTS"). IF, HOWEVER, AFTER EXERCISING DILIGENT LEASING EFFORTS, THE PETITIONER IS UNABLE TO LEASE ALL OR A PORTION OF THE TRYON RETAIL SPACE FOR SUCH USES, IN ORDER TO PROMOTE ACTIVE STREET LEVEL USES THAT ENHANCE THE PEDESTRIAN EXPERIENCE AND VISUAL INTEREST ALONG S. TRYON STREET, THE PETITIONER MAY HAVE ALL OR PART OF THE TRYON RETAIL SPACE OCCUPIED FOR ACTIVE USES ASSOCIATED WITH THE ACTIVITIES OF THE OFFICE TENANT(S) WITHIN THE BUILDING.

4. TRANSPORTATION IMPROVEMENTS AND ACCESS:

I. PROPOSED IMPROVEMENTS:

THE PETITIONER PLANS TO PROVIDE OR CAUSE TO BE PROVIDED ON ITS OWN OR IN COOPERATION WITH OTHER PARTIES WHO MAY IMPLEMENT PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS SET FORTH BELOW TO BENEFIT OVERALL TRAFFIC PATTERNS THROUGHOUT THE AREA IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS:

a. **IMPROVEMENTS TO W. PARK AVENUE.** AS REFLECTED ON SHEET RZ-1, INSTALL A WESTBOUND LEFT TURN LANE ON W. PARK AVENUE.

II. STANDARDS, PHASING AND OTHER PROVISIONS.

a. **CDOT STANDARDS.** ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER DEVELOPMENT OR ROADWAY PROJECTS TAKING PLACE WITHIN THE SOUTH END AREA, BY WAY OF A PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

b. **ALTERNATIVE IMPROVEMENTS.** CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENT(S) CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT, PLANNING DIRECTOR, AND AS APPLICABLE, NCDOT, PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

III. ACCESS & STREETS.

a. VEHICULAR ACCESS TO THE SITE WILL BE FROM W. PARK AVENUE, ALL AS GENERALLY DEPICTED ON THE REZONING PLAN AND SUBJECT TO ADJUSTMENTS AS SET FORTH BELOW.

b. THE EXACT ALIGNMENT, DIMENSIONS AND LOCATIONS OF THE ACCESS POINTS TO THE SITE AND THE DRIVEWAYS ON THE SITE MAY BE MODIFIED FROM THE ELEMENTS SHOWN ON THE REZONING PLAN PROVIDED THAT THE OVERALL DESIGN INTENT IS NOT MATERIALLY ALTERED AND REQUIREMENTS DESCRIBED IN THIS SECTION 4.III. ARE MET.

5. PARKING AREAS, ACCESS AND CIRCULATION DESIGN GUIDELINES.

a. BUILDING MATERIALS ASSOCIATED WITH FACADES ON PARKING STRUCTURES THAT ARE GENERALLY COMPATIBLE IN QUALITY WITH ADJOINING BUILDINGS, PLAZAS AND STREETSCAPES WILL BE CREATED, TAKING INTO CONSIDERATION DIFFERENCES ASSOCIATED WITH PARKING STRUCTURES.

b. PARKING STRUCTURES SHALL BE DESIGNED TO MATERIALLY SCREEN THE VIEW OF PARKED CARS FROM ADJACENT PUBLIC OR PRIVATE STREETS OR PUBLICLY ACCESSIBLE OPEN SPACES OR PLAZAS. SCREENING OF CARS ON THE GROUND LEVEL WILL BE ACCOMPLISHED PRIMARILY THROUGH THE USE OF LANDSCAPING; AND SCREENING OF CARS PARKED ON AN EXPOSED UPPER LEVEL WILL BE ACCOMPLISHED BY DECORATIVE SCREENING.

c. ON-SITE LOADING DOCKS AND WASTE AREAS SHALL BE SEPARATED AND/OR SCREENED FROM VIEW AT GROUND LEVEL FROM PRIMARY BUILDING ENTRANCES.

d. THE ATTACHED ILLUSTRATIVE/CONCEPTUAL BUILDING ELEVATIONS, STREETSCAPE PERSPECTIVES AND GRAPHICS ARE INCLUDED TO REFLECT THE DESIGN INTENT AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THESE ILLUSTRATIONS IN THE MANNER SET FORTH IN THE ATTACHED APPLICABLE RZ SHEET AND THESE DEVELOPMENT STANDARDS).

e. RETAIL, RESTAURANTS AND PERSONAL SERVICES USES LOCATED ALONG CAMDEN ROAD WILL BE SETBACK AN ADDITIONAL FIVE (5) FEET FROM THE 16 FOOT SETBACK, FOR A MINIMUM SETBACK OF 21 FEET AS MEASURED FROM THE BACK OF CURB.

6. PEDESTRIAN ACCESS AND CIRCULATION DESIGN, OPEN SPACE AND GUIDELINES.

a. ALONG THE SITE'S STREETS, THE PETITIONER WILL PROVIDE A SIDEWALK AND A CROSS-WALK NETWORK THAT LINKS THE BUILDING(S), PARKING AREAS AND AREAS OF INTEREST ON THE SITE WITH ONE ANOTHER BY WAY OF LINKS TO SIDEWALKS ALONG THE ABUTTING PUBLIC STREETS AND/OR OTHER PEDESTRIAN FEATURES. THE MINIMUM WIDTH FOR THESE INTERNAL SIDEWALKS WILL BE EIGHT (8) FEET. STREET TREES WILL ALSO BE PROVIDED ALONG THE SITE'S ADJACENT PUBLIC STREETS.

b. PUBLIC OPEN SPACE AREAS IN EXCESS OF THE AMOUNT REQUIRED BY THE TOD-M ZONING DISTRICT WILL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN AND SAID OPEN SPACE AREAS SHALL CONTAIN IN THE AGGREGATE NO LESS THAN 4,000 SQUARE FEET. THESE PUBLIC OPEN SPACE AREAS WILL CONTAIN SEATING AREAS AND LANDSCAPED AREAS. ADDITIONAL ELEMENTS/AMENITIES MAY ALSO BE PROVIDED WITHIN THE PUBLIC OPEN SPACE AREAS SUCH AS BUT NOT LIMITED TO: ART WORK, WATER FEATURES, TRELLISES, GAZEBOS, LIGHTING (INCLUDING SPECIALTY LIGHTING) AND THE LIKE. EACH PUBLIC OPEN SPACE WILL BE DESIGNED TO MEET ACCESSIBILITY STANDARDS.

c. THE PETITIONER WILL WORK WITH CDOT TO ENHANCE THE PEDESTRIAN CROSSWALK LOCATED ON CAMDEN ROAD THAT PROVIDES ACCESS TO THE LIGHT RAIL STATION ACCESS PATH.

7. SIGNAGE:

a. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS LISTED ABOVE MAY BE PROVIDED IN ADDITION TO THE SIGNAGE OTHERWISE ALLOWED IN THIS SECTION.

8. LIGHTING:

a. ALL NEW LIGHTING SHALL BE FULL CUT-OFF TYPE LIGHTING FIXTURES EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS, AND PARKING AREAS.

b. DETACHED LIGHTING ON THE SITE, EXCEPT DECORATIVE LIGHTING OR ART WORK THAT UTILIZES LIGHTING ELEMENTS WHEN LOCATED IN THE PUBLIC OPEN SPACE AREAS AND STREET LIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO 20 FEET IN HEIGHT.

9. AMENDMENTS TO THE REZONING PLAN:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF CHAPTER 6 OF THE ORDINANCE.

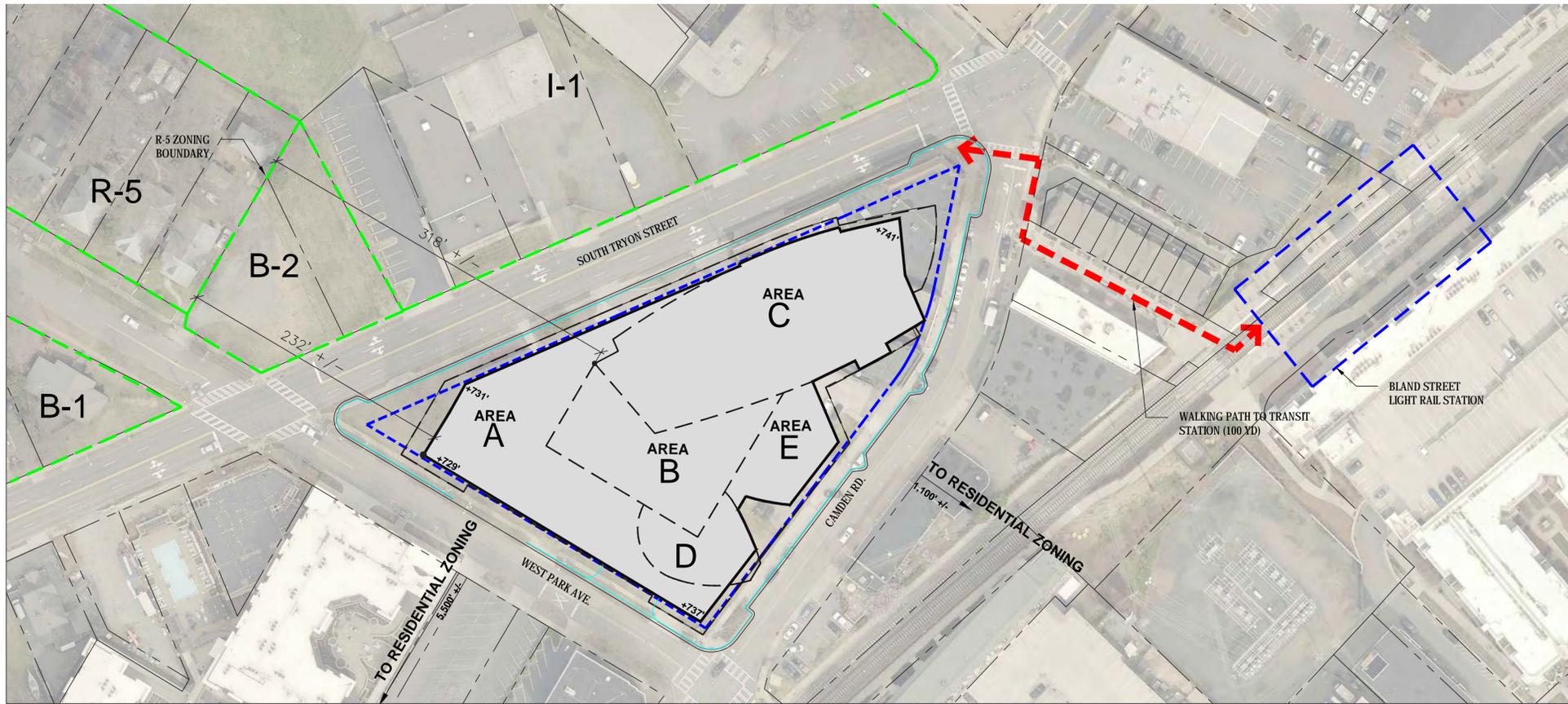
10. BINDING EFFECT OF THE REZONING APPLICATION:

a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE OR DEVELOPMENT AREAS, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

RZ-2

PET#2015-128

DEVELOPMENT EXHIBITS

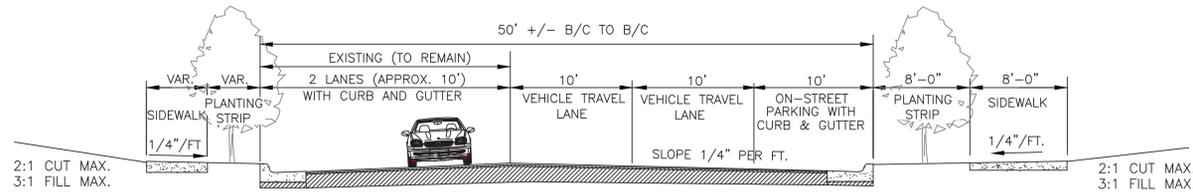


DESCRIPTION OF BUILDING HEIGHT**:

AREA	WEST PARK AVERAGE GRADE (FEET)	DISTANCE FROM RESIDENTIAL ZONING (LINEAR FEET)	BUILDING ELEVATION (FEET)	ALLOWABLE HEIGHT DUE TO RESIDENTIAL ZONING (FEET)	VARIANCE REQUESTED DUE TO RESIDENTIAL ZONING (FEET)	VARIANCE REQUESTED ABOVE TOD MAX BUILDING HEIGHT (FEET)
A	733	232	796	63	0	0
B	733	318	816	71	12	0
C	733	318	889	71	85	36
D	733	415	799	81	0	0
E	733	468	796	86	0	0

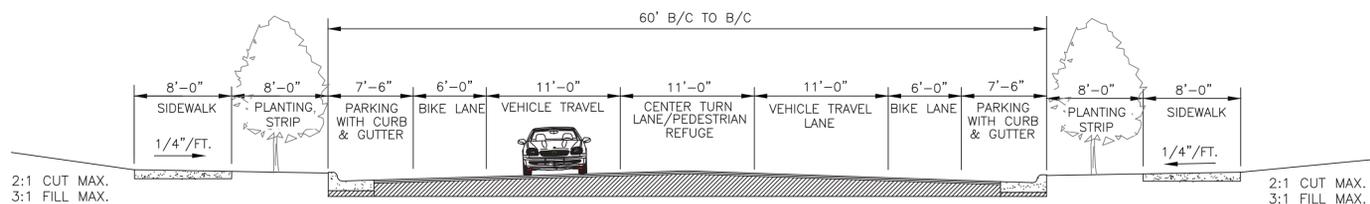
** SEE DEVELOPMENT STANDARDS ON RZ-2 FOR FURTHER PROVISIONS.

PROPOSED BUILDING FOOTPRINT AND DISTANCE TO RESIDENTIAL ZONING



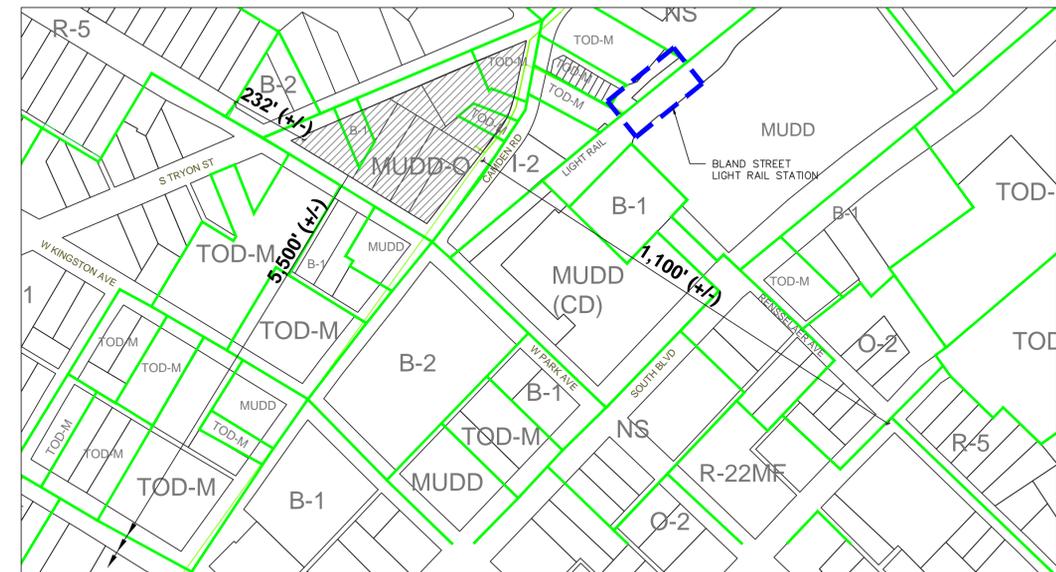
1 PROPOSED S. TRYON STREET SECTION (INTERIM CONDITION)

NOTE: PROPOSED PAVEMENT SECTIONS BASED ON CITY OF CHARLOTTE AND NCDOT REQUIREMENTS



2 PROPOSED S. TRYON STREET SECTION - FUTURE CONDITION PER SMALL AREA PLAN

NOTE: PROPOSED PAVEMENT SECTIONS BASED ON CITY OF CHARLOTTE AND NCDOT REQUIREMENTS

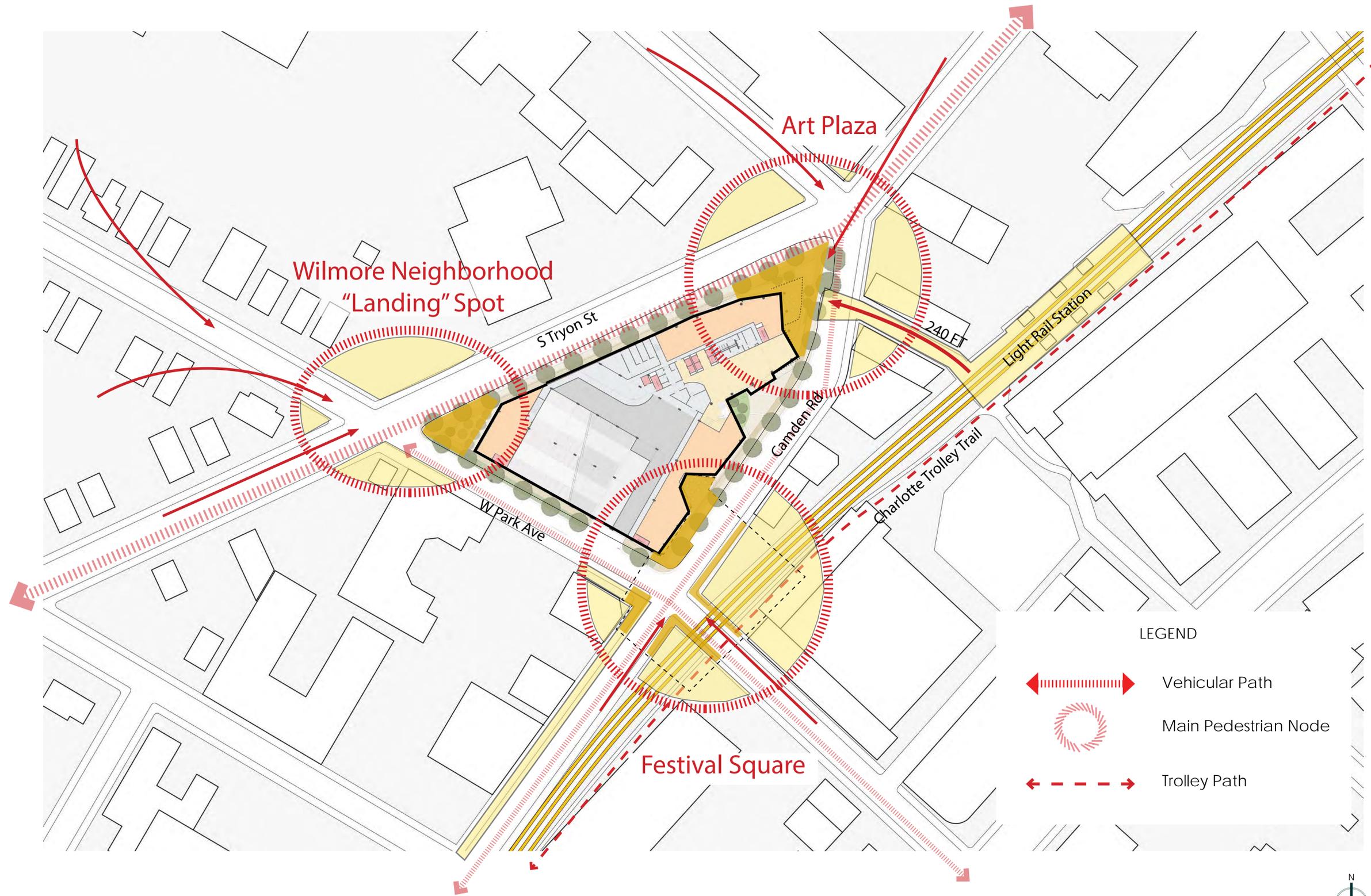


ADJACENT ZONING AND DISTANCE TO RESIDENTIAL

RZ-3

PET#2015-128

UPDATED DIAGRAM - 3 Corners / 3 Places + Connectivity



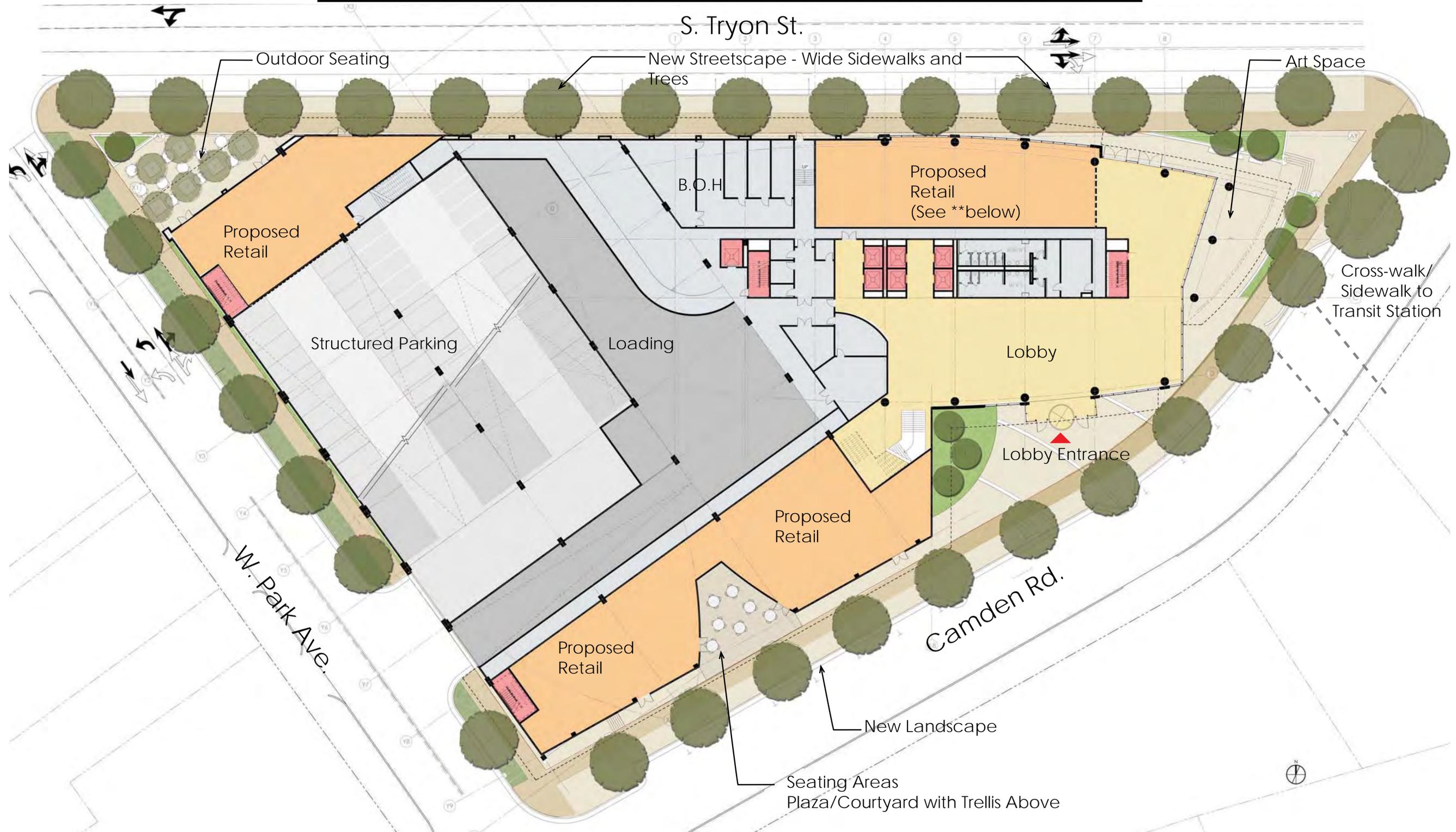
NOTE: This is an illustrative/conceptual rendering of the proposed open space area associated with the development. The exact dimensions and configuration are subject to minor deviation and changing during the design development that do not materially change the design intent.



RZ-4

PET#2015-128

UPDATED SITE PLAN - GROUND FLOOR USES



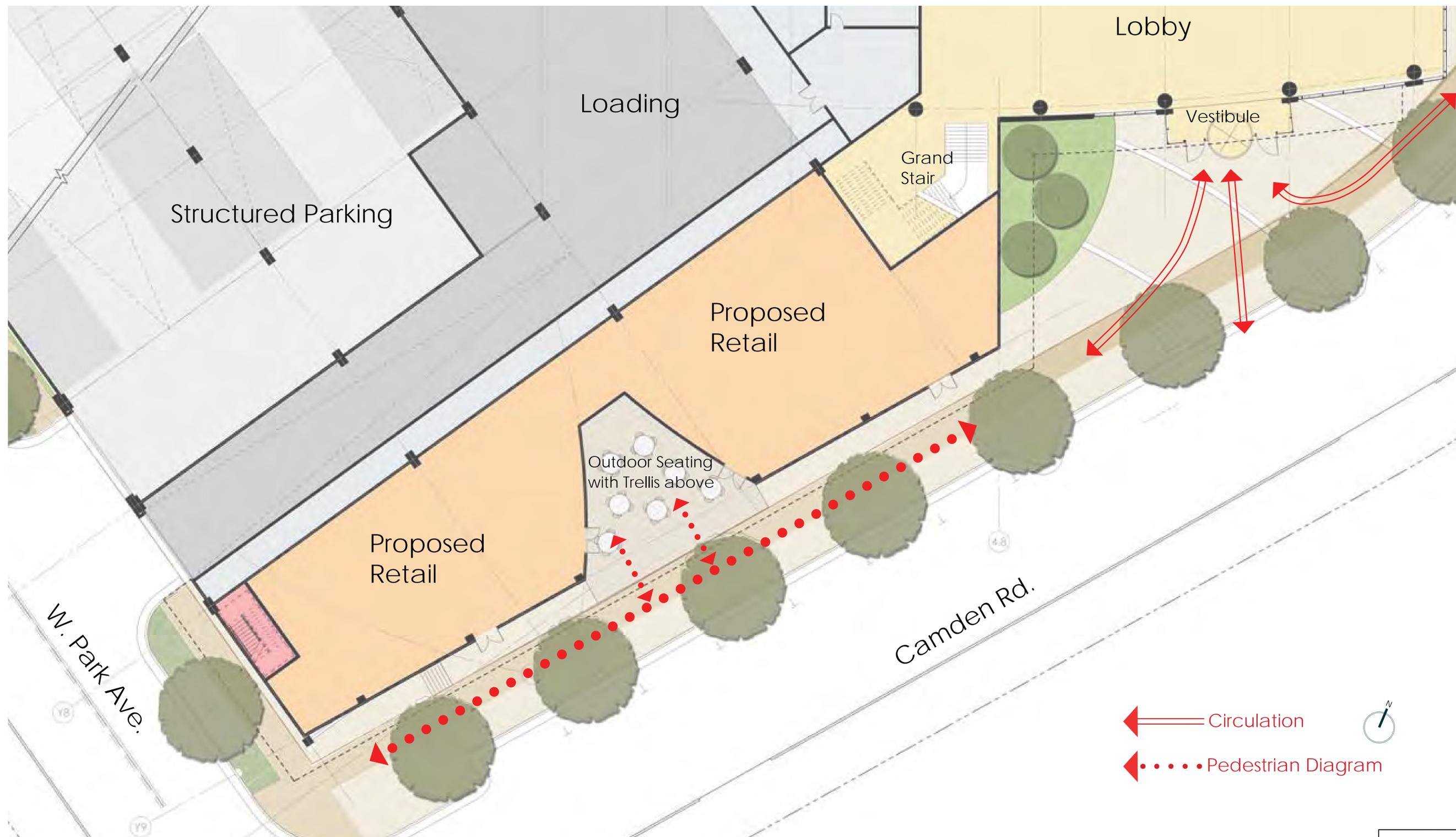
NOTE: This is an illustrative/conceptual rendering of the proposed ground floor uses and elements. The exact dimensions and configuration are subject to minor deviation and changing during the design development that do not materially change the design intent. Reference to "Proposed Retail" uses include retail, restaurant and/or personal services uses.

** **NOTE:** Reference is made to Section 3.C. of sheet RZ-2 (Development Standards) for Tryon Space Leasing Commitment.

RZ-5

PET#2015-128

LOBBY ACCESS EMPHASIS

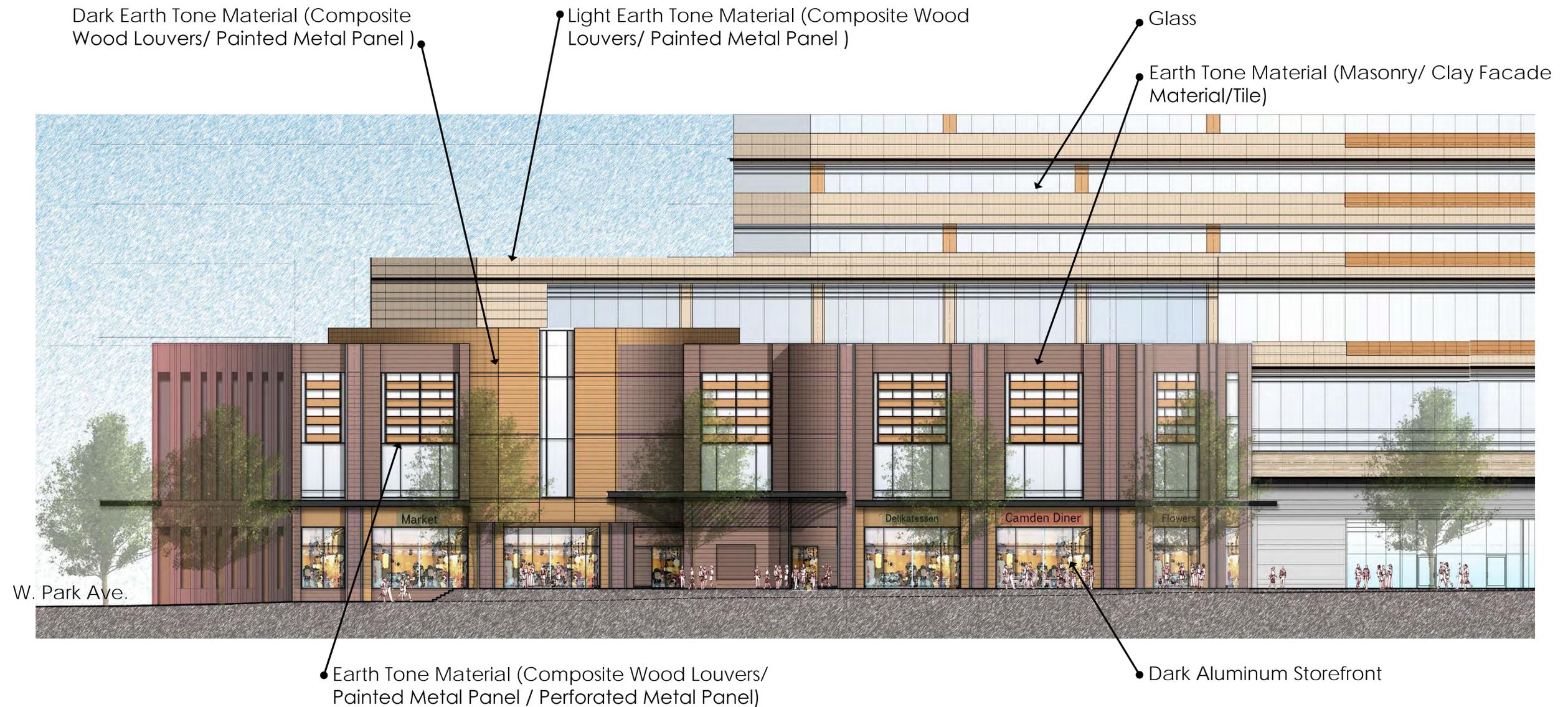


NOTE: This is an illustrative/conceptual rendering of the proposed lobby access and related areas along Camden Road. The exact dimensions and configuration are subject to minor deviation and changing during the design development that do not materially change the design intent. References to "Proposed Retail" uses include retail, restaurant and/or personal services uses.

RZ-6

PET#2015-128

UPDATED CAMDEN ELEVATION

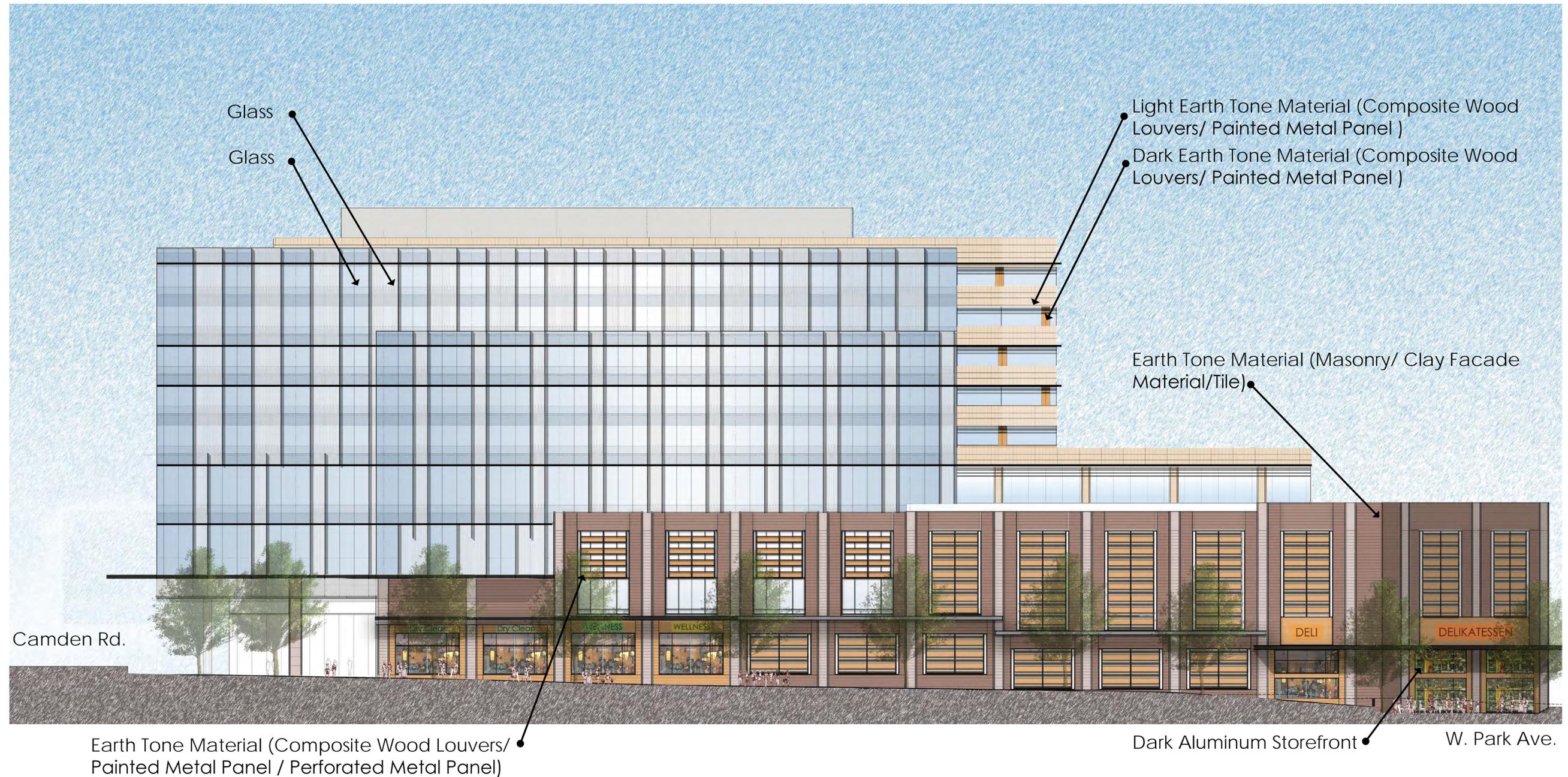


NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along Camden Road. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.

RZ-7

PET#2015-128

UPDATED TRYON ELEVATION

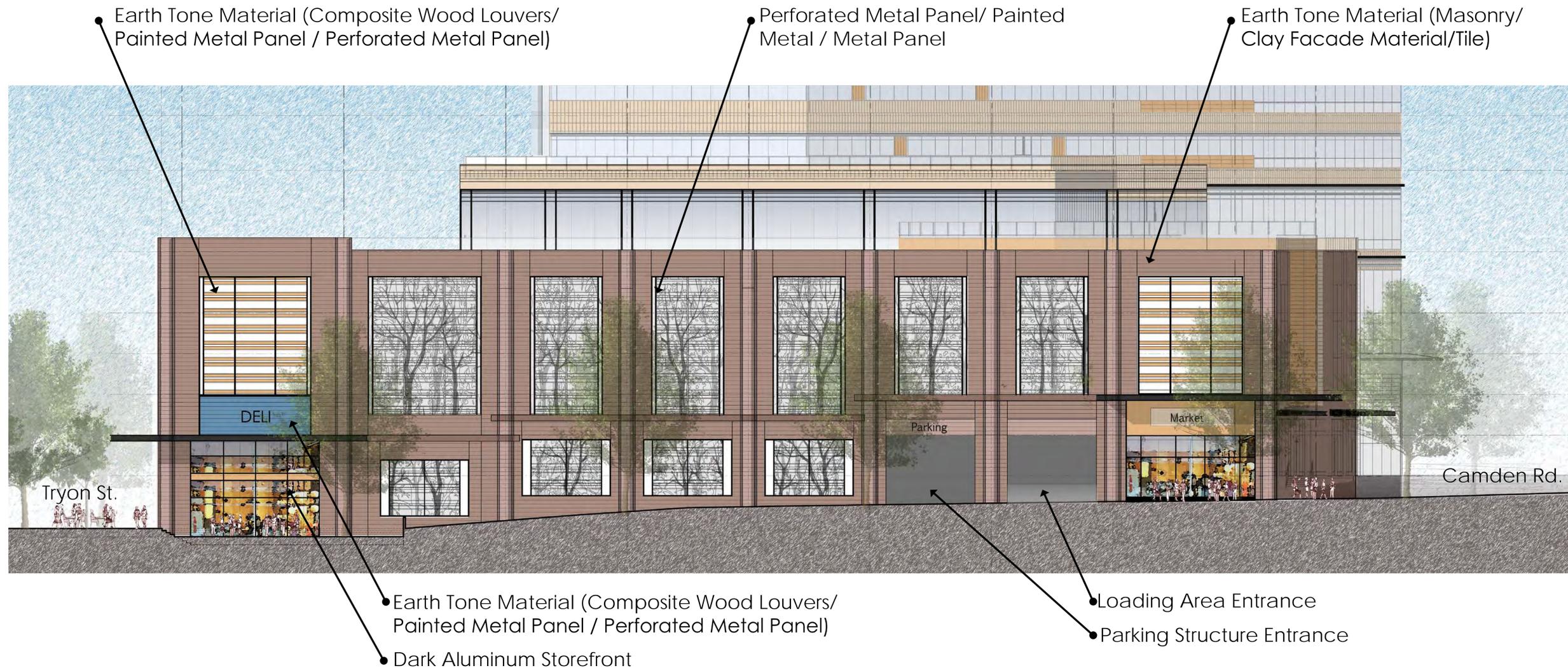


NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along Tryon Street. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.

RZ-8

PET#2015-128

UPDATED PARK ELEVATION



NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along West Park Avenue. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.

RZ-9

PET#2015-128

CONCEPTUAL BAY ELEVATION

Sample Material Palette

Masonry



Clay Tile



Composite Wood



Sample Material Palette

Composite Wood Louvers



Painted metal panels



Dark Aluminum Storefront

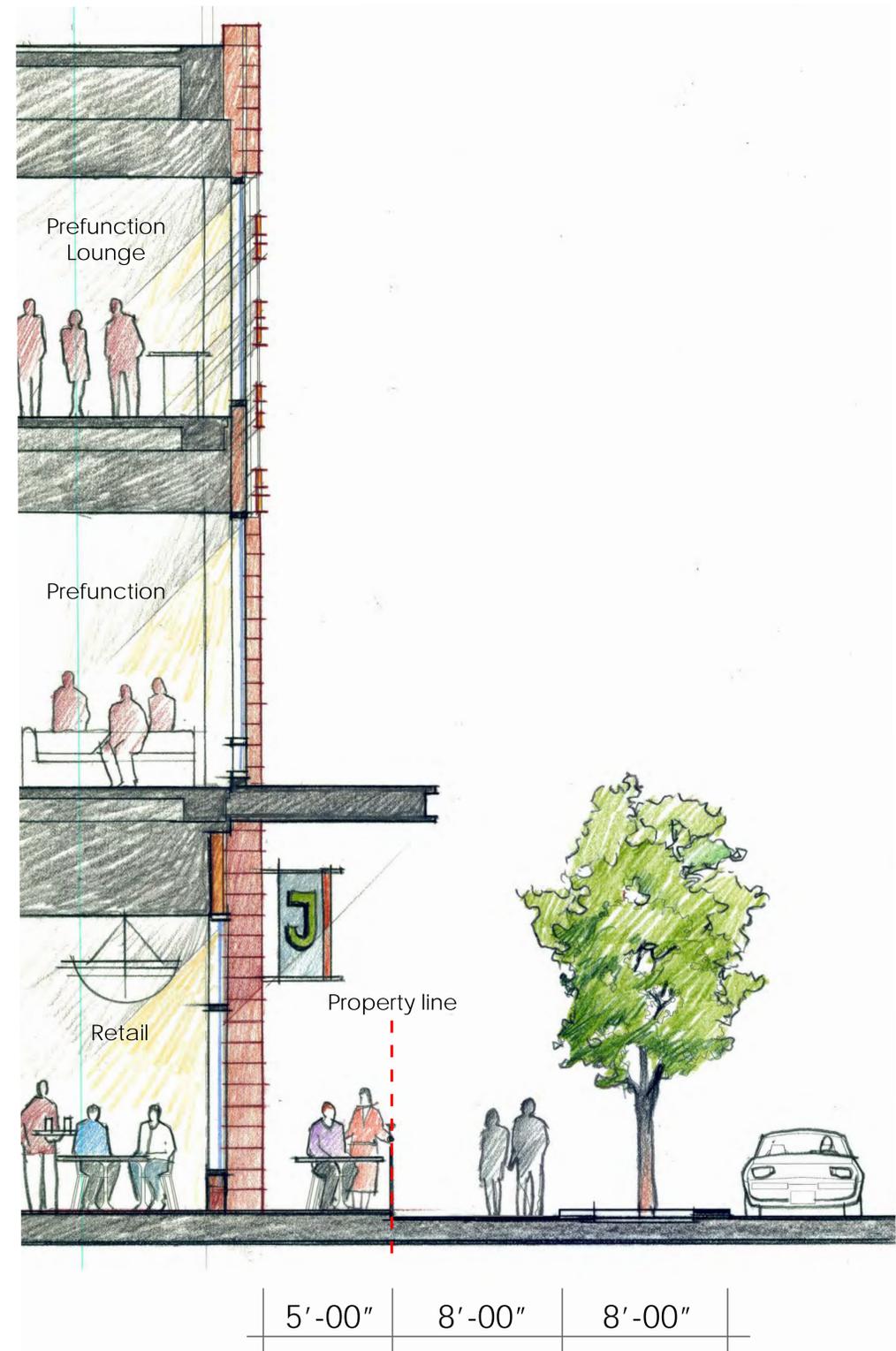


NOTE: This is an illustrative/conceptual rendering of a typical bay elevation including illustrations of sample material palette contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.

RZ-10

PET#2015-128

CONCEPTUAL BAY ELEVATION/SECTION



NOTE: This is an illustrative/conceptual rendering of a typical bay elevation and section reflecting activity contemplated within a portion of the building. Minor changes and deviations may occur during the design development that do not materially change the design intent. It is noted that only a portion of the building contains these activity elements.

RZ-11

PET#2015-128

ART PLAZA PERSPECTIVE

(S. Tryon St. + Camden Rd.)

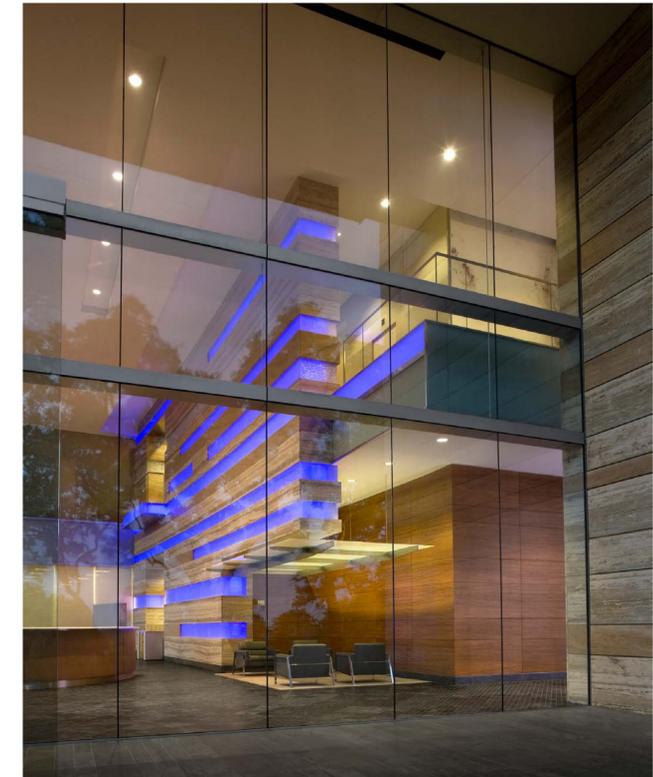
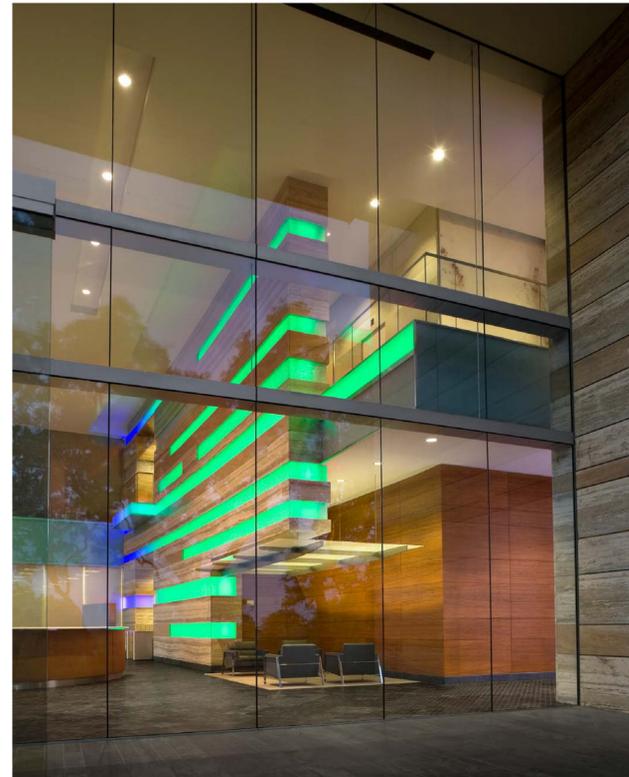
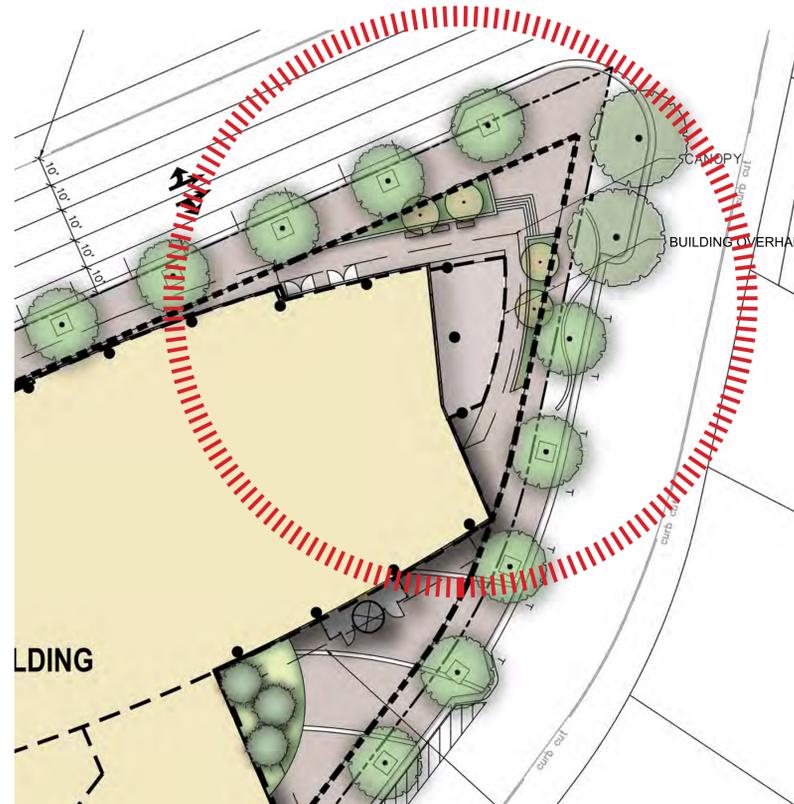


NOTE: This is an illustrative/conceptual rendering of a perspective of the building at the corner of Camden Road and S. Tryon Street. This is conceptual and subject to minor deviations and changes which may occur during design development that do not materially change the design intent. A few street trees are intentionally not showing in this rendering to better see the proposed building.

RZ-12

PET#2015-128

ART PLAZA - Tryon & Camden



NOTE: This is an illustrative/conceptual perspective related to the "Art Plaza" at Tryon & Camden. The images are not intended to represent the architectural style, the specific open space elements (interior or exterior), nor the nature of the art that is contemplated for this area, all of which will be developed by the Petitioner during design/development.

RZ-13

PET#2015-128

LANDING SPOT PERSPECTIVE

(S. Tryon St. + W. Park Ave.)



NOTE: This is an illustrative/conceptual rendering of a perspective of the building at the corner of S. Tryon Street and W. Park Ave. This is conceptual and subject to minor deviations and changes which may occur during design development that do not materially change the design intent. A few street trees are intentionally not showing in this rendering to better see the proposed building.

RZ-14

PET#2015-128

FESTIVAL SQUARE PERSPECTIVE

(Camden Rd.)

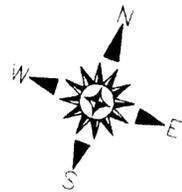
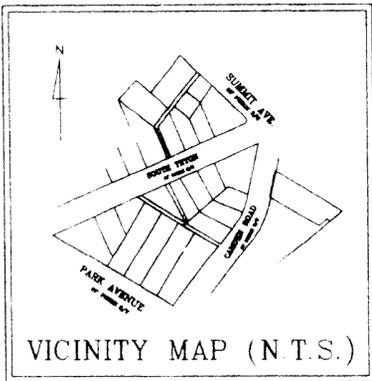


NOTE: This is an illustrative/conceptual rendering of a perspective of the building from Camden Rd. This is conceptual and subject to minor deviations and changes which may occur during design development that do not materially change the design intent. A few street trees are intentionally not showing in this rendering to better see the proposed building.

RZ-15

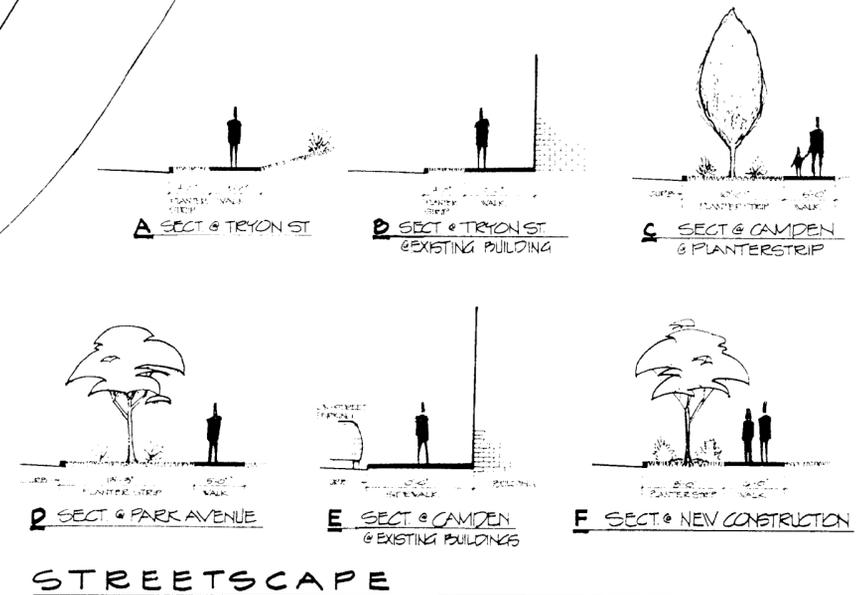
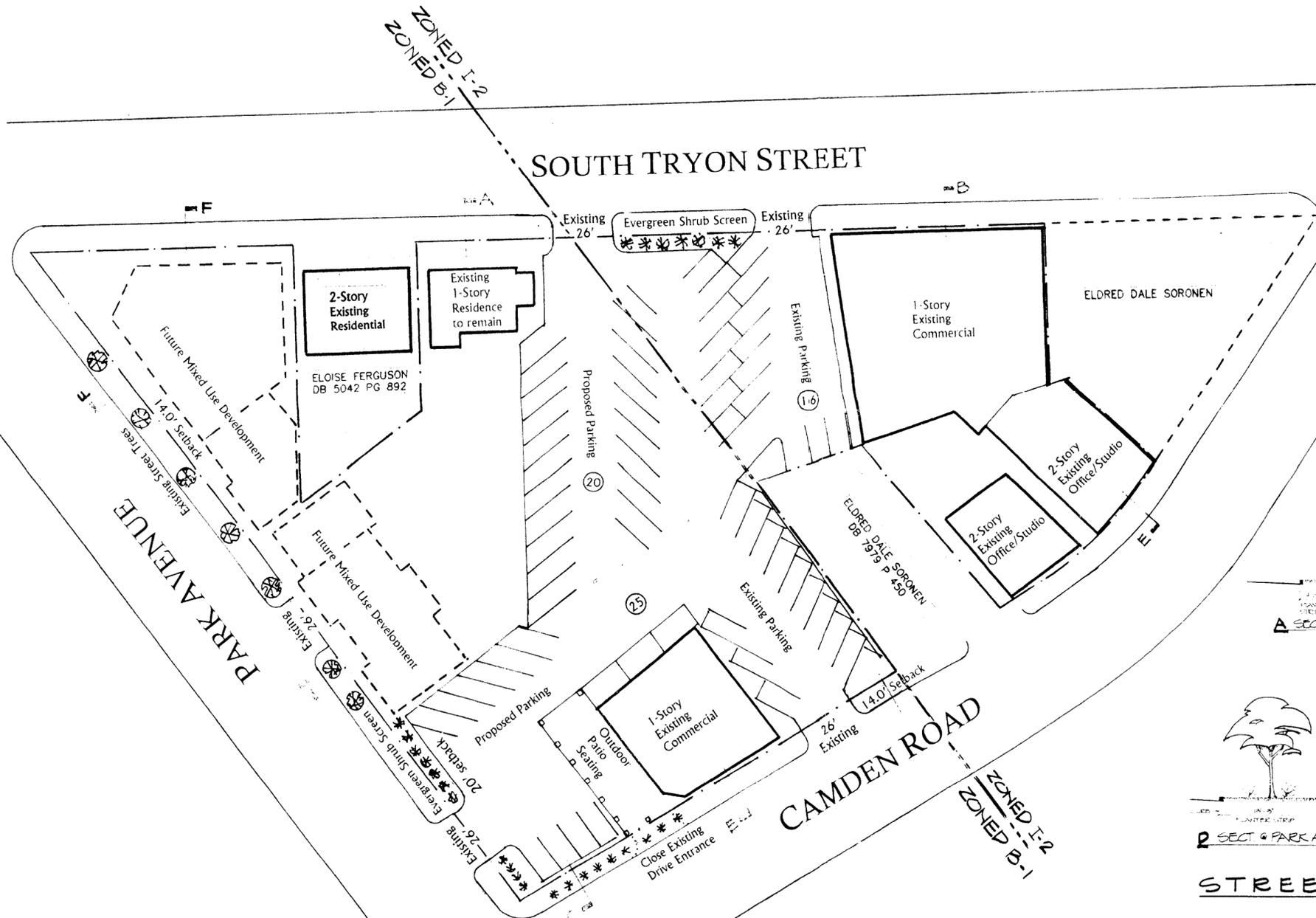
PET#2015-128

Previously
Approved
Site
Plan



For Public Hearing - MUDD Optional site plan notes

1. Development of site plan will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of existing buildings and proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development construction phases.
2. Access to the site will be provided by existing driveways from Camden Road, Park Avenue, and South Tryon Street as shown on this plan.
3. The proposed use of the property will be for retail, restaurant, residential, and studio/office (as currently used) along with the associated parking and services area. Implementation of this plan is contingent on securing suitable tenants able to utilize existing buildings.
4. All dumpsters will be screened with solid enclosures and gates.
5. The proposed development will comply with all applicable ordinance requirements for signage, parking, screening, and landscaping.
6. In view of the fact that the development of a portion of the site proposes to rehabilitate and use an existing structure or structures and other provisions have unusual adjoining property relationships with petitioner reserves the right through the optional process to seek modifications to the strict application of the ordinance as applies to the signage, streetscape requirements, setbacks and yards, parking locations and configuration and screening to recognize the existing structures and other unusual relationships. Petitioner requests this option specifically to: maintain existing parking area between existing 1-story building and Park Avenue; maintain existing parking location; and maintain existing planner strip and sidewalks.
7. Parking will be provided which meets or exceeds the requirements of the ordinance.



Site Data Table

Total Area:	1.838 AC +/-
Existing Zoning:	I-2 and B-1 as indicated
Proposed Zoning:	MUDD-Optional
Proposed Use:	Existing and proposed Mixed Use
Max. Building Height:	75 Feet

2000-36

APPROVED BY CITY COUNCIL
DATE 10/18/00

PROPOSED SITE PLAN
for
Gaines E. Brown, Jr.

Scale 1" = 40'0"

• SHADED AREAS ARE NOT PART OF THIS PETITION.



Agenda Date: 12/14/2015

Agenda #: 12.File #: 15-2031 Type: Zoning Hearing

Rezoning Petition: 2015-131 by Synco Properties

Location: Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)

Current Zoning: R-17MF (multi-family residential)

Proposed Zoning: MUDD-O 5-Year Vested Rights (mixed use development, optional, with 5-Year Vested Rights)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan

REQUEST	Current Zoning: R-17MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes redevelopment of an existing apartment complex in the SouthPark Activity Center with a mixed use development of up to 990 residential units, 250,000 square feet of office, 300,000 square feet of retail, and 225 hotel rooms.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Associated Apartment Investors/Colony Limited Partnership Synco Properties Collin Brown & Bailey Patrick, Jr.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 26.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>SouthPark Small Area Plan</i>, which recommends multi-family with limited retail/service uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The vision articulated in the <i>SouthPark Small Area Plan</i> calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses. • In addition, the <i>Centers, Corridors and Wedges Growth Framework</i> identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development. • While the proposed rezoning is inconsistent with the specific land uses recommended in the <i>SouthPark Small Area Plan</i>, the proposal is consistent with the larger vision articulated in the area plan and in the <i>Centers, Corridors and Wedges Growth Framework</i>, as well as recent development which has included a greater mix of uses than called for in the area plan. • The site plan for this proposal includes a vertical mix of uses and provides active residential and nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network. • The site plan also provides wide setbacks along the existing public streets allowing for the opportunity to preserve existing mature trees and added green space.
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PLANNING STAFF REVIEW

- **Background**
 - This site initially was submitted for rezoning under petition number 2015-034. That petition was withdrawn in September 2015, prior to going to public hearing and has since been resubmitted.
- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - The site is divided into four development areas:
 - Area A is located at the northeast corner of the site at the intersection of Colony and Roxborough Roads, and is proposed for up to 350 multi-family dwelling units in a building

- with a maximum height of 75 feet.
- Area B – is located at the southeast corner of the site at the intersection of Colony and Sharon Roads, and is proposed for commercial uses (including office, hotel, eating/drinking/entertainment establishments and retail), up to 250,000 square feet of office, 225 hotel rooms 100,000 square feet of retail, and building heights up to 75 feet along Sharon Road, 120 feet along Colony Road and 140 feet along Rexford Road.
 - Area C – is located at the northwest corner of the site at the corner of Roxborough and Rexford Roads and is proposed for up to 640 multi-family dwelling units, with building heights up to 85 feet along Roxborough Road and 160 feet along Rexford Road and Adair Court
 - Area D – is located at the southwest corner of the site at the corner of Rexford Road extension and Sharon Road and is proposed for commercial uses (office, retail and eating/drinking/ entertainment establishments), up to 200,000 square feet of retail or office uses, with building height up to 75 feet.
 - General provisions:
 - Allows up to 10% of the multi-family units to be transferred between the multi-family development areas provided the total does not exceed 990 dwelling units.
 - Provides a minimum 30-foot setback along Roxborough, Colony and Sharon Roads with a few exceptions along Roxborough Road as identified on sheet RZ-2 and within Area D where a colonnade is allowed to encroach up to 15 feet. Provides a 50-foot setback along the 120-foot height zone, south of Adair within Area B for the proposed office building.
 - Provides numerous on and off-site transportation improvements including but not limited to:
 - extensions of Rexford Road and Adair Court through the site;
 - funding contribution for future traffic signal at Roxborough Road and Rexford Road;
 - construction of a traffic signal at Adair Court and Colony Road;
 - construction of a directional crossover on Sharon and Rexford Roads;
 - a waiting pad for the existing bus stop on Sharon Road;
 - pedestrian crossings on Sharon Road at Rexford Road and on Colony Road at the drive connection within Area B; and
 - renovation and landscaping of medians along Colony Road between Runnymede Lane and Cloverfield Road.
 - Specifies numerous architectural and design commitments along with a descriptive design intent.
 - Prohibits commercial service and loading areas along Rexford Road, Adair Court, Roxborough Road, Colony Road and Sharon Road except within Development Area D where a service area may be provided along Adair Court if the area is screened by walls.
 - Commits to providing at least four acres of publicly accessible open space, including approximately two acres in the perimeter tree save edge along Roxborough, Colony and Sharon Roads and approximately two acres in the urban core, which includes a central plaza at the intersection of Adair Court and Rexford Road.
 - Commits to a workforce housing program for no fewer than five percent of the total number of residential units constructed on the site for a period not less than 15 years.
 - Requests optional provisions to allow:
 - A limited amount of short-term surface parking and drives between public or private streets as generally depicted on the site plan.
 - Up to three porte-cocheres and valet parking areas between buildings and streets.
 - Stormwater and water quality facilities within setbacks and beneath sidewalks.
 - Innovative sidewalk and planting designs along Roxborough, Sharon and Colony Roads in order to preserve existing trees.
 - Building entrances which are not recessed when adjacent sidewalks are at least ten feet wide.
 - Innovative street designs, non-standard cross-sections, alternative materials, planted medians and other features within portions of Rexford Road and Adair Court as generally depicted on sheet RZ-5.
 - Flexibility with regard to the definition of the “base” of a building (i.e. “base” of the building may be higher or lower than “the first three floors above street grade”).
 - Drive-through service windows as an accessory to one bank or financial institution. The service window shall not be visible from any public or private street and shall be internal to a building or structured parking facility.
 - Up to ten detached, ground-mounted signs in general locations indicated on the site plan. Signs in Area B and D will be no greater than 65 square feet and up to five feet in height. Signs at access points C and E will be no greater than 32 square feet and up to four feet in height.
 - Up to 200 square feet of sign surface per wall or up to 10% of the wall area for which they

are attached whichever is less for wall signs within Area B and D. Only one sign in excess of the requirements of the Zoning Ordinance shall be permitted along the sites frontage on Colony Road.

- **Existing Zoning and Land Use**

- The subject property is zoned R-17MF (multi-family residential) and is developed with apartments built in about 1972.
- Abutting to the southwest across Southwick Drive are a series of individual retail and office properties fronting Morrison Boulevard, in B-1SCD (business shopping center), O-3(CD) (office, conditional), and MUDD-O (mixed use development, optional) zoning.
- To the southeast across Sharon Road is the Morrocroft Village retail development, zoned B-1SCD (business shopping center district).
- To the northeast across Colony Road is the Governor Morrison multi- use development, incorporating retail, midrise residential, and hotel uses, in MUDD-O (mixed use development, optional).
- To the east diagonally across Sharon and Colony Roads is the Foxcroft single family neighborhood in R-3 (single family residential).
- To the northwest across Roxborough Road is the Trianon Condominium property zoned R-17MF (multi-family residential) and office buildings fronting Rexford Road (in various office zoning districts).
- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- Recent rezonings approved in the area include:
 - Petition 2013-082 rezoned 7.95 acres north of the subject site on Sharon Road between Morrocroft Lane and Sharon Township Lane. This was a site plan amendment for MUDD-O (mixed use development, optional) from the earlier Governor Morrison project rezoning 2004-015. It provided for 398 dwelling units, 25,000 sq. ft. of retail and/or office uses, and building heights stepping up to a maximum 140 feet.
 - Petition 2012-093 rezoned 1.41 acres north of the subject site at Colony Road and Roxborough Road from R-17MF (multi-family residential) to MUDD-O (mixed use development, optional). It provided for 100 multi-family dwelling units in a building not to exceed 75 feet.

- **Public Plans and Policies**

- The *SouthPark Small Area Plan* (2000) shows the property as multi-family with limited retail/service use.
- The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.
- The petition supports the *General Development Policies-Environment* by redeveloping an existing site in a developed area identified as an Activity Center, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**

- This site is located within a mixed-use activity center. Generally CDOT supports greater density in mixed use activity centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced.
- The SouthPark Activity Center experiences significant congestion today, mostly concentrated along Fairview Road and along Sharon Road. Also, the three major streets with fronting residential uses, Park South Drive, Barclay Downs Drive and Colony Road all experience high volumes of traffic given their residential character. Therefore, the primary transportation goals for this site are to a) mitigate impacts of traffic by the development where possible, b) ensure high quality urban design and street connectivity to improve pedestrian and bicycle access, and c) identify and implement any measures that can reduce the impact to residential properties fronting these streets. This rezoning proposal addresses these goals as described below:
 - Traffic mitigation – the following traffic mitigations are included under the rezoning proposal:
 1. Installation of a signalized pedestrian crossing and directional left-over on Sharon Road between Colony Road and Morrison Blvd.
 2. Construction of a second southbound left-turn lane from Sharon Road onto Morrison

- Blvd.
3. Construction of an eastbound right-turn lane from Colony Road onto Sharon Road.
 4. Construction of a westbound right-turn lane on Morrison Boulevard at Roxborough Road.
 5. Construction of a northbound right-turn lane on Barclay Downs at Fairview Road.
 6. \$250,000 contribution to the City to be used for signalization on Roxborough and Rexford, or other minor projects within the SouthPark area.
- Pedestrian and Bicycle Access and Connectivity
 1. Extension of two new internal streets to create smaller more walkable blocks for improved pedestrian, bicycle, and vehicular mobility within the site.
 2. Installation of a new signalized pedestrian crossing of Sharon Road between Colony and Morrison.
 3. Installation of a traffic signal at Adair Court and Colony Road.
 4. Construction of a pedestrian refuge median on Colony Road and Governor Morrison Street.
 5. Construction of a pedestrian refuge median on Roxborough Road.
 6. Modification of the existing signalized access at Sharon Road and the main entrance to SouthPark mall.
 - Colony Road Improvements
 1. Installation and maintenance of various improvements to the appearance of the existing Colony Road medians near Runnymede through hardscape and landscaping.
 2. Various pedestrian refuge median improvements along Colony Road.
 - The combined effects of the increased traffic and proposed mitigations will have a net negative impact on congestion; however, the petition commits to all improvements requested by CDOT.
 - See Outstanding Issue, notes 1 and 2.
 - **Vehicle Trip Generation:**
 Current Zoning: 2,350 trips per day (based on multi-family use)
 Proposed Zoning: 24,000 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 63 students, while the development allowed under the proposed zoning will produce 151 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 88 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Sharon Elementary from 146% to 161%
 - Alexander Graham Middle from 116% to 119%
 - Myers Park High from 113% to 115%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

OUTSTANDING ISSUES

Transportation

1. Remove inset images on Sheet RZ-8 related to the connection through Area B to Colony Road.
2. Work with planning and CDOT staff to amend Note 6d to accurately describe the pass through connections through Areas B and C, and then amend the Design Intent and any diagrams or images to match.

REQUESTED TECHNICAL REVISIONS

1. Amend Note 3b to read "allow up to three porte-cocheres and valet parking service areas on the site between buildings and streets."
2. Amend the last sentence in Note 3j because access points are not lettered on the site plan.

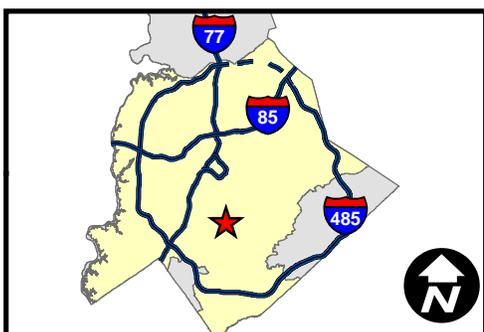
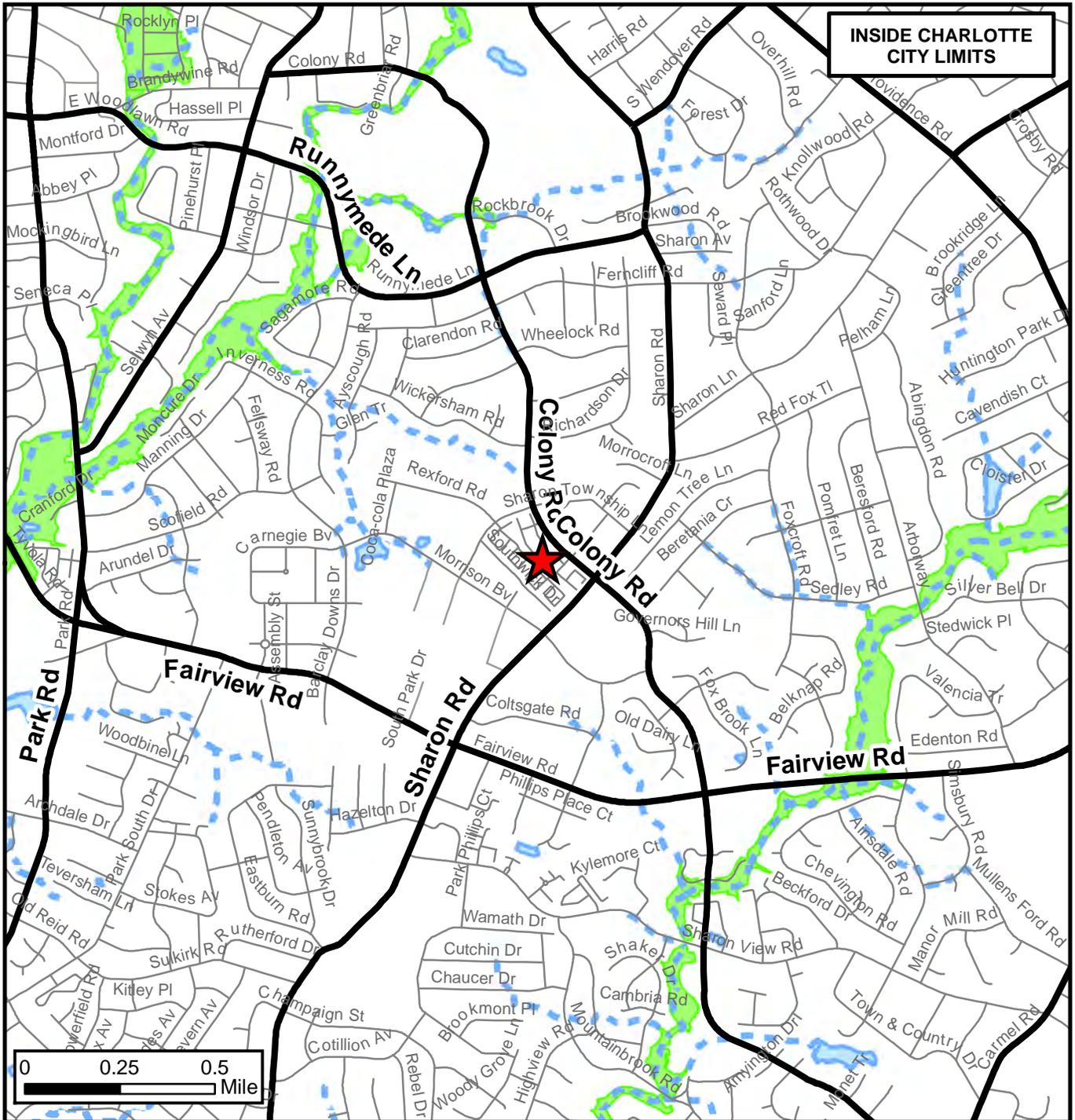
3. Amend Note 8l to change "connection" to "connections" in the second sentence.
 4. Amend Note 8m to read "except as specified in Paragraph (l) above..."
 5. Amend the words "Tree Save Edge" on sheet RZ-8 to "Perimeter Tree Zone" and amend Note 9b to change "tree save areas" to "perimeter tree zone."
 6. Ensure that the Development Notes and the Design Intent are consistent with one another throughout.
 7. Amend Note 8j and 8k and the Design Intent to specify that the setback is measured from the future back of curb. State that except in locations where widening is proposed as part of the transportation improvements described in the notes, the existing and future back of curb are the same.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: John Kinley (704) 336-8311

Acres & Location : Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road.



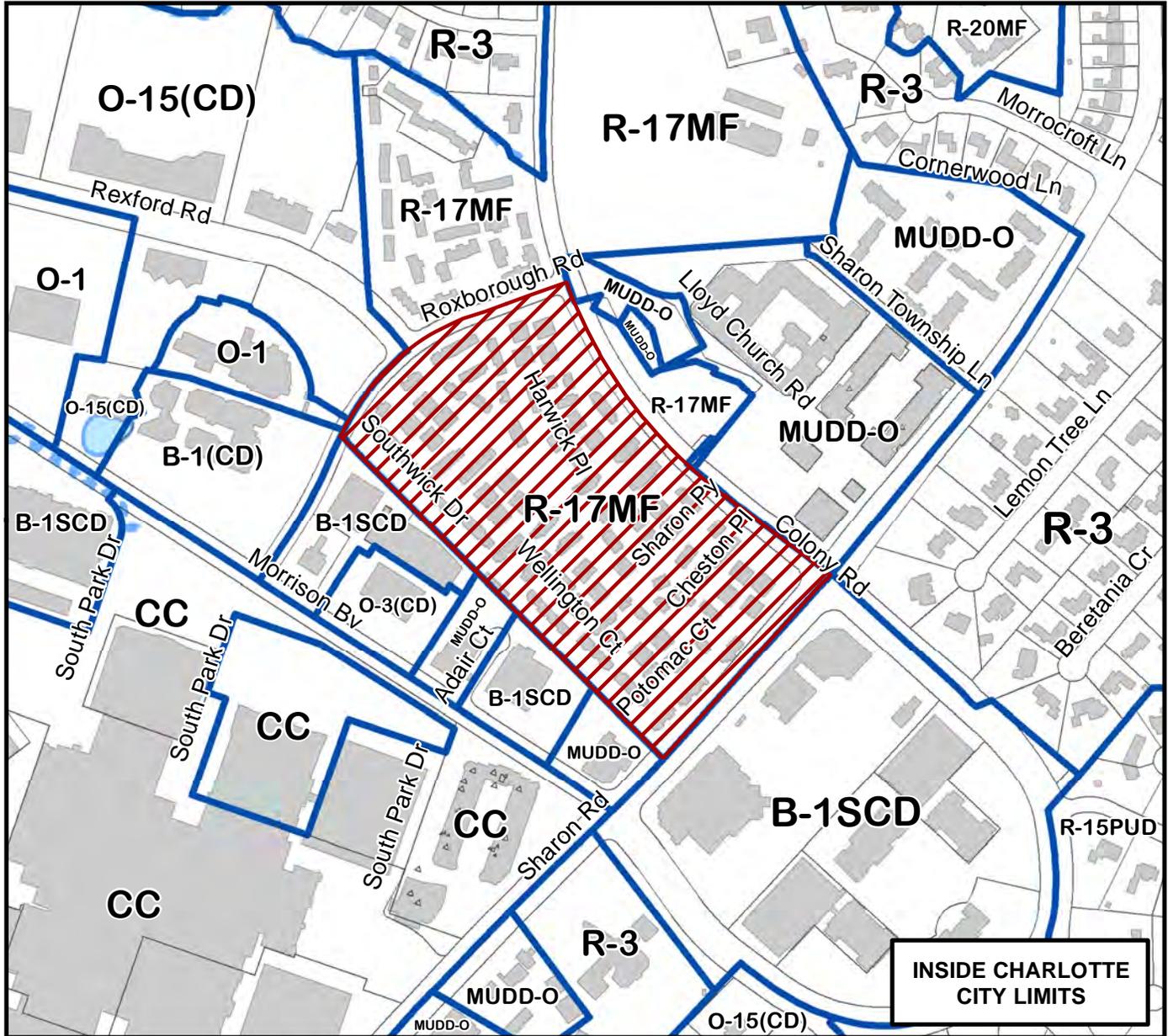
Petition #: **2015-131**

Petitioner: **Synco Properties**

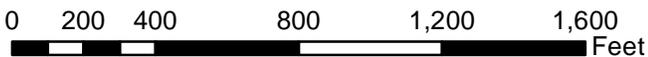
Zoning Classification (Existing): **R-17MF**
(Multi-Family, Residential)

Zoning Classification (Requested): **MUDD-O 5-Year Vested Rights**
(Mixed Use Development District, Optional, Five Year Vested Rights)

Acreage & Location: Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road.

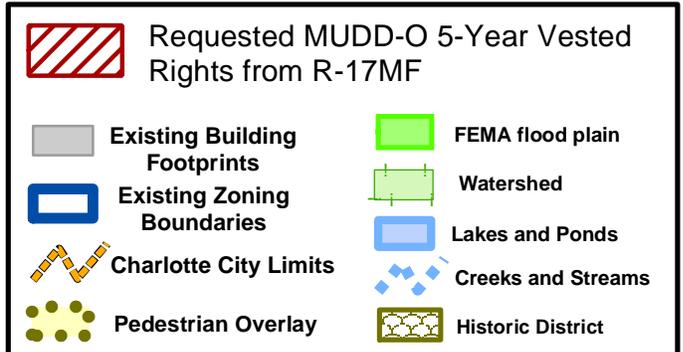


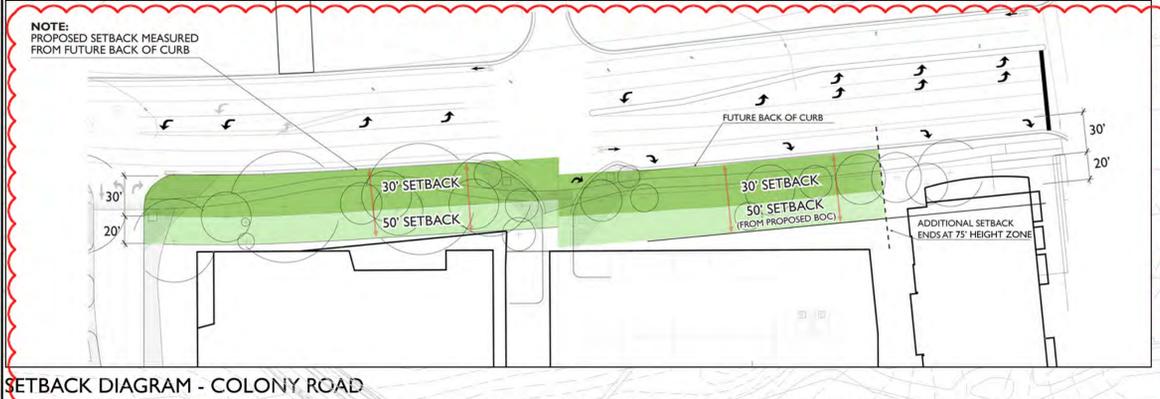
Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.



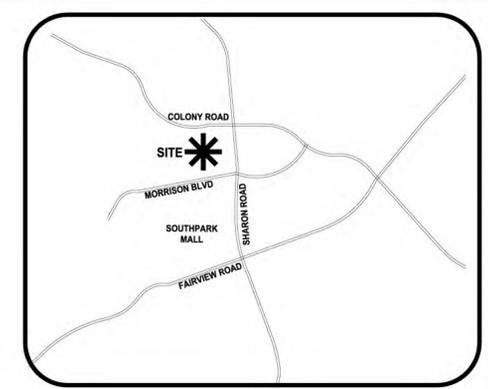
Zoning Map #(s)

135





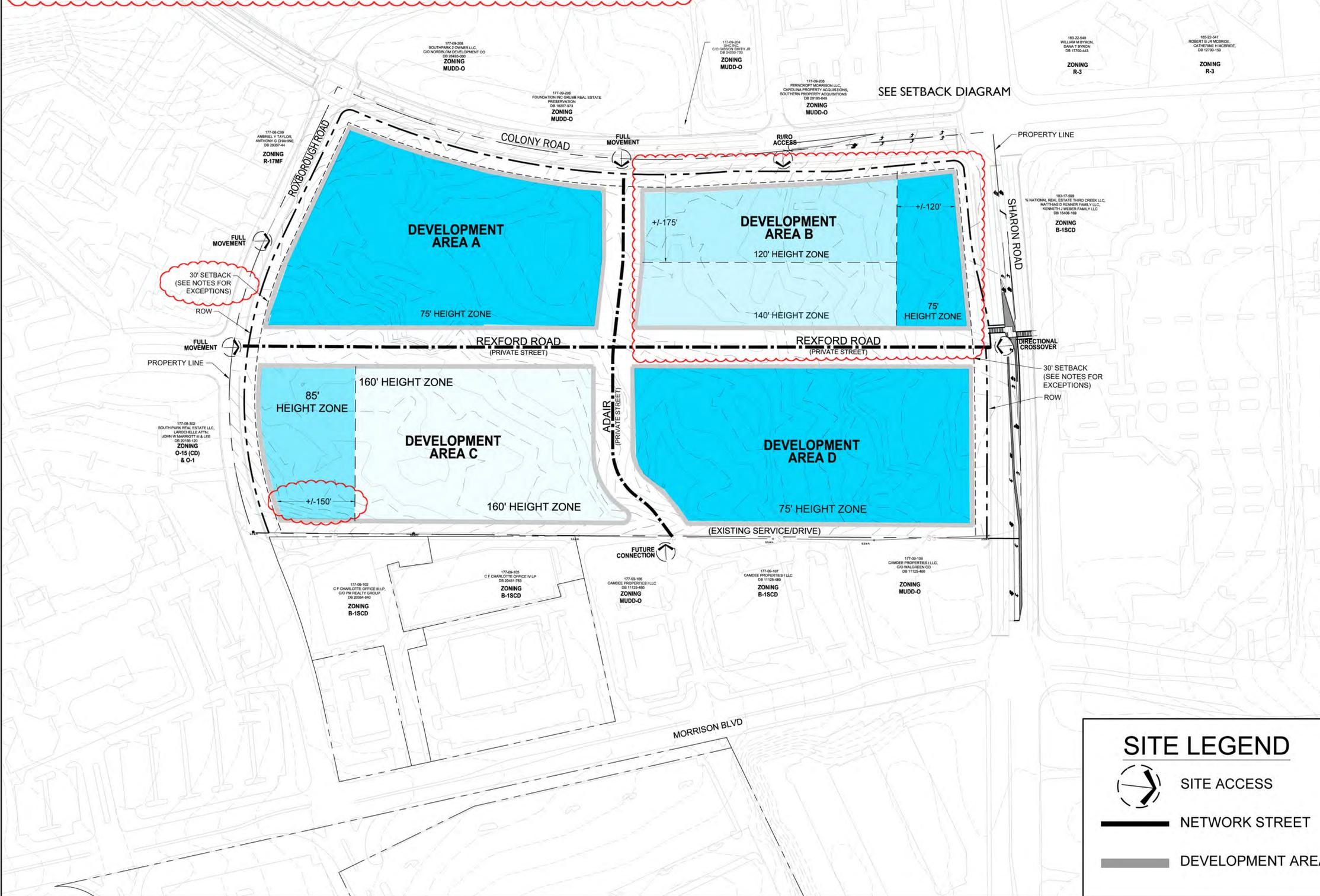
SETBACK DIAGRAM - COLONY ROAD



VICINITY MAP
NTS

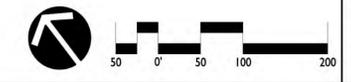
SITE DEVELOPMENT DATA

Site Area:	27 acres +/-
Tax Parcel:	177-091-01
Existing Zoning:	R-17MF
Proposed Zoning:	MUDD-O
Existing Use:	Multi-family Residential (for-sale or for-rent), Office, Retail, Hotel
Proposed Uses:	990 residential units 250,000 s.f. of office uses 225 hotel rooms 300,000 s.f. of retail uses
Maximum Development:	
Maximum Building Height (exclusive of architectural features):	Development Areas A & D: 75 feet Development Area B includes three separate height zones allowing heights up to 75 feet, 120 feet and 140 feet in the areas shown on the Technical Data Sheet. Development Area C includes two separate height zones allowing heights up to 85 feet and 160 feet in areas shown on the Technical Data Sheet.
Parking:	Shall satisfy or exceed MUDD minimum requirements



SITE LEGEND

- SITE ACCESS
- NETWORK STREET
- DEVELOPMENT AREA

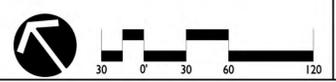
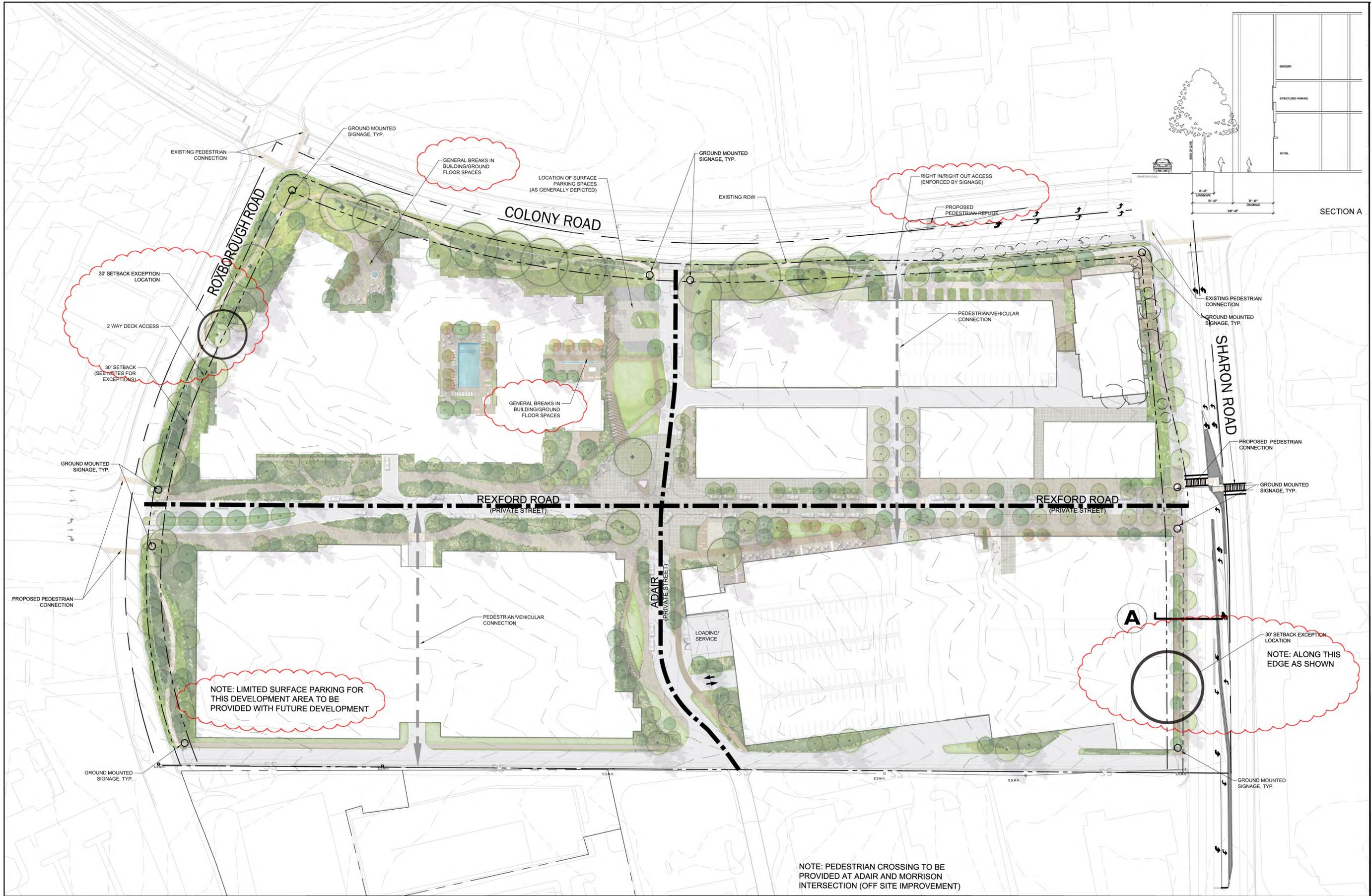


THE COLONY
REZONING PETITION No. 2015-131

TECHNICAL DATA SHEET

REVISIONS:
 11/13/15 REVISE PER STAFF COMMENTS
 DATE: 09/28/15
 DESIGNED BY: MST
 CHECKED BY: MST
 O.C. BY: MST
 SCALE: 1"=100'
 PROJECT #: 1014358
 SHEET #:
RZ-1

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 273 N. Goshen Street, Charlotte, NC 28202
 P: 704.333.0335 F: 704.332.3246
 www.LandDesign.com



REZONING PETITION NO. 2015-131

DEVELOPMENT STANDARDS

1/11/2015

1. Development Data Table

Table with 2 columns: Item and Description. Includes Site Area (27 acres +/-), Tax Parcel (177-081-01), Existing Zoning (R-17MF), Proposed Zoning (MUDD-O with 5-year vested rights), Proposed Uses (Retail, Hotel, Multi-Family Residential), Maximum Development (990 residential units, 250,000 sq. ft. of office uses, 225 hotel rooms, 300,000 sq. ft. of retail uses), Maximum Building Height (120 feet), and Planning (Shall satisfy or exceed MUDD minimum requirements).

2. General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Synco Properties to rezone the property from the R-17MF Zoning District to the MUDD-O Zoning District in order to accommodate redevelopment of an approximately 27-acre tract bounded to the north by Colony Road, to the east by Sharon Road, to the south by Southview Drive (a private drive), and to the west by Rouborough Road, as depicted on the Technical Data Sheet (the "Site"). This Rezoning will accommodate development on the Site of a horizontally-oriented mixture of office, retail, hotel and residential uses. Additionally, the Petitioner seeks to extend Rouborough Road and Adair Court through the Site to create a more complete street network that will allow pedestrian, bicycle and automobile traffic to travel through the Site, thereby helping to alleviate congestion at existing intersections.

3. MUD-O Optional Provisions

- a) Deviations from Section 9.850(2) to allow drive-through service windows as an accessory to one bank or financial institution. The drive-through service window shall not be visible from any public or private street and shall be internal to a building or structured parking facility.
- b) Deviations from Section 9.850(2)(i) to allow for up to ten detached, ground-mounted signs in the general locations indicated on the Conceptual Site Plan. Signs located within Development Area B and Development Area D will be located at access points adjacent to those Development Areas and will be no greater than 15 square feet in size and up to 5 feet in height. Signs located at Access points C and E will be no greater than 32 square feet in size and up to 4 feet in height.

4. Permitted Uses

Subject to the Maximum Development provisions set forth under Section 5 below, the Site may be devoted to any commercial and residential uses permitted by right or under prescribed conditions in the MUDD Zoning District together with any incidental or accessory uses associated therewith except for the following:

- a) Development Area A may be developed with multi-family residential uses (for-sale or for-rent) and any permitted accessory uses.
- b) Development Area B may be developed with commercial uses including but not limited to office, hotel, EDEEs, retail uses and any permitted accessory uses.
- c) Development Area C may be developed with multi-family residential uses (for-sale or for-rent) and any permitted accessory uses.
- d) Development Area D may be developed with retail, EDEE, office or other commercial uses and any permitted accessory uses.

5. Maximum Development

- a) Development Area A may be developed with up to 350 multi-family residential units (for-sale or for-rent) and any permitted accessory uses.
- b) Development Area B may be developed with up to 250,000 square feet of office floor area, 225 hotel rooms, up to 100,000 square feet of retail uses, and any permitted accessory uses.
- c) Development Area C may be developed with up to 640 multi-family residential units (for-sale or for-rent) and any permitted accessory uses.
- d) Development Area D may be developed with up to 200,000 square feet of retail or office uses and any permitted accessory uses.

6. Transportation

- a) The Petitioner shall design and construct a network of internal streets as generally depicted on the Technical Data Sheet. Petitioner shall extend Rouborough Road and Adair Court through the site, these streets shall be privately owned and maintained but shall be open to the public to allow pedestrian, bicycle and vehicular traffic to travel through the Site. However, this shall not preclude Petitioner from temporarily closing internal private streets for, but not limited to, special events, festivals, public markets, concerts, block parties or similar events.
- b) The extensions of Rouborough Road and Adair Court through the site shall incorporate sidewalks, planting strips and on-street parking as generally depicted on the Conceptual Sections exhibit.
- c) The extensions of Rouborough Road and Adair Court (to the Site's property boundaries) shall be completed prior to the issuance of the first certificate of occupancy for any vertical development within the Site, unless an alternate timeline is approved by the Planning Director.

7. Architectural Standards/Screening and Landscaping

- a) The intent of the redevelopment concept is to create a variety of architectural experiences. The exterior building materials will consist of primarily glass, brick, stucco, metal and composite panels, cementitious, siding, architectural pre-cast concrete panels, and/or architectural face block construction materials.
- b) The Conceptual Exhibits are intended to convey the conceptual vision and design concepts proposed for certain buildings and improved areas within Site. Ultimately, buildings and improved areas constructed within the Site may deviate from Conceptual Exhibits, as long as any buildings and improved areas developed by the Conceptual Exhibits are consistent with the spirit and intent of the Conceptual Exhibits.
- c) Dumpster areas will be enclosed on all four sides and any gates or doors shall be opaque. If one or more sides of a dumpster area adjoin a side or rear wall of a building, then the side or rear wall shall be considered an enclosure.

8. Open Spaces

- a) Petitioner shall provide at least 4 acres of publicly accessible open space. Open space areas shall be designed to encourage pedestrian activity and interest.
- b) Petitioner shall make good faith and diligent efforts to preserve existing trees within the tree save areas generally depicted on the Conceptual Open Space and Building Orientation Plan. Specific tree save areas, to the extent required by the Ordinance, will be identified during the design development phases of the project.
- c) Petitioner shall stabilize and maintain undeveloped Development Areas with grass, plantings, or other vegetation to ensure that those areas do not negatively impact adjacent properties or streetscapes while they remain undeveloped.

9. Environmental Features

- a) The Petitioner shall satisfy the requirements of the Post-Construction/Corrosion Ordinance.

10. Signage

Except as noted in Section 3 above, all signage shall meet the requirements of the MUDD zoning district.

11. Lighting

- a) Any lighting attached to an exterior building wall facing a residential component shall be capped and downwardly directed.
- b) All street and parking area lighting fixtures will be shielded with full cut-off fixtures.
- c) Pedestrian scale lighting will be provided within the Site along Colony Road, Sharon Road, Rouborough Road, Rouborough Court, Rouborough Road and Adair Court.
- d) Freestanding lighting shall be pedestrian-scale and shall not exceed 20 feet in height.

12. Construction and Phasing

Petitioner intends to develop the Site in phases and may develop individual Development Areas based on market demand. With the exception of the extensions of Adair Court and Rouborough Road, which must be completed prior to the issuance of the first certificate of occupancy for any building with the Site, all required sidewalks, street trees and open space amenities within a particular Development Area shall be installed prior to the issuance of the first certificate of occupancy for any building within the same Development Area.

13. Internal Site Yards and Rear Yards

The Petitioner may subdivide the Site and create lots within Site with no side or rear yards as part of a unified development plan.

14. Weaver of Sight Triangle Requirements

In addition to the deviations allowed under the MUDD optional provisions set forth under Section 3, the Petitioner reserves the right to request the Director of the Charlotte Department of Transportation (CDOT) to waive all or part of the sight triangle requirements of the Ordinance in accordance with the provisions of Section 12.150(f) thereof.

15. Parking

Off-street parking will be provided within each Development Area sufficient to accommodate all uses within that Development Area and shall meet or exceed Ordinance requirements. Parallel or perpendicular parking may be provided along internal streets within the Site.

16. Workforce Housing

Petitioner shall voluntarily provide a workforce housing program to ensure that some residential units are reasonably priced for persons earning less than the average median income for the area. Petitioner shall ensure that no fewer than five (5%) percent of the total number of residential units actually constructed on the Site, for a period not less than fifteen (15) years, minimum monthly rents that are, on average, affordable for persons earning not more than 80% of the area median income.

17. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet and these Development Standards may be applied for by the then Owner or Owners of a particular Tract within the Site involved in accordance with the provisions of Chapter 6 of the Ordinance.

18. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet and these Development Standards will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.

19. Vested Rights Provision

If this Rezoning Petition is approved by the Charlotte City Council then, pursuant to Section 1-110 of the Ordinance, the Petitioner hereby requests a five-year vested right to undertake and complete the development of the Site under the terms and conditions as so approved, commencing upon approval of this Rezoning Petition by the Charlotte City Council. The Petitioner waives this right for a five-year vesting period and the site will proceed with the proposed development, market conditions and the terms of the rezoning petition.

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DESIGN INTENT STATEMENT | INTRODUCTION

THE PURPOSE OF THE FOLLOWING LANGUAGE IS TO CONVEY AND IDENTIFY PARAMETERS OF INTENT FOR THE COLONY. SPECIFIC BINDING LANGUAGE, RELATIVE TO OBJECTIVE REQUIREMENTS OF THE PROJECT ARE COMMITTED TO WITHIN THE DEVELOPMENT STANDARDS FOR THIS PROJECT. THE INTENT STATEMENT IS INTENDED TO SERVE AS DESIGN GUIDELINES, PROVIDING FRAMEWORK OF SUBJECTIVE DESIGN COMPONENTS THAT WILL UNIFY THE PROJECT AND PROVIDE A COHESIVE EXPERIENCE AND/OR AESTHETIC. GOALS AND PRINCIPLES ARE IDENTIFIED TO CREATE AN EXPECTATION BY WHICH THE DESIGN TEAM WILL WORK CLOSELY WITH PLANNING STAFF TO ENSURE THAT THE INTENT IS BEING MET.

DESIGN INTENT

THE COLONY DEVELOPMENT IS INTENDED TO CREATE A PLACE THAT WILL SERVE AS A PUBLIC DESTINATION FOR THE GREATER SOUTH PARK AREA. THE OVERALL CONCEPT OF THE PLAN IS TO INTEGRATE A RANGE OF USES INCLUDING RESIDENTIAL, RETAIL, RESTAURANTS, GROCERY AND ENTERTAINMENT - OFFERING OPPORTUNITIES FOR GATHERING AND SOCIALIZING IN THE PUBLIC REALM. PARTICULAR ATTENTION HAS BEEN GIVEN TO THE PUBLIC SPACES WITHIN THE PLAN, CREATING A PLACE THAT EMBRACES THE CURRENT CONTEXT OF THE SITE AND ITS PROMINENT LOCATION WITHIN SOUTH PARK. THE GOAL OF THIS PROJECT IS TO CREATE A UNIQUE URBAN DISTRICT EXPERIENCE WITHIN SOUTH PARK THAT REACTS TO AND ENHANCES THE EXISTING SOUTH PARK CHARACTER.

CONNECTIVITY

THE VALUE OF CONNECTIONS TO AND THROUGH THE COLONY SITE IS AN IMPORTANT PRINCIPLE OF THIS DEVELOPMENT. HEALTHY, MEANINGFUL CONNECTIONS ARE PRESENT AND WE INTEND TO FURTHER PROMOTE THOSE CONNECTIONS IN ORDER TO SERVE THE NETWORK WITHIN SOUTH PARK. THESE CONNECTIONS ARE BEING THOUGHT OF AS URBAN GREENWAYS, FEATURING MATURE TREE CANOPY AT THE EDGES - LEADING TO A UNIQUE PUBLIC OPEN SPACE AT THE CORE. VIBRANT URBAN STREETS BLEND WITH A GARDEN AESTHETIC TO BALANCE THE USES ON SITE AND CONNECT USERS WITHIN AND THROUGHOUT THE SITE. CONNECTING OUTDOOR LOUNGE SPACES - CLEAR SIGNAGE AND WAYFINDING WILL BOAST THE PROJECT IDENTITY WITHIN THE DISTRICT.

WHILE A PEDESTRIAN ORIENTED DEVELOPMENT IS CERTAINLY THE EXPECTATION, CAREFUL THOUGHT HAS BEEN GIVEN TO CREATE OPPORTUNITIES TO CONNECT RETAIL, RESIDENCES AND OFFICES BY PROVIDING A BRANDED DISTRICT THAT PRESENTS A UNIFIED SENSE OF PLACE. IT IS OUR INTENTION TO EMBRACE CONNECTIONS FROM AN ALREADY STRONG & ACTIVE SOUTH PARK NETWORK - FOR BOTH PEDESTRIANS & BIKERS. A CONNECTION TO NATURE HAS BEEN MADE A PRIORITY, THROUGH EMBRACING CURRENT MATURE TREE CANOPY THAT INSTANTLY ADDS A NOTION OF AUTHENTICITY TO THE PROJECT.

EDGES

THE PROJECT BOUNDARY IS FORTUNATE TO HAVE A BEAUTIFUL, MATURE TREE CANOPY ALONG ITS STREET EDGES. COLONY & ROXBOROUGH IN PARTICULAR, CONTAIN MANY LARGE TREES THAT ARE INTENDED TO BE PRESERVED. BUILDINGS HAVE BEEN SITUATED IN A MANNER TO PRESENT THESE TREES AS FEATURES ALONG THESE STREETSCAPES, WITH A LINEAR PARK COMPONENT ON THE GROUND PLANE. WINDING SIDEWALKS CONNECT VISITORS ON MULTI-MODAL PATHS THROUGH THIS TREE CANOPY TO THE NODES IDENTIFIED WITHIN THE PLAN.

LANDSCAPE & HARDSCAPE

IN ORDER TO FURTHER UNIFY THE DEVELOPMENT AS A WHOLE, AN URBAN GARDEN THEME HAS BEEN IDENTIFIED FOR THE PUBLIC SPACES WITHIN THE COLONY. OUTDOOR DINING, TERRACES, PATIOS AND OTHER AMENITIZED SPACES ARE CONNECTED BY A RICH & UNIFYING AESTHETIC IN THE LANDSCAPE AND HARDSCAPE OF THE PROJECT. A LIVELY LANDSCAPE PALETTE THAT FOCUSES ON NATIVE INTEGRATION, SEASONAL INTEREST, BLOOM TIME, AND SHADE & COMFORT ENHANCE THE OUTDOORS SPACES PROVIDED. INTERACTIVE AMENITIES PROMOTE PEOPLE WATCHING AND AN ACTIVE PUBLIC REALM THAT WILL SERVE AS AN ENGAGING NEIGHBORHOOD AMENITY FOR SOUTH PARK.

PASEOS WORK WITH THE STREETSCAPE CORRIDORS TO FILTER VISITORS TO AND THROUGH ACTIVATED SPACES. THE LANDSCAPE REINFORCES THE STREETSCAPE EXPERIENCE ALONG THE EDGES AND WITHIN THE INTERNAL PUBLIC SPACES. SITE AMENITIES REINFORCE THE BRAND OF THE URBAN DISTRICT - PRESENTING A COHESIVE VOCABULARY THAT BLEND MODERN FORMS, UNIQUE TEXTURES/DETAILS, CLEAN MATERIALITY AND POPS OF COLOR. FRESH AND MODERN MATERIALS ARE USED FOR HARDSCAPE ELEMENTS, CONNECTING INTIMATE SEATING AND GATHERING AREAS. A VERSATILE SEATING STRATEGY OFFERS APPROPRIATE APPLICATION OF MATERIALS, COLORS & GREENERY. SEATING SHALL ACCOMMODATE INDIVIDUALS AND GROUPS ALIKE.

URBAN DESIGN & PROGRAMMING

THE COLONY WILL SERVE TO CREATE MEMORABLE EXPERIENCES THROUGH SOUND URBAN DESIGN PRINCIPLES AND WELL PLANNED AMENITIES AND FEATURES THAT EXEMPLIFY AN URBAN DISTRICT AND BRING CHARACTER, CHARM AND APPEAL THROUGHOUT THE DEVELOPMENT. A SENSE OF IDENTITY WILL BE IDENTIFIED THROUGH THE BRAND OF THE DEVELOPMENT. SPACES THAT COMPLEMENT EACH OTHER AND APPROPRIATELY SERVE THE WHOLE WILL ACTIVATE THE PUBLIC SPACES WITHIN THE PROJECT.

PARTICULAR ATTENTION HAS BEEN GIVEN TO THE PROGRAMMING OF THE SITE. ARRIVAL SEQUENCE & DISPERSION, MOVEMENT THROUGH THE SITE - INCLUDING DROP OFF AND PARKING PROGRAM ELEMENTS, RELATIONSHIP OF USES AND SENSE OF SCALE ARE ALL FACTORS CONTRIBUTING TO THE MASTER PLAN. FLEXIBLE PLAZA SPACES ARE FOUND AT NODES AND WITHIN THE CORE OF THE PROJECT. THE PUBLIC SPACES ARE INTENDED AS COMMUNITY GATHERING AND A DESTINATION - WITHIN A BRANDED DISTRICT WITH A DISTINCT IDENTITY. ACTIVE OUTDOOR USES INTEGRATE THE PUBLIC SPACES, OFFERING A WHIMSICAL APPROACH TO INTERACTION AND ACTIVE ENGAGEMENT AMONG VISITORS.

COMMERCIAL COMPONENT AT THE COLONY

THE COMMERCIAL AREAS OF THE COLONY GENERALLY BOUNDED BY SHARON ROAD, COLONY ROAD, AND THE ADAIR COURT EXTENSION MAY COMPRISE OFFICE, RETAIL, HOTEL, RESTAURANT, GROCERY AND ENTERTAINMENT USES. THE BUILDINGS ARE ORGANIZED EMPLOYING URBAN DESIGN PRINCIPLES THAT STRATEGICALLY PLACE USES AND ENTRY POINTS TO ENABLE A WALKABLE PEDESTRIAN FOCUSED ENVIRONMENT. THE USE OF WIDE SIDEWALKS, OVERHEAD CANOPIES AND SHADING DEVICES AND INTERNAL STREETS WITH LIMITED CURBSIDE PARKING, OFFER A STREET CORRIDOR THAT ENCOURAGES PEDESTRIAN AND BICYCLE CONNECTIVITY THROUGHOUT THE DEVELOPMENT.

ARCHITECTURE

THE ARCHITECTURE OF THE COMMERCIAL BUILDINGS WILL ENCOURAGE A VIBRANT OFFICE, RETAIL AND RESTAURANT ENVIRONMENT. ALL BUILDINGS WILL CONNECT TO THE GROUND PLANE WITH NATURAL STONE OR MASONRY THAT WILL FRAME THE UNIQUE TENANT STOREFRONTS THAT MAKE UP THE RETAIL DISTRICT. DESIGN STANDARDS FOR CONSISTENT APPLICATIONS OF GLAZING, ENTRY SYSTEMS, LIGHTING, OVERHEAD CANOPIES, AND TENANT SIGNAGE WILL BE ENFORCED TO MAINTAIN A HIGH LEVEL OF QUALITY, WHILE ALSO ALLOWING THE FLEXIBILITY REQUIRED FOR INDIVIDUAL TENANT BRAND IDENTITY. THE USE OF A PRACTICAL AND ENDURING MATERIAL PALETTE TO BLEND REGIONAL MATERIALS WITH A FORWARD THINKING STRATEGY OF SUSTAINABLE AND TIMELESS CONTEMPORARY ARCHITECTURE WILL BE EMPLOYED.

THE OFFICE BUILDING AT THE CORNER OF COLONY ROAD AND THE ADAIR COURT EXTENSION WILL HAVE A MINIMUM BUILDING SETBACK OF FIFTY FEET FROM COLONY ROAD (MEASURED FROM THE EXISTING BACK OF CURB) TO PRESERVE THE MATURE STREET TREES IN THIS LOCATION. THIS SETBACK OFFERS A LINEAR PARK SYSTEM THAT EXTENDS FROM SHARON ROAD TO ROXBOROUGH ROAD ADJACENT TO THE RESIDENTIAL BUILDINGS. TWO PEDESTRIAN PATHWAYS WILL MEANDER THROUGH THIS LINEAR PARK, ONE AT THE STREET EDGE, AND A SECOND PATH THAT MOVES THROUGH THE LANDSCAPE AWAY FROM THE TRAFFIC ON COLONY ROAD. THE BUILDING WILL BE DESIGNED WITH A TWO STORY MASONRY BASE THAT ENGAGES THE GROUND FLOOR OF THE ADJACENT PARKING STRUCTURE, WITH A GLASS CURTAIN-WALL FAÇADE ABOVE. THE BUILDING ENTRY WILL BE ACCESSED FROM A PULL-OUT LANE ALONG ADAIR COURT (EXTENSION) WITH A LARGE PLAZA SPACE THAT STEPS UP TO THE MAIN ENTRY LOBBY.

PARKING

VERY LIMITED SURFACE PARKING FACILITIES WILL BE AVAILABLE ON SITE. THESE PARKING SPACES ARE LIMITED TO ON STREET (PARALLEL AND ANGLED) TOGETHER WITH SOME VALET DROP OFF SPACES, AS INDICATED ON THE SITE PLAN. VIRTUALLY ALL OF THE REQUIRED PARKING FOR ALL USES WILL BE ACCOMMODATED IN MULTILEVEL PARKING STRUCTURES. THE PARKING GARAGE FACING COLONY ROAD WHICH PROVIDES PARKING FOR THE OFFICE BUILDING AND SOME SHARED PARKING FOR THE HOTEL, WILL BE SET BACK FROM COLONY ROAD ROUGHLY FORTY FEET TO PRESERVE THE EXISTING STREET TREES IN THIS LOCATION. THE UPPER LEVELS OF THE GARAGE WILL BE SCREENED WITH ARCHITECTURAL ELEMENTS TO CONCEAL HEADLIGHTS FROM THE STREET BELOW.

THE RETAIL PARKING GARAGE IS LOCATED ADJACENT TO THE REXFORD ROAD EXTENSION AND CONTAINS RETAIL USES AT THE GROUND LEVEL, AS WELL AS A GROCERY STORE LOCATED ON THE THIRD LEVEL OF THE STRUCTURE. THIS BUILDING EMPLOYS A VARIETY OF URBAN DESIGN CONSIDERATIONS TO MAKE THE STRUCTURE CONSUMER FRIENDLY AND AESTHETICALLY ENGAGING. RETAIL AND RESTAURANT FAÇADES WILL DOMINATE THE GROUND LEVEL OF THE PARKING STRUCTURE, WHILE THE GROCERY ON THE THIRD LEVEL WILL PROVIDE A RETAIL FAÇADE THAT SCREENS THE PARKING FROM SHARON ROAD. TWO VERTICAL CIRCULATION CORES WILL PROVIDE CONVENIENT ACCESS TO THE EAST AND WEST ENDS OF THE SITE. THE BUILDING FAÇADE ALONG SHARON ROAD WILL BE SETBACK 30', INCORPORATING AN ARCADE TO PROVIDE CONTINUOUS SHADE ADDING TO THE PEDESTRIAN EXPERIENCE ALONG THIS EDGE.

RESIDENTIAL COMPONENT AT THE COLONY

IT IS INTENDED THAT THE RESIDENTIAL PHASES OF THE COLONY IS AN EXTENSION OF THE HORIZONTAL MIX OF USES WITHIN THE BROADER PROJECT THAT ALSO INCLUDES OFFICE, RETAIL, HOSPITALITY, AND SERVICE USES. OVERALL, THE COLONY PROJECT INTENDS TO PROVIDE A VIBRANT, WALKABLE COMMUNITY FOR THOSE TO LIVE, WORK AND PLAY. THE RESIDENTIAL COMPONENTS OF THE PROJECT WILL BE CONSTRUCTED IN 3 SEPARATE PHASES AS GENERALLY DEPICTED ON THE SITE PLAN. ONLY PHASE 1 HAS BEEN DESIGNED AT THIS POINT AND IS REPRESENTED TO SUBSTANTIALLY REPRESENT THE FOOTPRINT OF THE BUILDING. THE INTENT IS THAT THE BUILDING WILL EMBRACE EXISTING TREE CANOPIES ALONG COLONY AND ROXBOROUGH AND CREATE A VARIED, STEPPING STREET FAÇADE SUCH THAT COURTYARDS AND OTHER POCKETS OF LANDSCAPING WILL BE CREATED. THIS VARIETY WILL BE ENHANCED BY GROUND FLOOR RESIDENTIAL UNITS THAT HAVE STOOPS WHICH DIRECTLY ADDRESS AND ACCESS THE GROUND PLANE ALONG THESE STREETS, UNLESS PROHIBITED BY GRADING. KEY CORNERS OF THE BUILDING WILL ALSO HAVE MONUMENTAL, ACTIVATED ENTRIES INDICATING LEASING AREAS, LOBBIES, AND AMENITY AREAS.

THE ARCHITECTURE OF THE RESIDENTIAL PHASE 1 BUILDING WILL BE OF HIGH QUALITY MATERIALS AS DEPICTED IN THE DEVELOPMENT NOTES. THE FAÇADES WILL HAVE SUBSTANTIAL ARTICULATION INCLUDING VARYING FAÇADE PROJECTIONS, DETAILING, LARGE WINDOWS, AND DECKS AS GENERALLY DEPICTED IN THE PHASE 1 RENDERINGS PROVIDED. BLANK WALL AREAS WILL BE LIMITED AS PER BASE MUDD STANDARDS. QUANTITY, AREA AND TREATMENT OF WINDOW OPENINGS WILL SIMPLY BE DEFINED AS SUBSTANTIALLY SIMILAR TO THE QUANTITY, AREA, AND TREATMENT GENERALLY DEPICTED IN THE RENDERINGS. AREAS FOR VEHICULAR ACCESS TO THE PARKING DECK AND TRASH SERVICE ARE AS DEPICTED ON THE PLAN AND WILL COMPLY WITH BASE MUDD STANDARDS. TRASH SERVICES IS ANTICIPATED TO BE ROLL-OUT TYPE STRATEGY TO SERVE THE RESIDENTIAL COMPONENT OF THE PROJECT.

PHASES 2 AND 3 ARE PLANNED TO BE HIGHER DENSITY BUILDINGS THAN PHASE 1, BUT WILL SHARE THE MATERIAL AND FENESTRATION QUALITY OUTLINED IN THE PHASE 1 DESCRIPTION ABOVE. STYLISTICALLY, TO CREATE A VIBRANT VARIETY WITHIN THE OVERALL DEVELOPMENT, PHASES 2 AND 3 MAY DEViate FROM THE EXACT ARCHITECTURAL LANGUAGE OF PHASE 1, BUT WILL SHARE AN OVERALL "TRANSITIONAL" ARCHITECTURAL VOCABULARY. THESE PHASES HAVE NOT BEEN DESIGNED AT THIS POINT, AND THEIR BUILDING FOOTPRINTS ARE, THEREFORE, ILLUSTRATED AS A SIMPLE BOUNDARY.

DUE TO THE PARCEL SIZES, IT IS IMPRACTICAL FOR RESIDENTIAL PHASES 2 AND 3 TO HAVE FOOTPRINT STEPS AND COURTYARD TREATMENTS AS SUBSTANTIAL AS PHASE 1. CARE WILL BE TAKEN, HOWEVER, TO ARTICULATE THE FAÇADES TO PROVIDE VISUAL INTEREST AND VARIETY WITH A FENESTRATION STANDARD AS DEPICTED BELOW. PHASES 2 AND 3 MAY SHARE A "PODIUM" PARKING STRUCTURE. THE CONNECTOR STREET B WILL PASS THROUGH THE PARKING DECK AS OTHERWISE REFERENCED IN THE DEVELOPMENT STANDARDS AT A HEIGHT TYPICAL WITH PARKING DECK STANDARDS WITH MINIMUM 6 FOOT PEDESTRIAN SIDEWALKS ON EITHER SIDE OF THIS DRIVE AISLE. THIS CONNECTOR STREET B MAY OR MAY NOT BE OPEN TO THE SKY. THE PODIUM MASS WILL SERVE AS THE ARCHITECTURAL BASE TO THE BUILDING(S) AND BE SUBJECT TO THE STANDARDS BELOW. ABOVE THE PODIUM, PHASES 2 AND 3 WILL RISE AS SEPARATE STRUCTURES WITH HEIGHT MAXIMUMS AS DEPICTED HEREIN AND WILL VISUALLY READ AS SEPARATE BUILDINGS SEPARATED BY A MINIMUM OF 50' ON A COMMON BASE. ACTIVATED GROUND USES WILL BE SIMILARLY EMPHASIZED IN THESE PHASES AS PRACTICAL ALONG ROXBOROUGH RD. AND PORTIONS OF REXFORD RD. THE PODIUM PARKING STRUCTURE WILL OCCUR POTENTIALLY ON THE FIRST, SECOND, AND/OR BELOW GRADE FLOORS. AS SUCH, PARKING DECK EXPOSURE TO THE EXTERIOR FAÇADE MAY OCCUR, BUT WILL BE OF HIGH QUALITY BUILDING MATERIALS AS PER BASE MUDD STANDARDS AND OF A SIMILAR CHARACTER AND QUALITY OF THE PROJECT IN HARMONY TO THE OVERALL DEVELOPMENT WITH SPECIFIC EMPHASIS TO PEDESTRIAN SCALE.



RETAIL ENTRY AT REXFORD AND SHARON

ADDITIONAL SIDEWALK WIDTH, PRESERVATION OF STREET TREES, ARCHITECTURAL FEATURES, AND PEDESTRIAN INFRASTRUCTURE ARE CRITICAL TO CREATING A COMFORTABLE AND ATTRACTIVE STREET INTERFACE. THE ENTRY FROM SHARON ROAD INTO THE COLONY ALLOWS PEDESTRIANS AND VEHICLES TO SAFELY UTILIZE THE CONNECTIONS MADE BY THE REXFORD ROAD EXTENSION. BY INCORPORATING A HAWK CROSS WALK, PEDESTRIANS CAN SAFELY CROSS SHARON ROAD FROM ADJACENT SHOPS AND NEIGHBORHOODS. A GRAND COLONNADE HAS BEEN PROPOSED TO BREAK DOWN THE SCALE OF THE GROCER'S SPACE REQUIREMENTS AND FURTHER SECURE A PEDESTRIAN SPACE IN THE FORM OF A FRONT PORCH. ACTIVE BRIGHT STOREFRONTS, MATURE STREET TREES AND WIDE SIDEWALKS DEFINE AND HUMANIZE THE EDGE OF THE COLONY ALONG SHARON.



RESIDENTIAL BUILDING FROM COLONY AND ADAIR INTERSECTION

THE PHASE 1 RESIDENTIAL BUILDING WILL EMBRACE EXISTING TREE CANOPIES ALONG COLONY AND ROXBOROUGH AND CREATE A VARIED, STEPPING STREET FAÇADE SUCH THAT COURTYARDS AND OTHER POCKETS OF LANDSCAPING WILL BE CREATED. THIS VARIETY WILL BE ENHANCED BY GROUND FLOOR RESIDENTIAL UNITS THAT HAVE STOOPS WHICH DIRECTLY ADDRESS AND ACCESS THE GROUND PLANE ALONG THESE STREETS, UNLESS PROHIBITED BY GRADING. KEY CORNERS OF THE BUILDING WILL ALSO HAVE MONUMENTAL, ACTIVATED ENTRIES INDICATING LEASING AREAS, LOBBIES, AND AMENITY AREAS. THE RENDERING SHOWN IS SCHEMATIC IN NATURE AND IS PROVIDED TO ILLUSTRATE ARCHITECTURAL INTENT ONLY

BB+M
ARCHITECTURE

DATE: 09/28/15
DESIGNED BY: KST
DRAWN BY: MB
CHECKED BY: NST
O.C. BY: KST
SCALE: N.T.S.
PROJECT #: 1014358

SHEET #:
RZ-5B

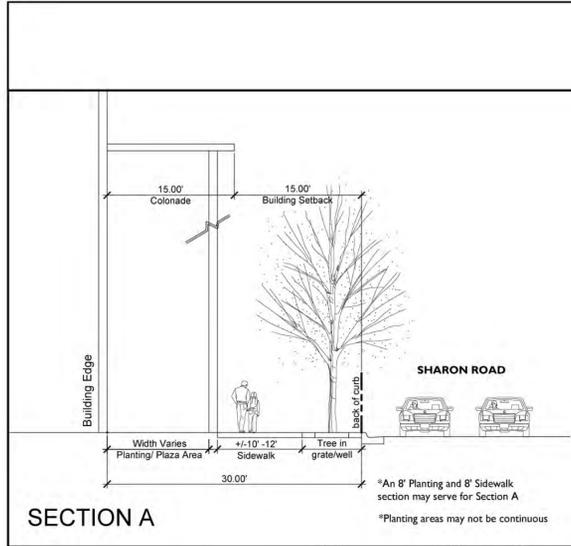
REVISIONS:
11/13/15 REVISE PER STAFF COMMENTS

THE COLONY
REZONING PETITION No. 2015-131

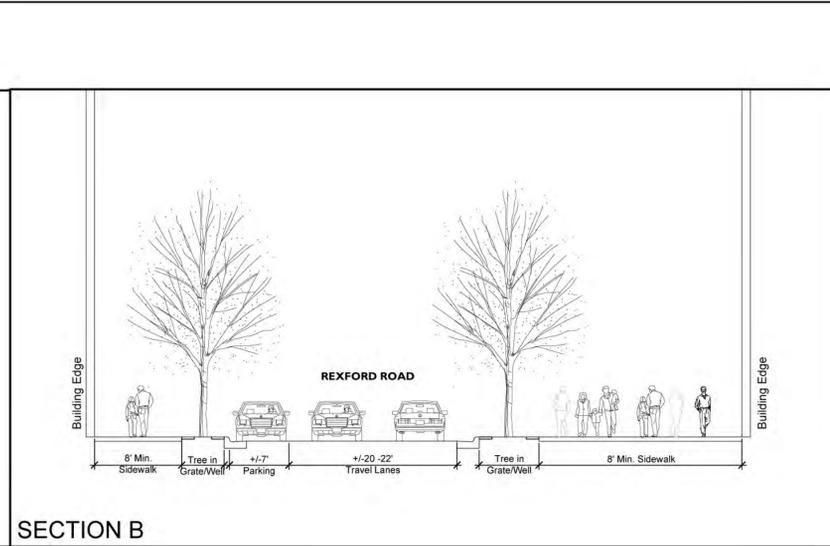
CONCEPTUAL SITE RENDERING

LandDesign

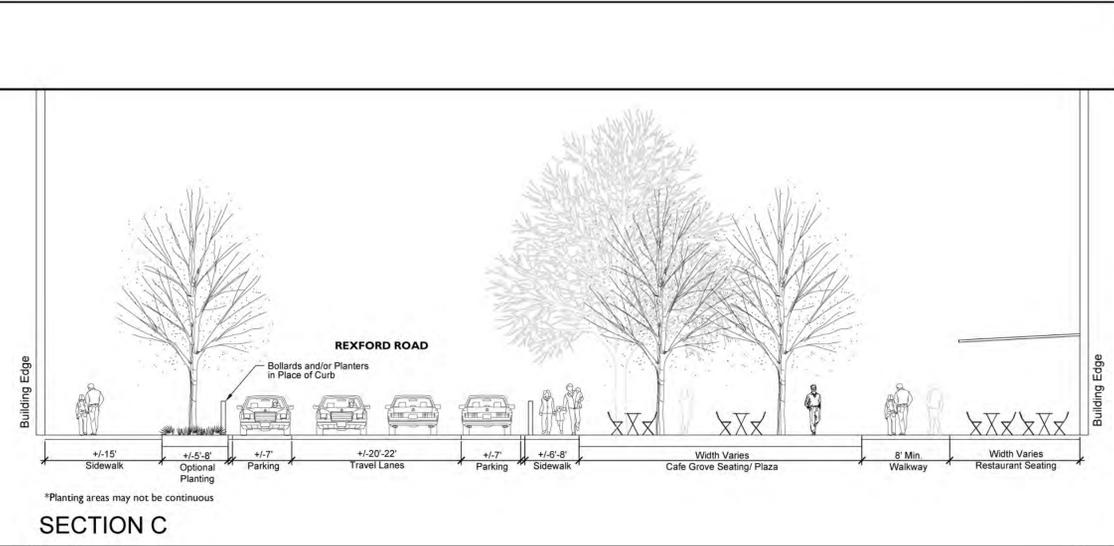
223 N. Graham Street, Charlotte, NC 28202
T: 704.333.0335 F: 704.332.3246
www.LandDesign.com



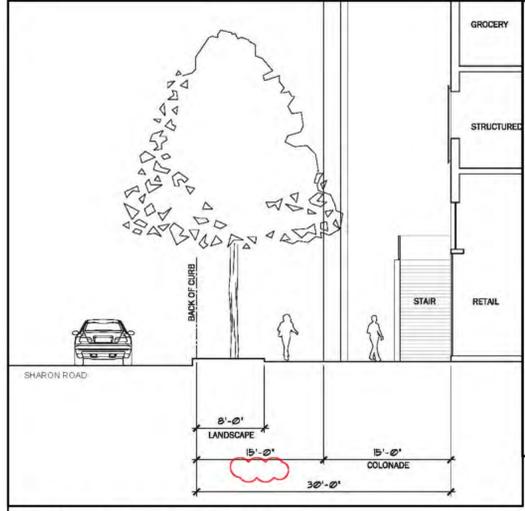
SECTION A



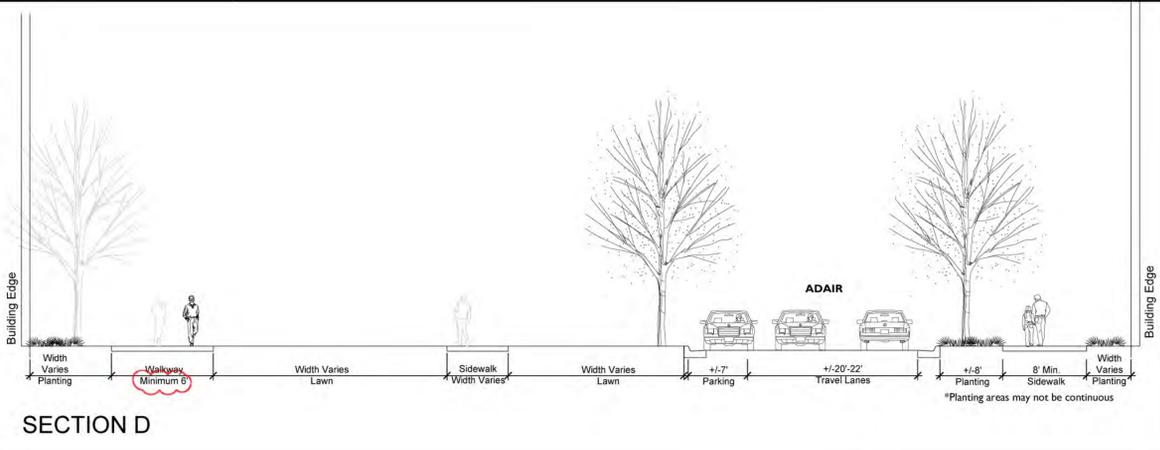
SECTION B



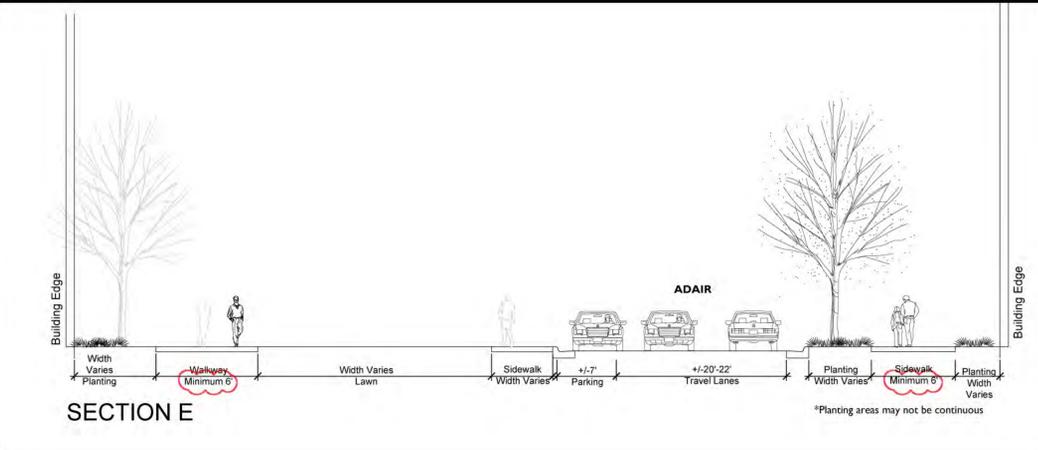
SECTION C



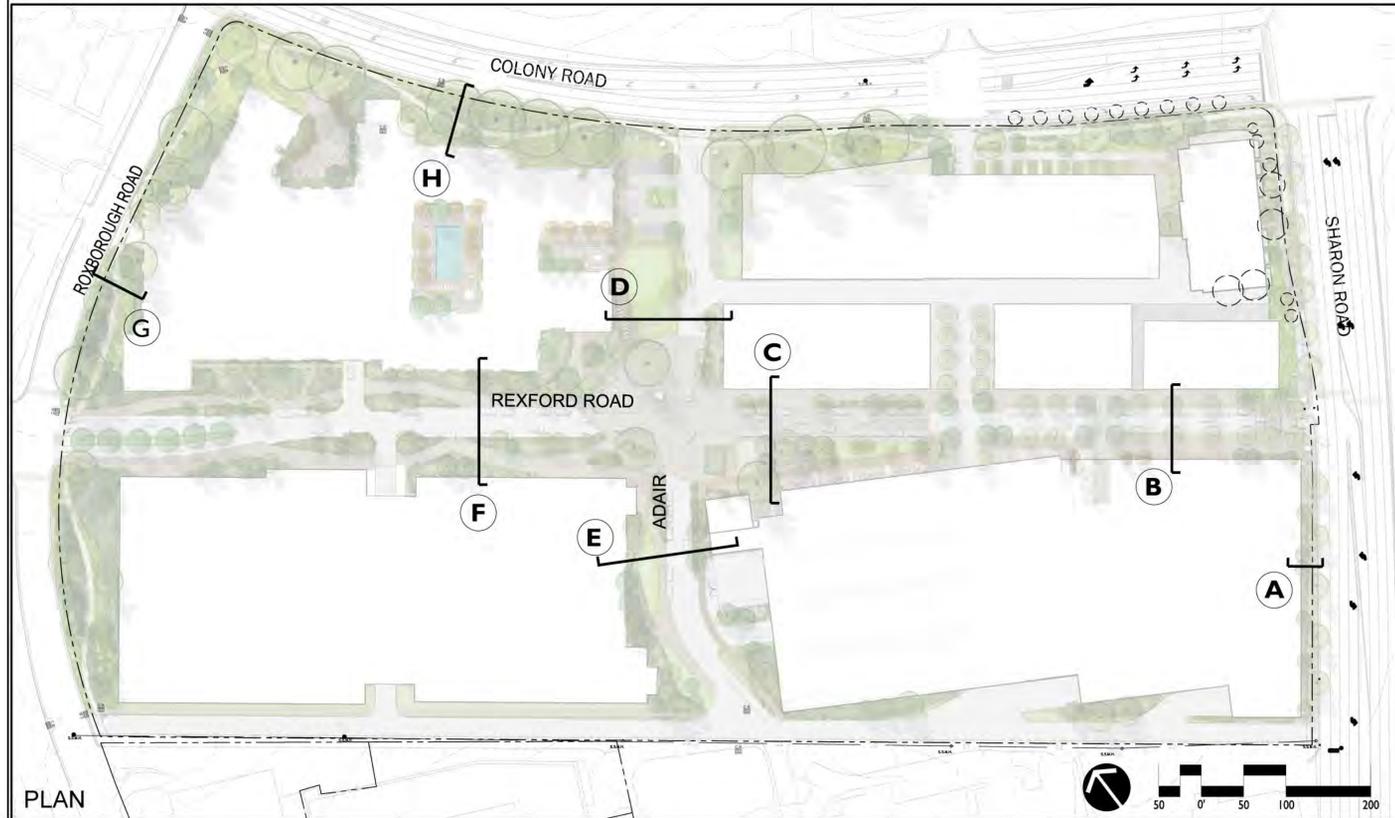
SECTION A - ALTERNATE



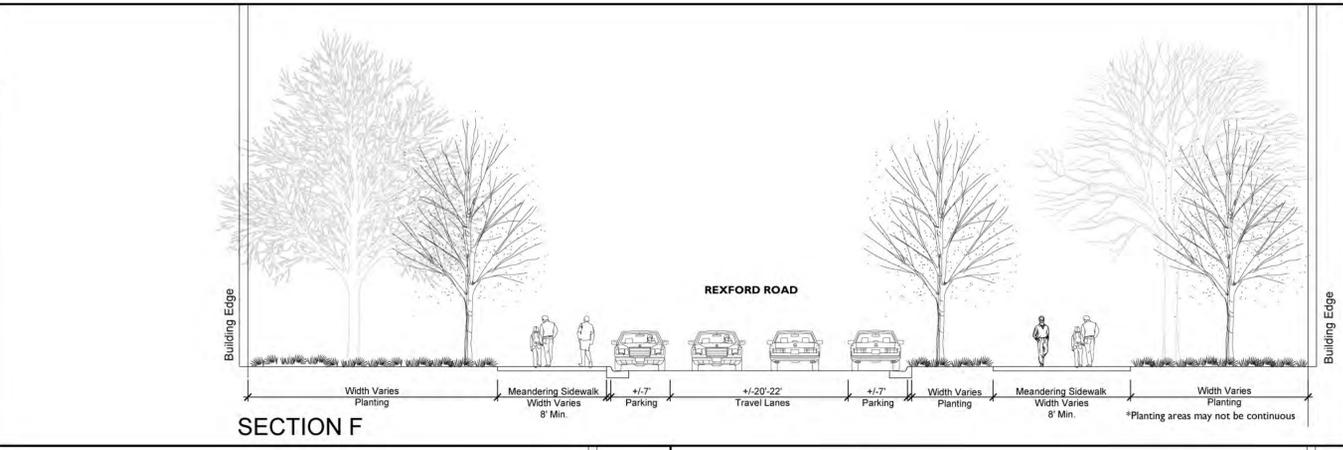
SECTION D



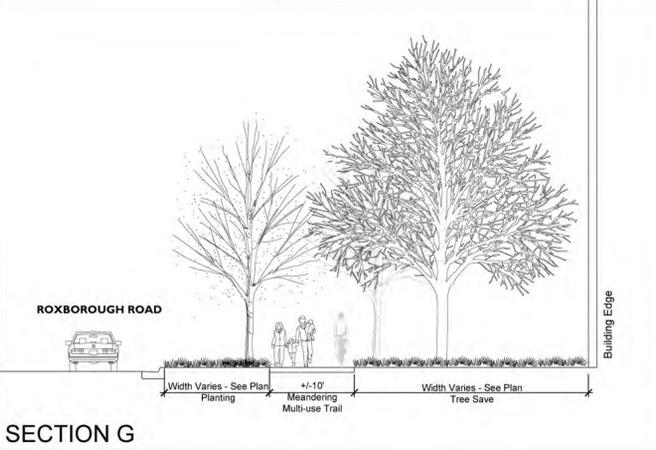
SECTION E



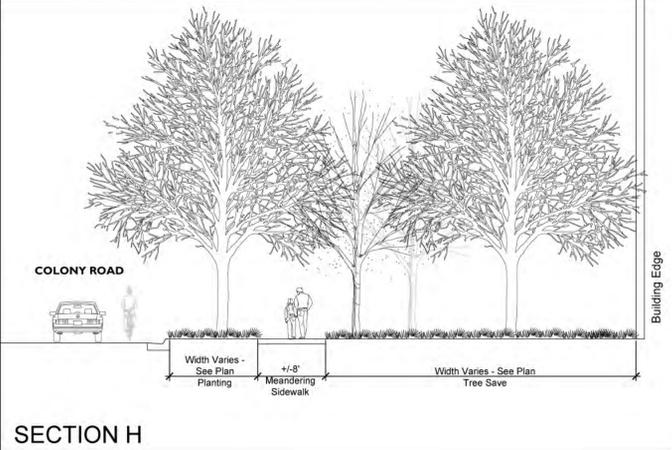
PLAN



SECTION F



SECTION G



SECTION H

THE COLONY
 REZONING PETITION No. 2015-131
 CONCEPTUAL SECTIONS

DATE: 09/28/15
 DESIGNED BY: KST
 CHECKED BY: KST
 O.C. BY: KST
 SCALE: VARIES
 PROJECT #: 1014358
 SHEET #:
RZ-6

Open Space- Rezoning Commitment

- Tree Save Edge +/- 2. ac.
- Urban Core: +/- 2. ac.
- Total:** +/- 4 ac.

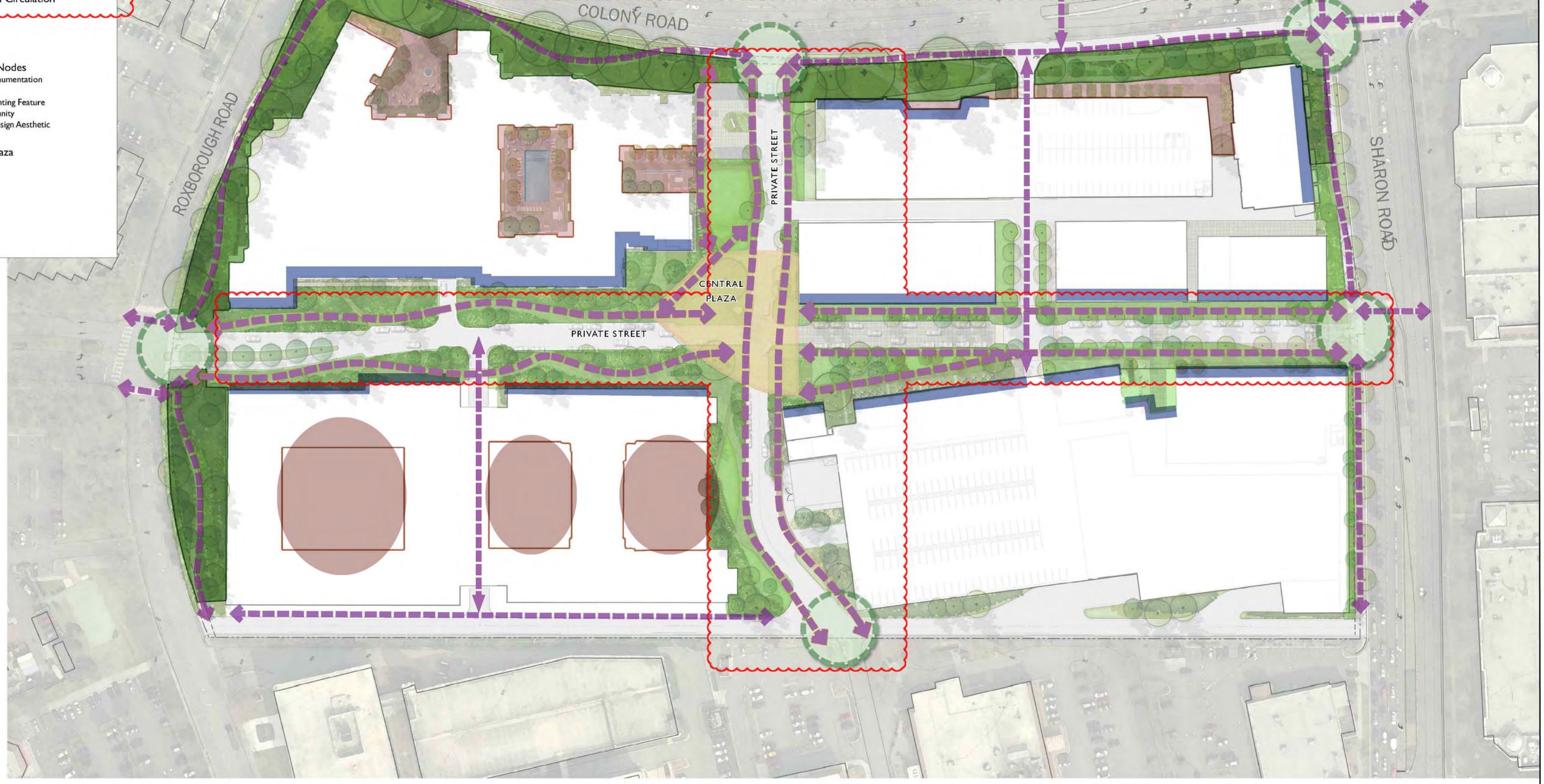
Edges and Circulation

- Primary Building Frontage
- Pedestrian Circulation

Gateway Nodes

- Signage/ Monumentation
- Focal Point
- Specialty Lighting Feature
- Art Opportunity
- Cohesive Design Aesthetic

Central Plaza



REVISIONS:

DATE: 09/28/15
 DESIGNED BY: KST
 CHECKED BY: KST
 Q.C. BY: KST
 SCALE: N.T.S.
 PROJECT #: 1014358

SHEET #:
RZ-7

THE COLONY
 REZONING PETITION No. 2015-034
 CONCEPTUAL OPEN SPACE & BUILDING ORIENTATION PLAN



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 13.File #: 15-2021 Type: Zoning Hearing

Rezoning Petition: 2015-090 by Copper Builders, Inc.

Update: Protest Petition (Sufficient)

Location: Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive (Council District 7 - Driggs)

Current Zoning: INST (CD) (institutional, conditional)

Proposed Zoning: UR-2(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

REQUEST	Current Zoning: INST(CD) (institutional, conditional) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow the redevelopment of the site of an institutional use with up to 29 single family attached dwelling units at 6.4 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	TPM Properties Limited Partnership Copper Builders, Inc. John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 17

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The request is inconsistent with the <i>South District Plan</i> recommendation for institutional uses, as amended by a previous rezoning.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The requested residential density of 6.4 units per acre is supported by the <i>General Development Policies</i>. • The residential density in the area surrounding the subject property ranges from three dwelling units per acres to eight units per acre. • There is a concentration of six to eight units per acre adjoining the subject property at the intersection of Rea Road and Pineville-Matthews Road. • The proposal is also compatible with the low scale residential character of the surrounding area.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to 29 single family attached dwelling units at a maximum density of 6.4 dwelling units per acre.
- Provides architectural renderings of the front, rear and side elevations indicating proposed building materials, and prohibits vinyl as an exterior building material except for windows, soffits and trim.
- Limits maximum building height to 45 feet and two stories with a pitched roof.
- Commits to a 30-foot undisturbed "Class C" buffer along the site's northern and eastern property lines.
- Provides access to the site from Pineville-Matthews Road via a private drive that may be gated at the option of the petitioner.
- Provides a network of internal sidewalks connecting units to one another and to the ten-foot public sidewalk along Pineville-Matthews Road. Sidewalks may meander to preserve existing trees.
- Provides an eight-foot planting strip along Pineville-Matthews Road and commits to planting trees behind the sidewalk if NCDOT does not permit trees within the planting strip.
- Dedicates 50 feet of right-of-way as measured from the Pineville-Matthews Road centerline.
- Commits to 80-foot setback from the 50-foot dedicated right-of-way along Pineville-Matthews Road to be consistent with nearby properties and to preserve the parkway concept along this road.

- **Existing Zoning and Land Use**

- Petition 2003-118 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional) to allow the existing church structure to be reused for a civic/fraternal organization. A religious organization most recently occupied the subject property.
- This section of Pineville-Matthews Road is zoned R-3 (single family residential), R-8MF and R-12MF (multi-family residential), and INST(CD) (institutional, conditional) and developed with single family homes, townhome style multi-family and civic uses, including the William R. Davie Regional Park.
- Property abutting the subject site and fronting on Rea Road is developed with single family attached homes zoned UR-2(CD) (urban residential, conditional).
- See "Rezoning Map" for existing zoning in the area.

- **Rezoning History in Area**

- There have been no rezonings in the immediate area in recent years.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by rezoning petition 2003-118, recommends institutional use.
- The *General Development Policies* (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The site meets minimum *General Development Policies* (GDP) criteria for consideration of up to eight dwelling units per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 11	Total Points: 12

- The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**

- This site does not generate a large volume of traffic; therefore, the primary considerations are for safe access. The proposed access will be restricted to right-in/right-out movements at NC 51, which is preferred for safety. Before the connection will be permitted, the sight distance must be confirmed to the east along NC 51. The developer has agreed to construct a ten-foot wide path along the site frontage for shared bicycle and pedestrian use.
- **Vehicle Trip Generation:**
 Current Zoning: 460 trips per day (based on the existing church with 750 seats) or 140 trips per day (based on single family residential)
 Proposed Zoning: 170 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce two students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for McAlpine Elementary (87%), South Charlotte Middle (100%) or South Mecklenburg High (138%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** No issues.
- **Charlotte Water:** No comments received.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

Attachments Online at www.rezoning.org

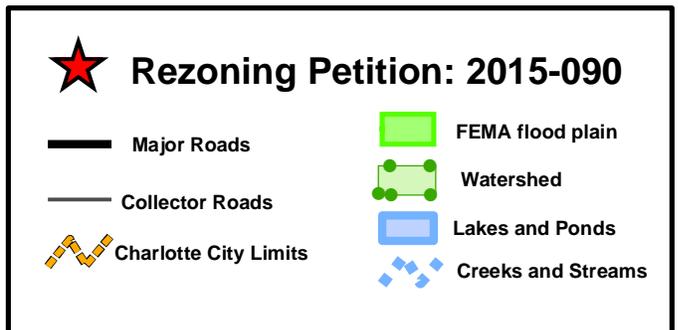
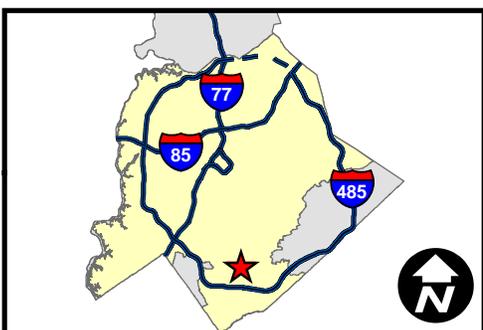
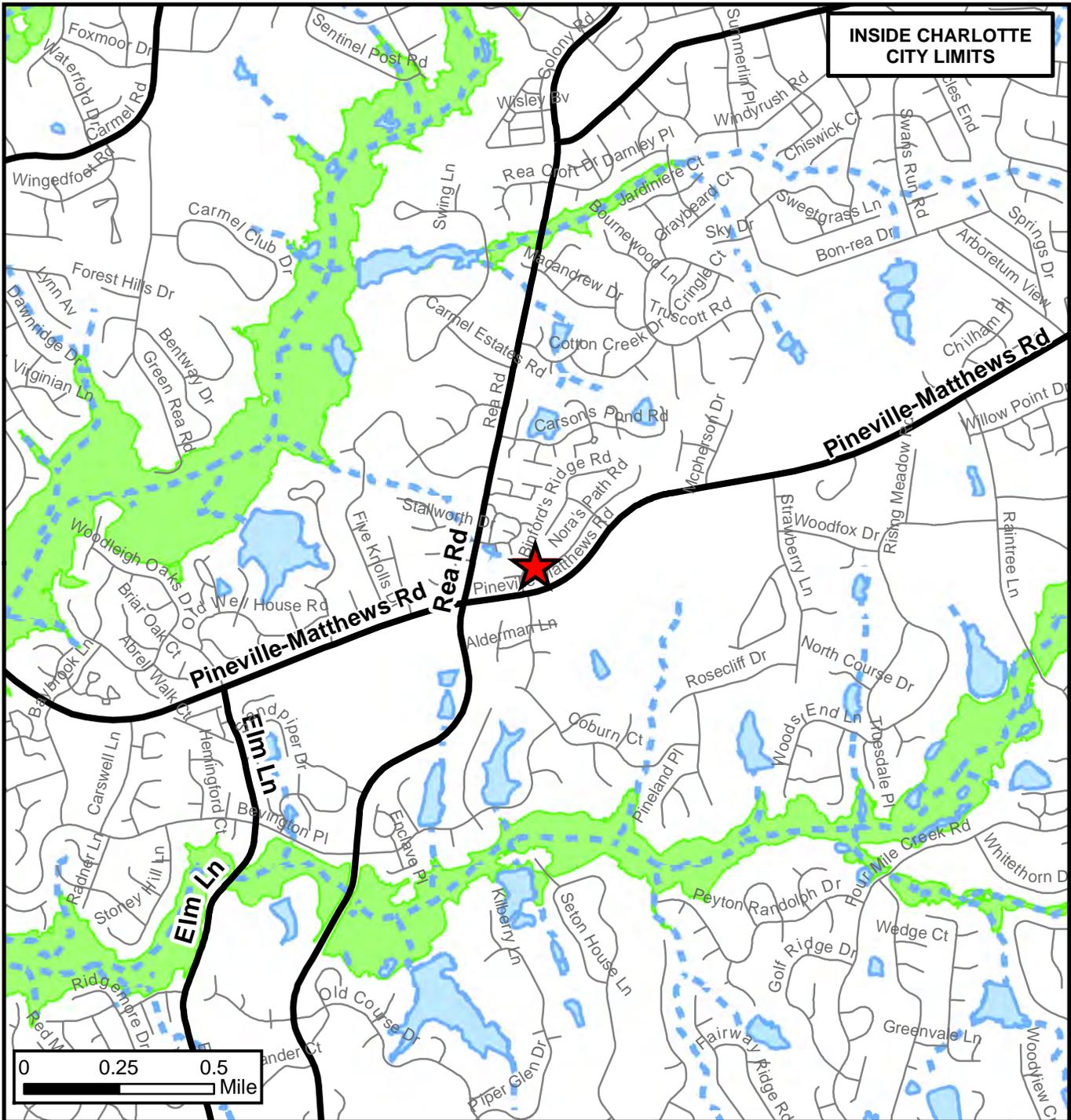
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Department of Solid Waste Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: John Kinley (704) 336-8311

Petition #: **2015-090**

Vicinity Map

Acresage & Location : Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive.



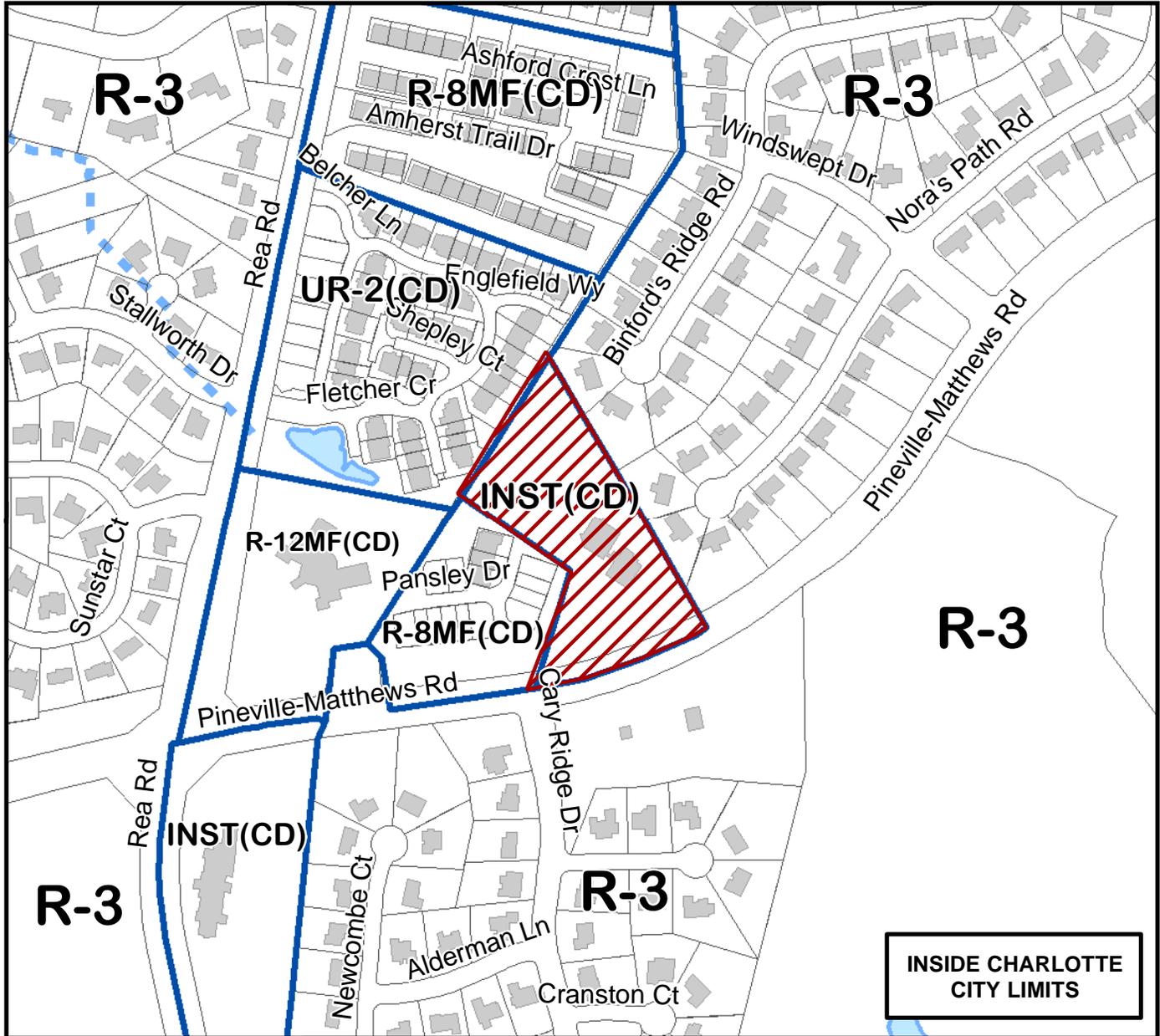
Petition #: **2015-090**

Petitioner: **Copper Builders, Inc.**

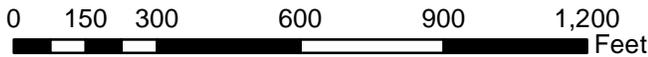
Zoning Classification (Existing): **INST(CD)**
(Institutional, Conditional)

Zoning Classification (Requested): **UR-2(CD)**
(Urban Residential, Conditional)

Acreage & Location: Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive.

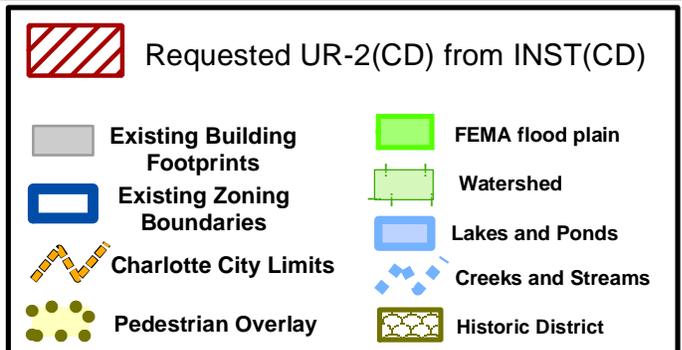


Map Produced by the Charlotte-Mecklenburg Planning Department, 6-26-2015.



Zoning Map #(s)

166

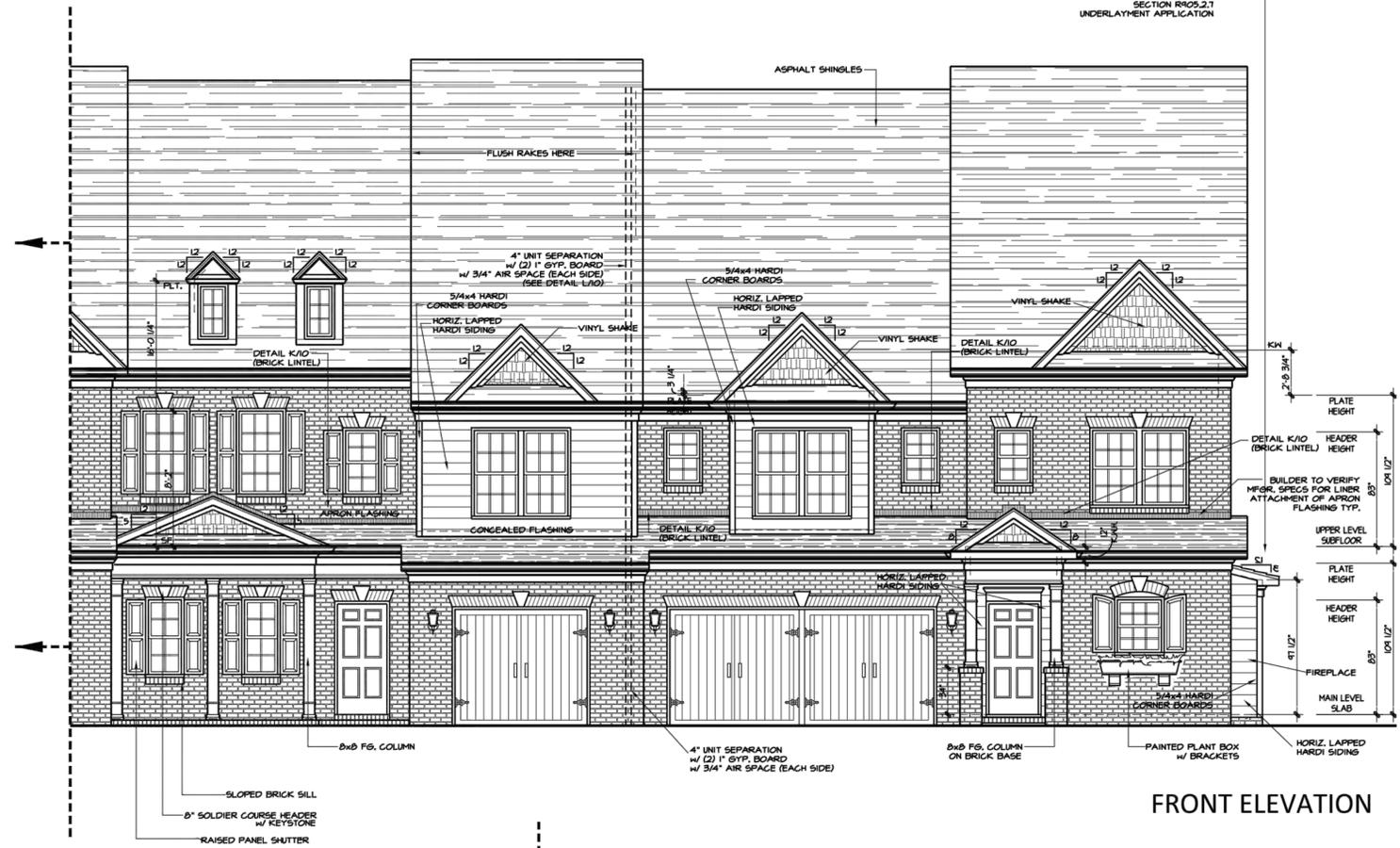


PEMBROOKE "A"
5117

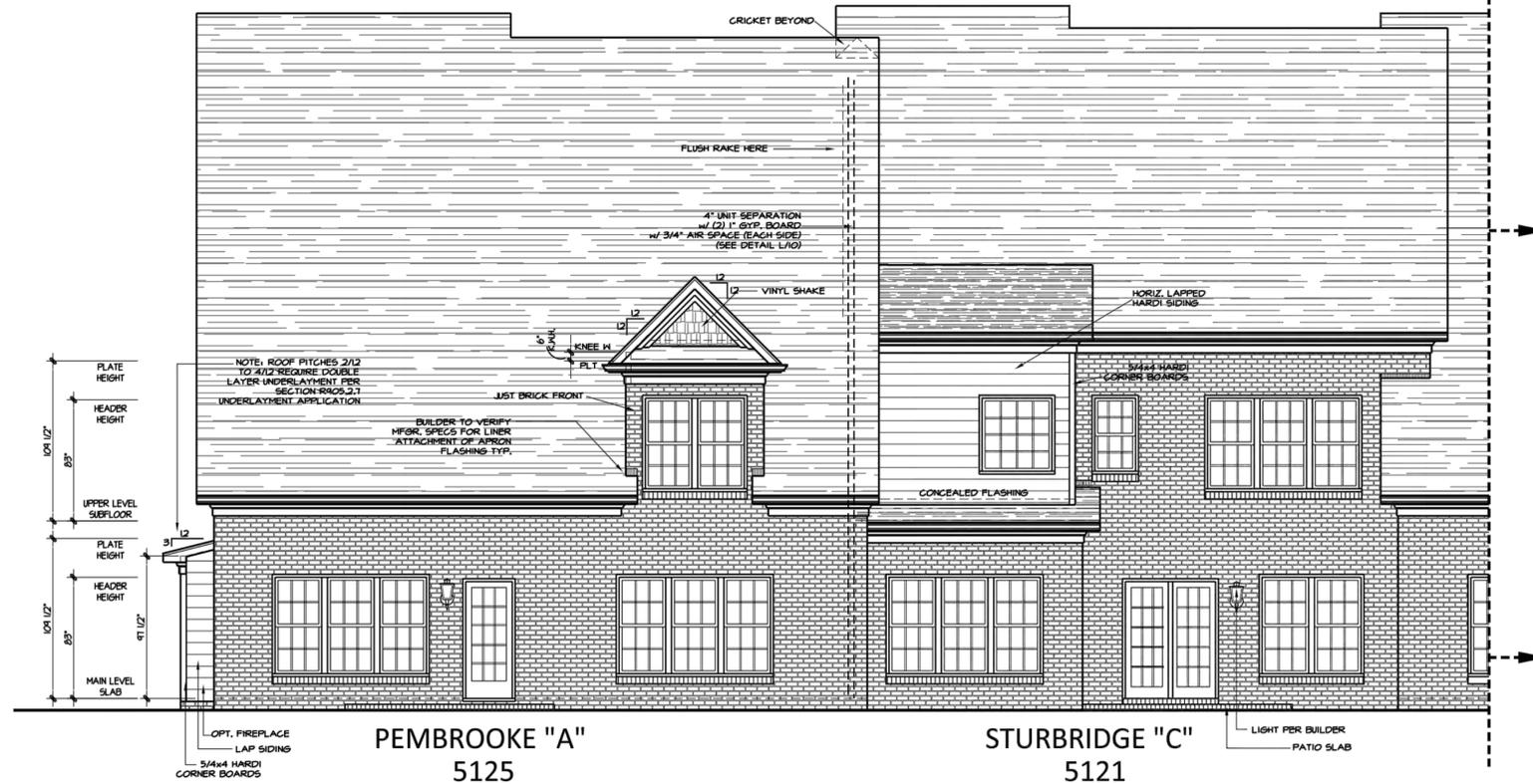
STURBRIDGE "C"
5121

PEMBROOKE "A"
5125

NOTE: ROOF PITCHES 2/12 TO 4/12 REQUIRE DOUBLE LAYER UNDERLAYMENT PER SECTION R905.2.1 UNDERLAYMENT APPLICATION



FRONT ELEVATION



REAR ELEVATION

NEW LIFE TOWNHOMES
RESIDENTIAL DEVELOPMENT
SCHEMATIC BUILDING ELEVATIONS

REVISIONS:
8/21/15 - PER REZONING COMMENTS

DATE: APRIL 27, 2015
DESIGNED BY: MIG
DRAWN BY: MIG
CHECKED BY: MWB
SCALE: 1/8\"/>

SHEET #: Z-2.0

PEMBROOKE "A"
5117

PEMBROOKE "C"
5113

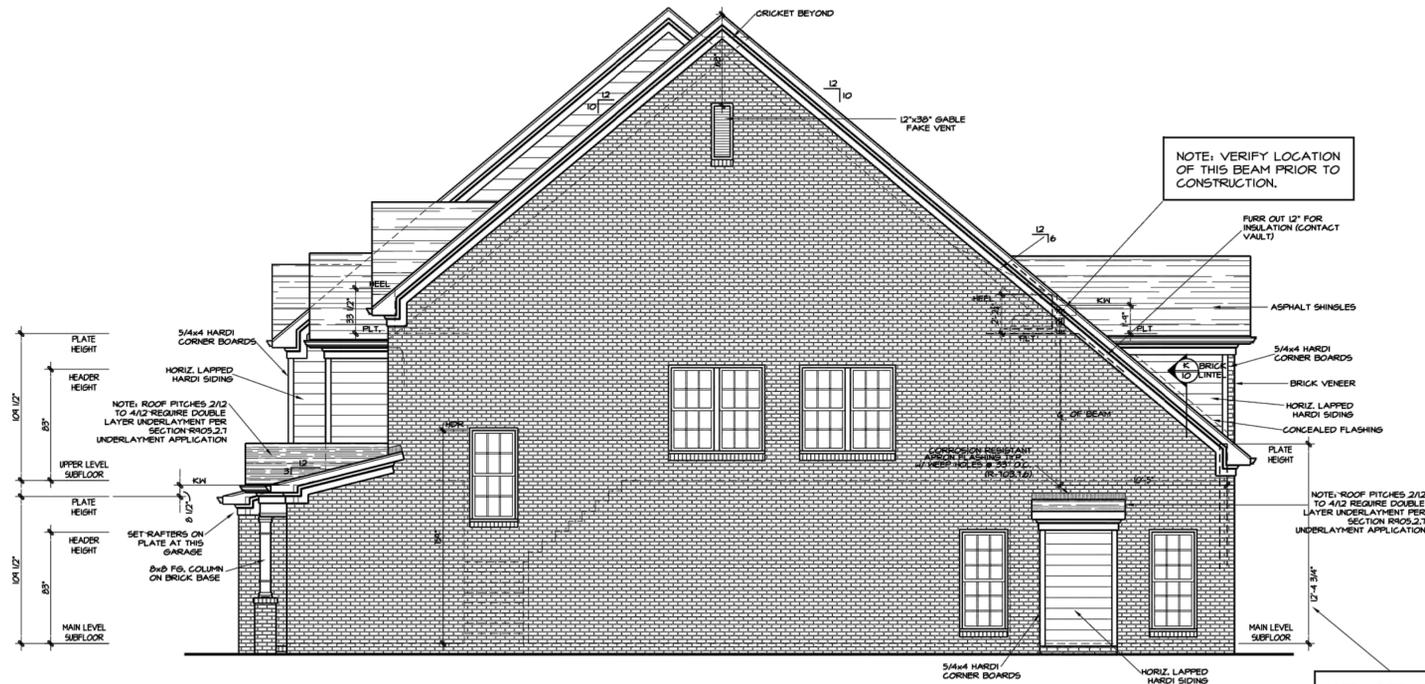
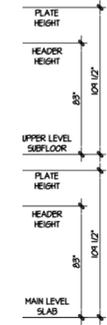
STURBRIDGE "C"
5109

PEMBROOKE "A"
5105



REAR ELEVATION
SCALE: 1/4" = 1'-0"

* NOTE:
3/8" SOFFIT (SOFFITS WITHIN THE 5' FIRE
SEPARATION DISTANCE TO BE MIN. 1 HOUR
FIRE-RATED, NO VENT OPENINGS)



SIDE ELEVATION

NOTE: VERIFY THIS HEIGHT
OF WALL PRIOR TO
CONSTRUCTION.

* THIS WALL HEIGHT
IS SET!

NEW LIFE TOWNHOMES
RESIDENTIAL DEVELOPMENT
SCHEMATIC BUILDING ELEVATIONS

REVISIONS:
8/21/15 - PER REZONING COMMENTS

DATE: APRIL 27, 2015
DESIGNED BY: MIG
DRAWN BY: MIG
CHECKED BY: MWB
SCALE: 1/8\"/>

SHEET #:
Z-3.0



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 14.File #: 15-2020 Type: Zoning Hearing

Rezoning Petition: 2014-019 by Carolina Development Services, LLC

Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)

Current Zoning: CC (commercial center)

Proposed Zoning: CC SPA 5-Year Vested Rights (commercial center, site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issues related to water quality treatment facilities, building placement, lighting, and transportation improvements.

Attachments:

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

Previously Approved Site Plan

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment), with five year vested rights.
LOCATION	Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow up to 380 multi-family units at a density of 14.34 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	B&C Land Holdings, LLC Carolina Development Services, LLC Peter Tatge, ESP Associates, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 11

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of requested technical revisions and the outstanding issues related to water quality treatment facilities, building placement, lighting and transportation improvements.</p> <p><u>Plan Consistency</u> The proposed multi-family housing is consistent with the <i>Northeast Area Plan</i>, which recommends residential and/or retail land uses.</p> <p>The petition is consistent with the Plan's recommended density of eight dwelling units per acre to include a mix of housing types, within a larger property area. Based on the approved and constructed 455 dwellings on 95.85 acres in Parcel 1, and the 380 dwellings on 26.47 acres proposed in this application for Parcel 2, the larger site would include 835 dwellings on 122.32 acres for a density of 6.83 dwellings per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • This site was identified in the District 4 Multi-Family Assessment as a priority site for a corrective rezoning due to the lack of design standards associated with the existing conditional zoning plan for the property. • The petition has incorporated standards for this multi-family residential project that provide details on building and parking location, open space and buffers, street design and connectivity, and building form and design. • In addition, the petition reduces the overall intensity of the site by eliminating 107,000 square feet of retail entitlement and reducing the total allowed number of residential units to 380 (422 currently allowed).
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PLANNING STAFF REVIEW

- **Background**
 - In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
 - At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report, including corrective rezonings of selected parcels.
 - The subject rezoning site was one of the properties selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site's lack of updated community design guidelines associated with the conditional rezoning plan for the property.

- This petition was originally a staff-initiated (conventional) request to rezone the site from CC (commercial center) to R-4 (single family residential), to allow all uses in the R-4 (single family residential) district.
- The City Council held a public hearing on this conventional request at its February 17, 2014 meeting. The Zoning Committee recommendation was deferred several times to allow additional time for the property owner and staff to work together to develop a mutually acceptable conditional site plan with specific design guidelines.
- To support this effort, the Planning Department hired a Charlotte-based design firm (DRG) to develop preliminary site plans using current development standards and regulations that have been implemented since the approval of rezoning petition 1999-33c. Staff held two design charrettes with the property owner and consultant, and met several times to work on site plan challenges and design guidelines.
- Subsequently, the property owner decided to undertake a conditional rezoning for the subject property.
- At the Zoning Committee's June 24, 2015 meeting, the committee recommended that the petition be returned to City Council for a new hearing to allow the conversion of the petition to a conditional rezoning as requested by the property owner.
- At its meeting of July 20, 2015, the City Council approved a new public hearing for the subject petition.

- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Up to 380 multi-family residential units at a density of approximately 14.33 dwelling units per acre (42 fewer units than 422 allowed under approved petition 1999-33c which currently governs the site), with five-year vested rights. Proposed development areas are identified on site plan as "Pods" A-D.
 - Maximum 55-foot building height (not to exceed three stories).
 - Proposed extension of Porter Creek Road, connecting to Salome Church Road, which will serve as the primary street running through the proposed development.
 - This street will have will have six-foot sidewalks, eight-foot planting strips, and on-street parking. Buildings will be set back 27 feet from this street.
 - A proposed private street network within the "Pods" connecting to the new internal public streets.
 - Includes a series of concepts showing relationships between buildings, streets, courtyards, parking, and buffers.
 - Provides street cross sections for public streets.
 - Conceptual building elevations.
 - Architectural standards identifying proposed treatments pertaining to building materials, roof pitch, building façade/articulation, and window arrangement.
 - Proposed 50-foot and 75-foot buffers along property lines abutting existing single family residential homes to the south and west (Mallard Lake Subdivision). Any required buffers may be reduced by 25% with the installation of a six-foot high fence.
 - Potential tree save areas identified.

- **Existing Zoning and Land Use**
 - The rezoning site is currently vacant and bounded to the north and west by Interstate 85. It is part of a larger 136-acre tract rezoned to MX-2 INNOV (mixed use, innovative) and CC (commercial center), in order to allow 1,172 attached housing units and 107,000 square feet of retail/office space. The approved site plan (rezoning petition 1999-033c) divides development rights into Parcels I and II:
 - Parcel I (MX-2 INNOV) consisting of approximately 93.14 acres, allowing up to 750 attached homes at a density of eight (8) units per acre. The number of units was reduced in 2007 to 455 single family homes and 175 townhomes at a density of 4.75 units per acre.
 - Parcel II, which includes the subject petition, consisted of 42.21 acres and was initially rezoned to CC (commercial center), in order to allow 422 attached housing units at a density of 15 units per acre, and 107,000 square feet of retail/office. A subsequent rezoning in 2007 (2007-037) amended the site plan for approximately 12.87 acres of Parcel II from CC (commercial center) to INST(CD) (institutional, conditional) in order to accommodate Stoney Creek Elementary School.
 - This section of Mallard Creek Road and Salome Church Road has residential uses, as well as undeveloped acreage, on properties zoned R-3 (single family residential), R-12MF (multi-family residential) and MX-2 (mixed use). In addition, institutional uses are located on properties zoned INST(CD) (institutional, conditional).

- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2015-133 proposes to rezone approximately 20.6 acres located on the west side of Salome Church Road, north of North Tryon Street and east of I-485, from R-3 (single family residential) and R-22MF (residential multi-family) to R-12MF(CD) (residential multi-family, conditional) in order to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) at a density of 11.07 units per acre. The public hearing for this request is scheduled for the December 14, 2015 City Council rezoning meeting.
- **Public Plans and Policies**
 - The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the entire site rezoned in 1999, be developed at a density up to eight dwelling units per acre.
- **TRANSPORTATION CONSIDERATIONS**
 - Salome Church Road is classified as a major thoroughfare on the CRTPO Thoroughfare Plan and envisioned to be a five-lane facility in the future. Salome Church Road currently carries 6,800 vehicle trips per day, which can be adequately served by the two to three lanes that exist today. The primary transportation goal for this site is to implement the future design for Salome Church Road along the limits of the property so that the future capacity can be created with incremental development. This remains an outstanding item on the rezoning plan. The site will include a left-turn lane into the development and sidewalks along the frontage of Salome Church Road. The internal connection to Porter Creek Road is a requirement of the City’s Subdivision Ordinance and also supported by CDOT.
 - See Outstanding Issues, note 7.
 - **Vehicle Trip Generation:**
Current Zoning: 4,600 trips per day (assuming 107,000 square feet of retail) or 2,680 trips per day (assuming 422 multi-family units)
Proposed Zoning: 2,425 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would allow 54 students, while the development allowed under the proposed zoning will produce 50 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero. The proposed development is projected to increase the school utilization (without mobile classroom units) for Stoney Creek Elementary School from 125% to 128%. Utilization for Martin Middle School (98%) and Mallard Creek High School (132%) will not change.
- **Charlotte-Mecklenburg Storm Water Services:** No comments received.
- **Engineering and Property Management:** See Requested Technical Revisions, note 3.
- **Charlotte Water:** No comments received.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

OUTSTANDING ISSUES

Environment

1. Environmental Features language should include a note that the water quality facility to be constructed on the site will be designed and landscaped as part of the overall site design. Such areas will be made aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like features.

Site and Building Design

2. Remove Architectural Standards Note g (related to the location of building envelopes) from the site plan.
3. Provide a minimum build-to line for all buildings.
4. Limit freestanding lighting to a maximum height of 20 feet as proposed development lies

adjacent to an existing single family residential subdivision.

5. Add a note that the buildings along the internal private driveways will be located at a build-to line of 14 feet from the edge of pavement.
6. Modify "5. Building/Parking/Private Street Relationship" diagram to show the location of the private drive.

Transportation

7. Commit to widening Salome Church Road to one half of its future width along the site frontage, including curb and gutter.

REQUESTED TECHNICAL REVISIONS

1. Under "Streetscape Landscaping Buffers and Setbacks" Note b, which references the "CC Area Plan" that no longer exists, should be removed from the site plan.
 2. Remove Note e under "Streetscape Landscaping Buffers and Setbacks" which allows the buffer along the abutting property with the single family to be reduced by 25 percent.
 3. Note that tree save area will be a minimum of 30 feet in width.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Engineering and Property Management Review

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

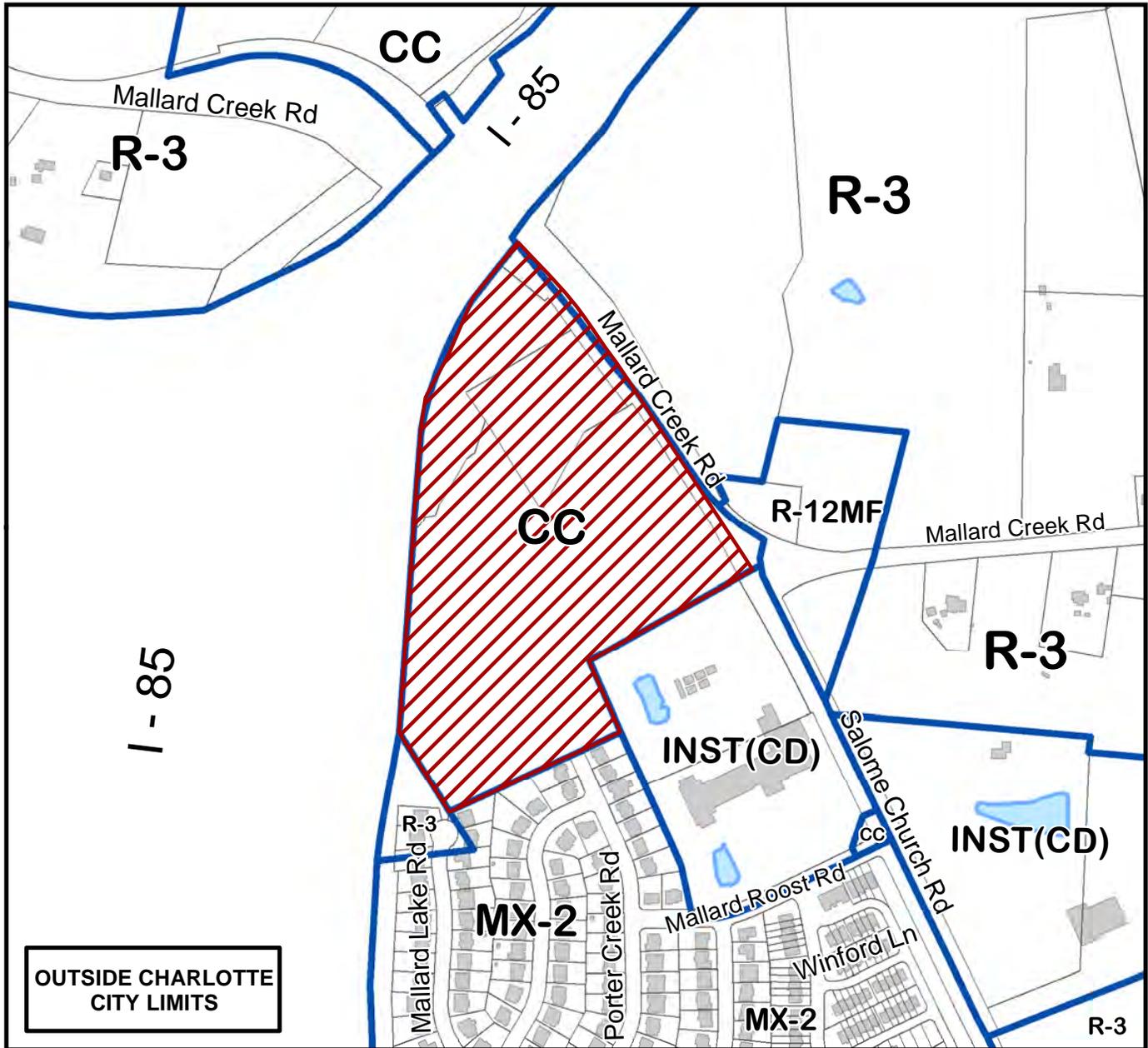
Petition #: **2014-019**

Petitioner: **Carolina Development Services, LLC**

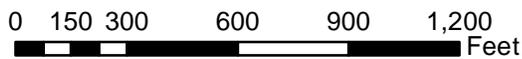
Zoning Classification (Existing): **CC**
(Commercial Center)

Zoning Classification (Requested): **CC SPA 5-Year Vested Rights**
(Commercial Center, Site Plan Amendment, Five Year Vested Rights)

Acreage & Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.

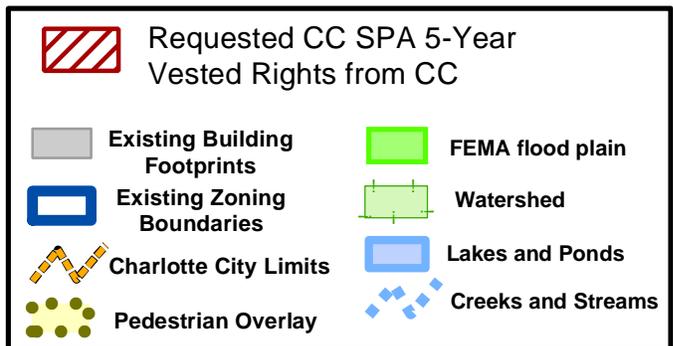


Map Produced by the Charlotte-Mecklenburg Planning Department, 10-6-2015.



Zoning Map #(s)

41



List of Adjacent Property Owners

Ref. No.	PIN	Location	Owner	Zoning
1	02910103	I-85 HY	Mallard Lake Homeowners Assoc.	R-3, MX-2
2	02910179	13402 Mallard Lake Rd	Murray A. Jr. Webster	R-3
3	02910178	13406 Mallard Lake Rd	Robert Thomas Sr Scott	R-3
4	02910177	13410 Mallard Lake Rd	Mahek Patel & Jayendra Kumar Patel	R-3, MX-2
5	02910176	13414 Mallard Lake Rd	Dipesh N Patel & Pankaj A Patel	MX-2
6	02910175	13418 Mallard Lake Rd	Michael Allen Ballard & Brenda Jean Ballard	MX-2
7	02910405	13419 Mallard Lake Rd	Garry D SR Frazier & Brenda J Frazier	MX-2
8	02910404	13415 Mallard Lake Rd	Tracy Oliver & Farvin Oliver	MX-2
9	02910403	13411 Mallard Lake Rd	Willie Roy JR Ramsey & Mandy Glyn Ramsey	R-3, MX-2
10	02910402	13407 Mallard Lake Rd	Preston Rainer & Darlene Rainer	R-3, MX-2
11	02910401	13403 Mallard Lake Rd	Jonene Duverger	R-3, MX-2
12	02910416	10930 Greenhead View Rd	Damond E Branch & Shanaice Branch	MX-2
13	02910417	10526 Greenhead View Rd	Famara Mason & Eddie L Hills	MX-2
14	02910418	10522 Greenhead View Rd	Danielle M Douglas	MX-2
15	02910419	10518 Greenhead View Rd	Ruel Smith & Shelley Smith	MX-2
16	02910420	10514 Greenhead View Rd	Angel R Oliphant & Kevin E Oliphant	MX-2
17	02910422	13434 Porter Creek Rd	Secretary of Veterans Affairs	MX-2
18	02910421	13440 Porter Creek Rd	Paul A Snyder & Dawn M Snyder	MX-2
19	02910426	10525 Greenhead View Rd	Tony Gunther	MX-2
20	02910425	10515 Greenhead View Rd	Aaron G Green	MX-2
21	02910424	10503 Greenhead View Rd	Angelica W Christie & Andre Christie	MX-2
22	02910476	13511 Porter Creek Rd	Steven W. Newman & Sarah L. Newman	MX-2
23	01910475	13507 Porter Creek Rd	Young Family Revocable Living - Keith L Young & Jennifer M. Young	MX-2
24	02910474	13443 Porter Creek Rd	Walter Swanson & Sally Swanson	MX-2
25	02910473	13439 Porter Creek Rd	Theresa S Scheedel & Daniel R Seymour	MX-2
26	02910472	13437 Porter Creek Rd	Tony C Chrichtlow	MX-2
27	02910101	Salome Church Rd	Education the Charlotte-Mecklenburg Boar	INS(CD)
28	02910102	17932 Mallard Creek Rd	Education the Charlotte-Mecklenburg Boar	INS(CD)
29	02955101	Morehead Rd	Mallard Creek Polymers Inc	R-12MF, R-3
30	02909125	Salome Church Rd	WC&C Inc	R-12MF, R-3
31	02909102	Salome Church Rd	Church Siloam Presbyterian	R-3
32	02909101	Salome Church Rd	WC&C Inc	R-3
33	02958115	Ridge Rd	Speedway Motorsports Inc	CC
34	02958121	Ridge Rd	Sonic Financial Corp C/O William R Brooks	CC
35	02961101	Ridge Rd	Department of Transportation	R-3
36	02961102	Ridge Rd	Mecklenburg County - Unincorporated	R-3
37	02961112	1435 Ridge Rd	Holland Living Trust The - Hoyle N Holland & Nancy H Holland	R-3



ESP
ESP Associates, P.A.

P.O. Box 7030 Charlotte, NC 28241
Fort Mill, SC 29708
NC - 704.583.4949 SC - 803.802.2440

www.espassociates.com

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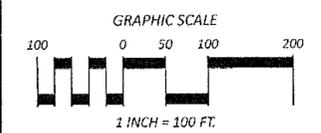
Carolina Development Services

2627 Brekonridge Centre Drive
Monroe, NC 28110

Mallard Creek Apartments
Petition #2014-019

Cover Sheet

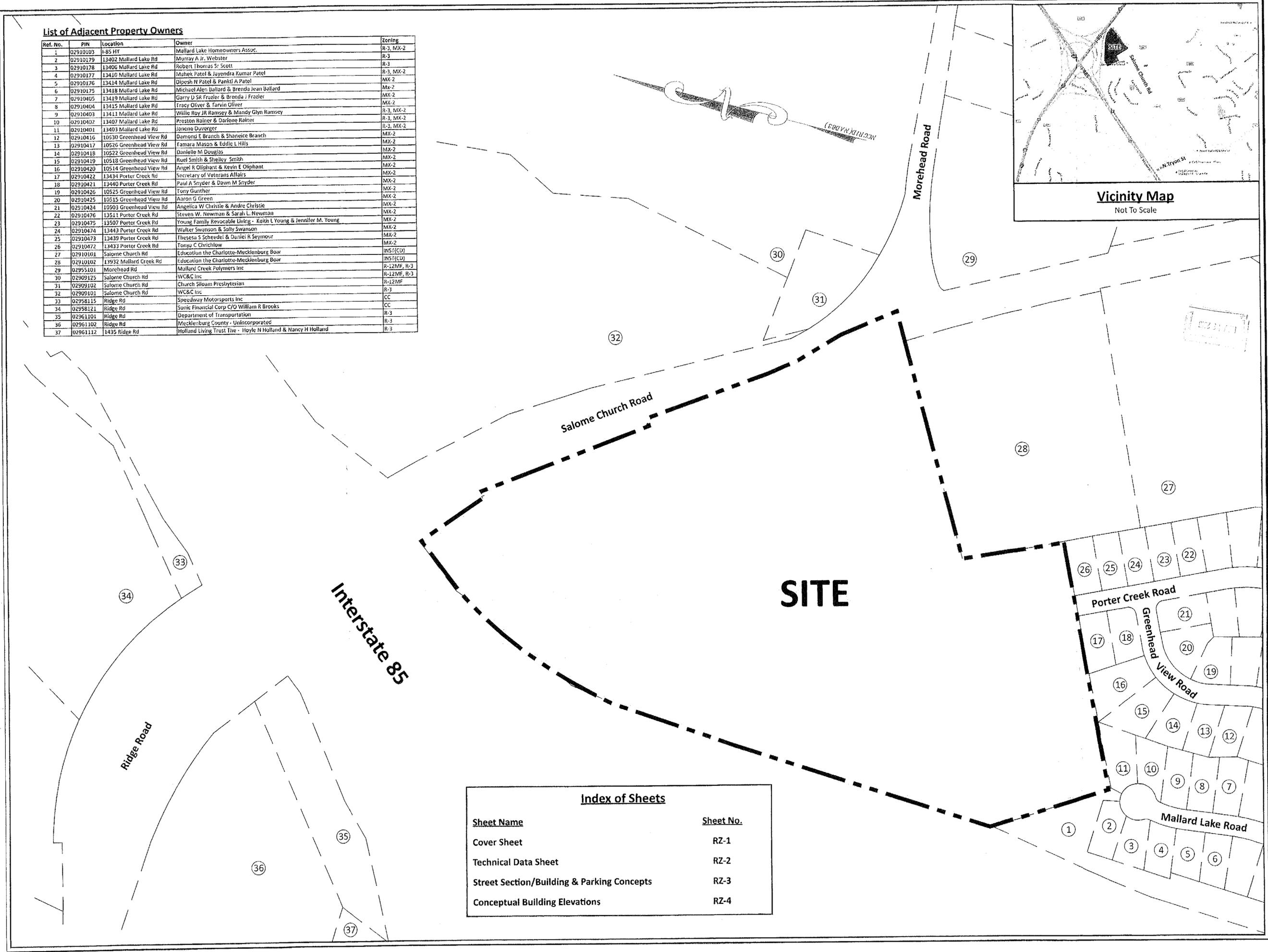
PROJECT LOCATION Mecklenburg County, NC



PROJECT LOCATION Mecklenburg County, NC
DRAWING NAME Mallard Creek Apartments-Resizing Planal
DATE July 13, 2015
DRAWN BY AB/GW
CHECKED BY MK

NO.	DATE	BY	REVISION
01	8/21/15	GW	Response to Staff Comments
02	9/18/15	GW	Response to Staff Comments (revised 9/16/15)
03	11/13/15	GW	Response to Staff Analysis Comments (10/14/15)

Index of Sheets	
Sheet Name	Sheet No.
Cover Sheet	RZ-1
Technical Data Sheet	RZ-2
Street Section/Building & Parking Concepts	RZ-3
Conceptual Building Elevations	RZ-4



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Carolina Development Services
 2627 Brekonridge Centre Drive
 Monroe, NC 28110

Mallard Creek Apartments
 Petition #2014-019

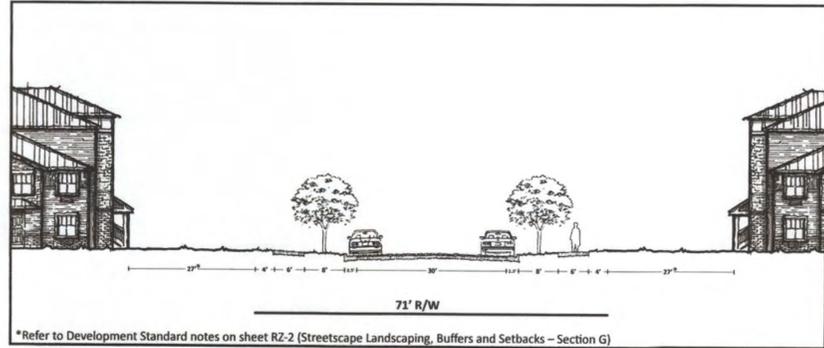
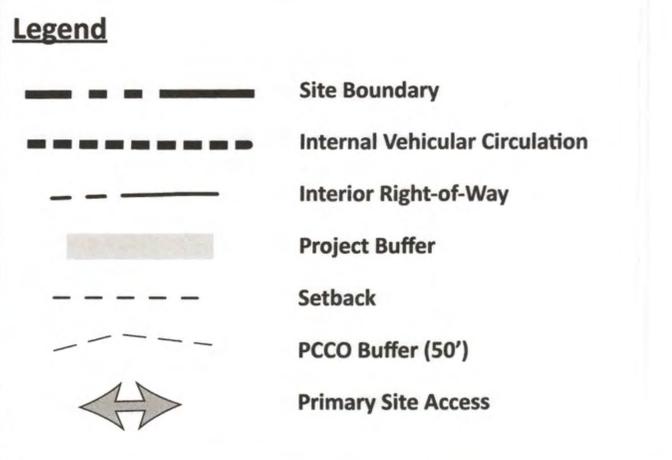
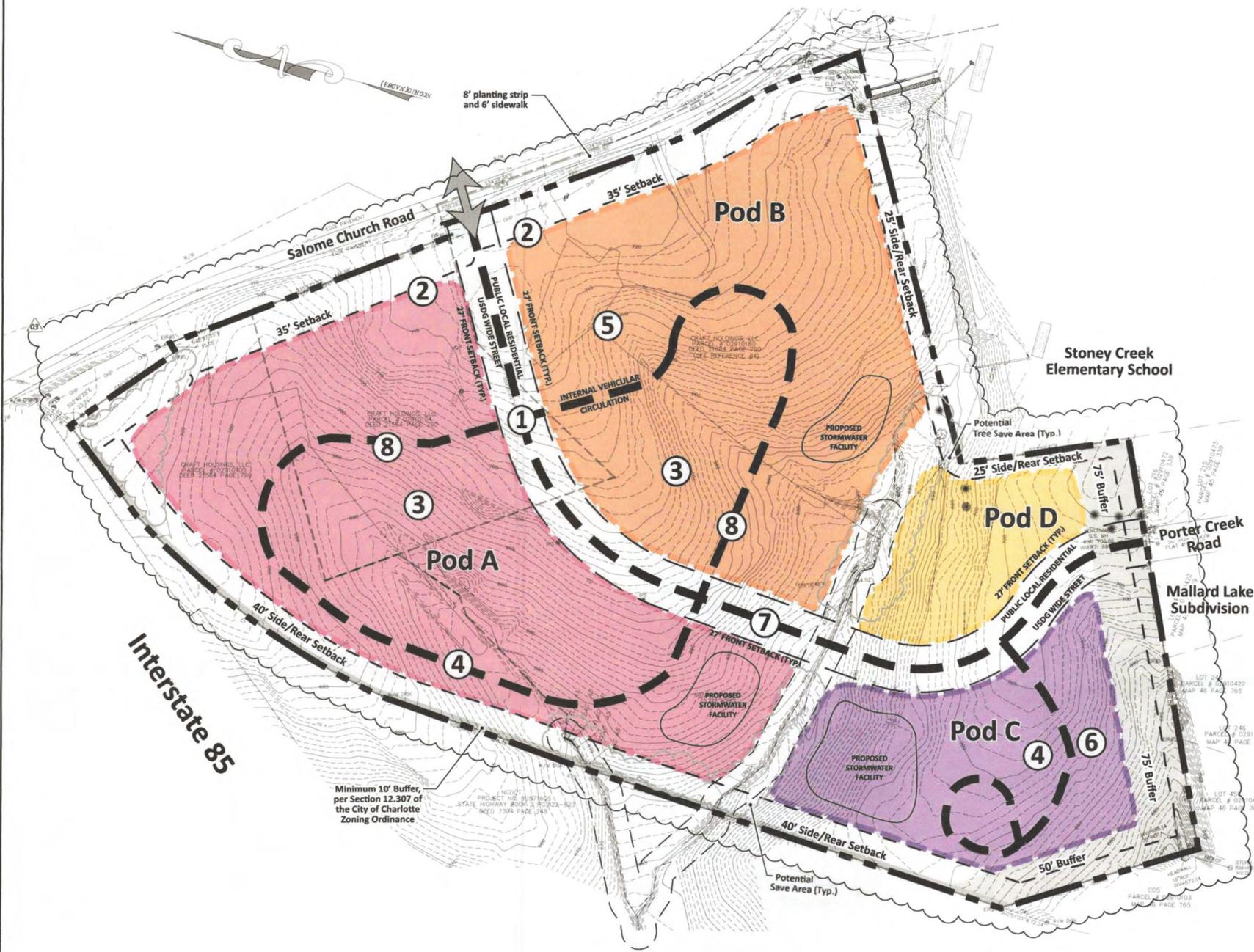
**Street Section/
 Building and Parking Concepts**

PROJECT LOCATION Mecklenburg County, NC

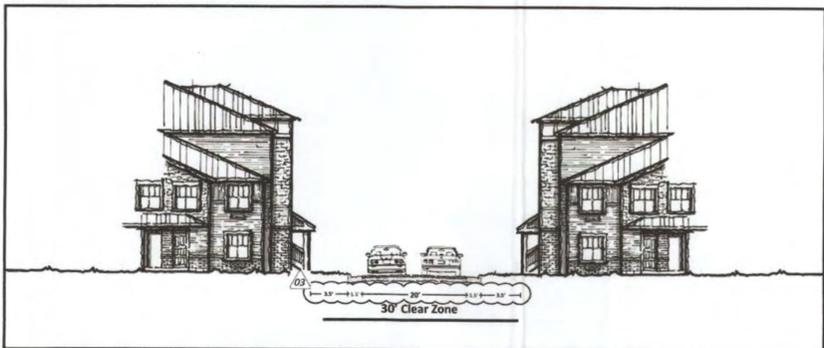
NOT TO SCALE

PROJECT LOCATION	Mecklenburg County, NC
DRAWING NAME	Mallard Creek Apartments-Re-zoning Plan at
DATE	July 13, 2015
DRAWN BY	AB/GW
CHECKED BY	MK

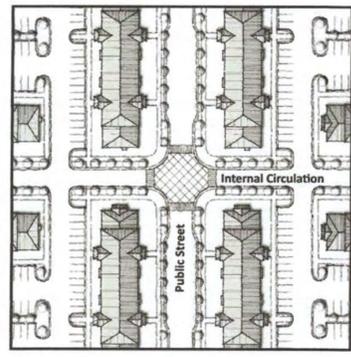
AGENCY / SUBMITTAL REVISION			
NO.	DATE	BY	REVISION
01	8/21/15	GW	Response to Staff Comments
02	9/18/15	GW	Response to Staff Comments (received 9/10/15)
03	11/13/15	GW	Response to Staff Analysis Comments (10/14/15)



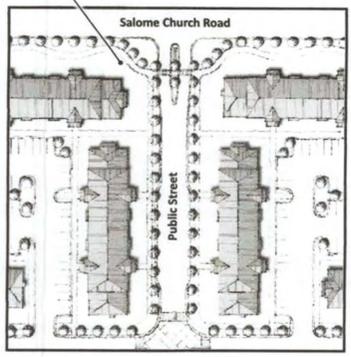
7. USDG Local Residential Wide Street w/ On-Street Parking (71' R/W)



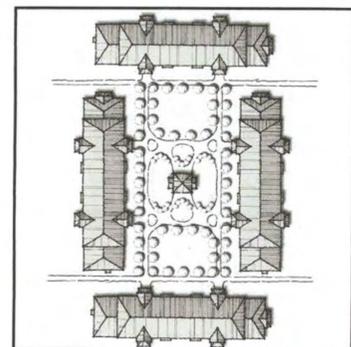
8. Typical Private Street w/ 30' Clear Zone



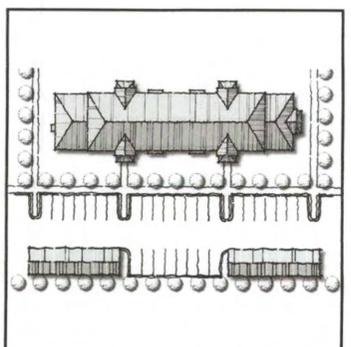
1. USDG Local Residential Wide Intersection Relationship



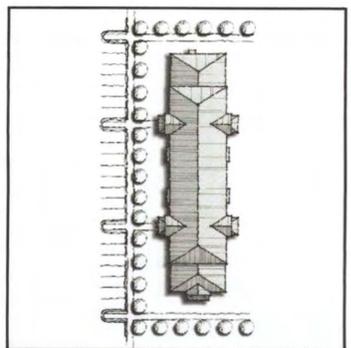
2. Project Frontage / Building Relationship off Salome Church Rd



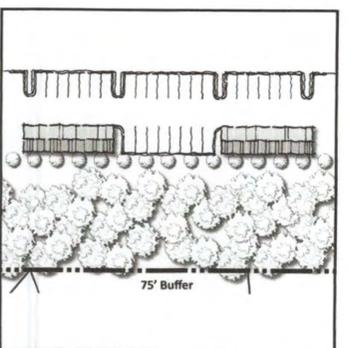
3. Typical Courtyard/Building Relationship



4. Building/Parking/Garage Relationship



5. Building/Parking/Private Street Relationship



6. 75' Buffer/Adjacent Property Owner Relationship

Previously
Approved
Site
Plan

VYRON PROPERTIES

I-85 / I-485 SITE OMNI ARCHITECTURE

APPROVED BY COUNTY COMMISSION

99-33c DATE June 8, 1999

Development Summary

Total Site Area: 135.35 AC (Net of Existing R.
Existing Zoning: R-3, R-12MF
Proposed Zoning: CC and MX-2 (innovative)
Total Attached Housing: 121.35 ac 1172 units 9.89 du/a
Total Retail /Office: 14.00 ac 107,000 sf

Parcel I
Proposed MX-2 Innovative District
* Attached Housing 93.14 ac 750 units 8 du/a

Parcel II
Proposed CC District (Innovative)
* Attached Housing 28.21 ac 422 units 15 du/a
* Retail/Office 14.00 ac 107,000 sf

Legend

- Access Point →
- Right In/Right Out Access Point ↔
- Setback/Yards [Blue Shaded Area]
- Buffer [Dark Blue Shaded Area]
- Open Space [Cross-hatched Area]
- Pedestrian Circulation [Dotted Line]

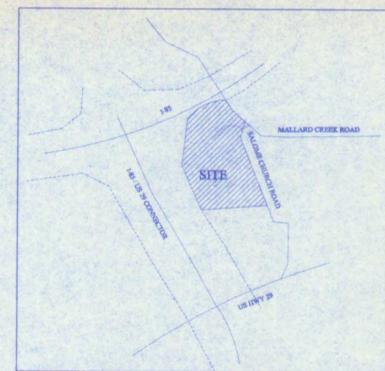
For Public Hearing,
Petition No. 99-33 (C)

DATE: February 22, 1999
PROJECT NO.: 18239
REVISIONS:
4-16-99: Revisions Per Pla. Comm.
5-18-99: Revisions Per Staff Analysis

1701 East Boulevard, Charlotte, NC 28203
1414 Price Street, Alexandria, VA 22314
164 NW Broad St., Southern Pines, NC 28587
135 2nd Ave., Ste 201, Franklin, TN 37060

LandDesign
Landscape Architecture
Urban Design

SHEET NO. 1 OF 1
FILE NAME: g718239new



Vicinity Map

Legal Boundary Description

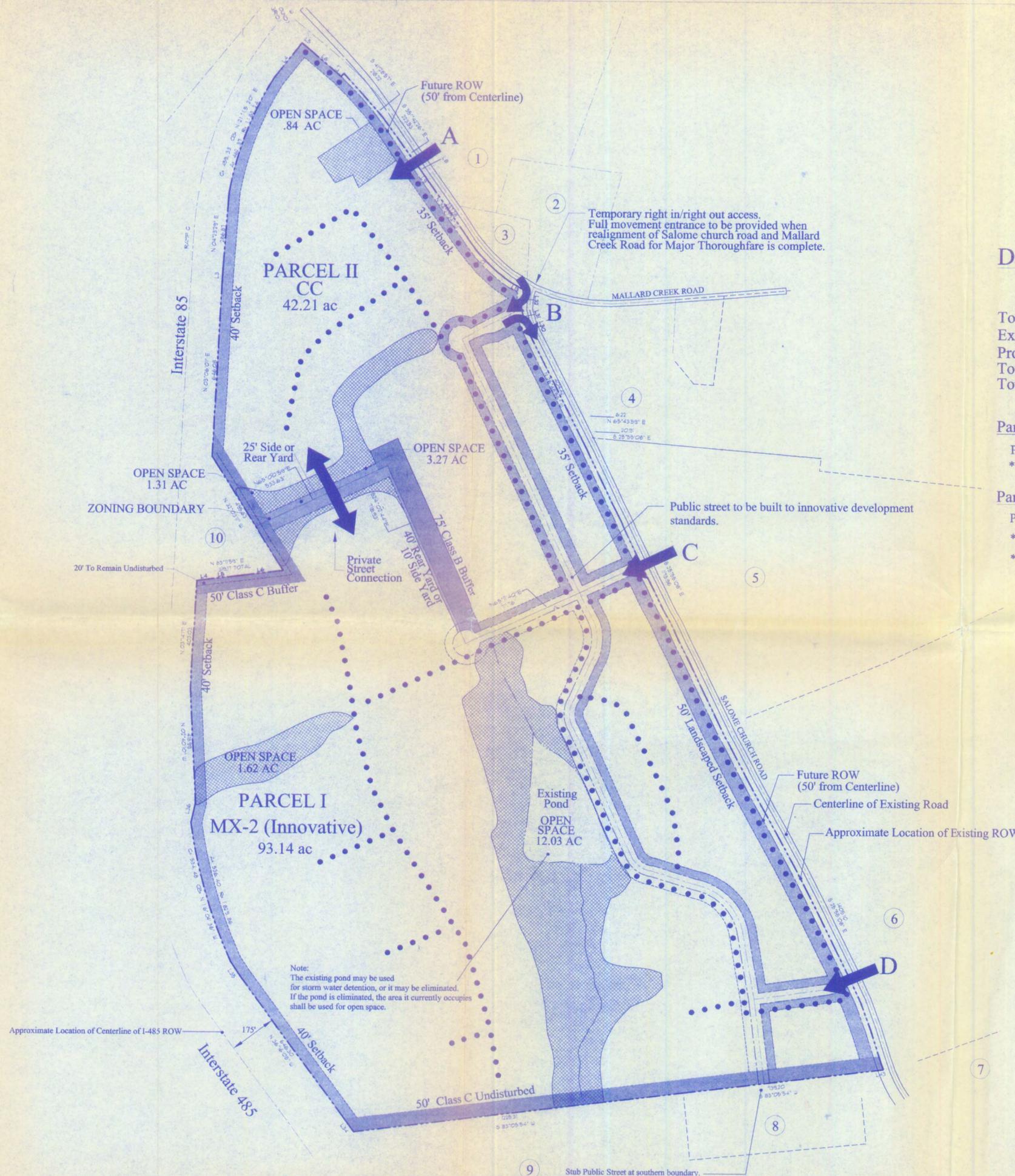
Being a parcel of land in Mallard Creek Township, Mecklenburg County, North Carolina. Beginning at point at which the ROW of Mallard Creek Road and Interstate 85 intersect in the Southeast quadrant and proceeding S 50°32'27" E 23.49'; thence S 49°20'21" E 166.55'; thence S 43°04'33" W 15.00'; thence S 41°28'57" E 218.22'; thence S 35°42'26" E 223.53'; thence S 59°12'52" E 31.00'; thence S 34°27'24" E 80.25'; thence S 34°27'24" E 237.28'; thence S 43°55'44" E 207.05' along a radius of 629.09'; thence S 26°03'05" E 140.63'; thence S 03°55'50" W 6.21'; thence S 16°58'25" E 50.00'; thence S 25°20'45" E 50.00'; thence S 26°48'56" E 404.42'; thence N 65°43'59" E 6.22'; thence S 25°55'08" E 50.91'; thence S 26°48'56" E 404.42'; thence S 25°55'08" E 1405.10'; thence S 83°05'54" W 30.38'; thence S 83°05'54" W 739.20'; thence S 83°05'54" W 1223.31'; thence N 35°27'38" W 66.75'; thence N 36°16'08" W 646.30'; thence N 33°04'33" W 59.50'; thence N 16°04'36" W 534.48' along a radius of 1829.86'; thence N 12°46'46" E 76.15'; thence N 02°40'10" W 418.99'; thence N 03°14'17" E 405.03'; thence N 83°11'59" E 319.17'; thence N 32°03'11" W 495.63'; thence N 03°06'01" E 646.08'; thence N 03°06'01" E 38.65'; thence N 04°23'29" E 286.87'; thence N 21°15'20" E 459.33' along a radius of 1163.24'; thence N 36°21'54" E 162.26' returning to the point of beginning.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 65°43'59" W	6.22	L34	N 35°27'38" W	66.75
L2	S 65°43'59" W	23.33	L35	N 33°04'33" W	59.50
L3	N 03°06'01" E	38.65	L36	N 12°46'46" E	76.15
L4	N 35°27'38" W	66.75	L37	N 83°11'59" E	319.17
L5	S 80°32'21" E	13.48	L38	N 83°11'59" E	319.17
L6	S 49°20'21" E	166.55	L39	N 83°11'59" E	626.4
L7	N 43°04'33" E	30.00	L40	N 83°05'54" W	739.20
L8	N 84°12'52" E	310.8	L41	N 83°05'54" W	6.22
L9	S 34°27'24" E	80.25	L42	S 25°55'08" E	209.9
L10	S 66°48'08" E	50.00	L43	S 83°05'54" W	50.38
L11	S 16°58'25" E	171.52	L44	N 03°14'17" E	38.34
L12	S 26°03'05" E	140.63	L45	S 84°59'01" E	115.7
L13	S 26°03'05" E	140.63	L46	S 21°12'18" W	5.83
L14	S 99°12'52" E	80.23	L47	S 21°14'51" W	63.54
L15	N 34°27'38" W	14.9	L48	N 02°40'10" W	8.80
L16	S 16°58'25" E	168.83	L49	N 84°20'46" E	85.1
L17	S 18°26'42" W	50.00	L50	S 21°08'41" W	1.34
L18	S 84°29'32" W	316.1	L51	N 84°29'01" W	6.34
L19	S 30°11'08" W	128.45	L52	N 26°46'20" W	17.7
L20	S 21°18'41" W	49.00	L53	S 68°35'53" E	10.88
L21	S 20°21'30" W	37.2	L54	N 68°35'53" E	1.48
L22	S 81°41'50" W	35.50			
L23	S 17°06'36" W	12.5			
L24	S 43°11'19" W	48.49			
L25	S 87°02'38" E	74.59			
L26	S 04°53'21" E	34.00			
L27	S 81°52'24" E	88.20			
L28	N 17°28'46" W	178.7			
L29	N 82°51'24" W	3.97			
L30	N 28°20'48" W	50.00			
L31	N 16°58'25" E	50.00			
L32	N 03°58'50" E	6.21			
L33	N 28°50'54" W	86.35			

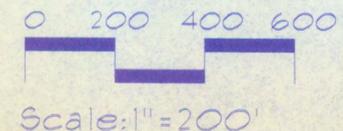
CURVE	ARC	RADIUS	CHORD LENGTH	CHORD BEARING
G1	208.00	629.09	207.05	N 43°58'44" W

Adjacent Property Owners

- Hicks, Mary H. (B/W) & Ernest L Pennell
6840 Elm Forest Dr.
Charlotte, NC 28212
029-091-01
- WC&C Inc.
3850 Sharon View Rd.
Charlotte, NC 28226
029-091-25
- Siloam Presbyterian Church
029-091-02
- Mallard Creek Polymers, Inc.
14800 Mallard Creek Road
Charlotte, NC 28213
028-082-03
- Mello, Ralph R & WF Karen
2732 Salome Church Rd.
Charlotte, NC 28262
029-082-13
- Jones, Betty Waldron
1811 Queens Rd West
Charlotte, NC 28207
029-402-99
- Lynch, Jerry W. & Ronald L. Lynch
2324 Salome Church Road
Charlotte, NC 28262
029-052-20
- Reeves, Kenneth C. & WF Joyce C.
3502 Edgeline Dr.
Charlotte, NC 28269
029-051-17
- Reeves, Kenneth C. & WF Joyce C.
3502 Edgeline Dr.
Charlotte, NC 28269
029-051-17
- NC DOT
716 West Main Street
Albemarle, NC 28001
029-101-03



Note:
The existing pond may be used for storm water detention, or it may be eliminated. If the pond is eliminated, the area it currently occupies shall be used for open space.





City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 15.File #: 15-2033 Type: Zoning Hearing

Rezoning Petition: 2015-133 by BRC Salome Church LLC

Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street. (Council District 4 - Phipps)

Current Zoning: R-3 (single-family residential) and R-22MF (CD) (multi-family residential, conditional)
Proposed Zoning: R-12MF (CD) (multi-family residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan
- Previously Approved Site Plan

REQUEST	Current Zoning: R-3 (single family residential) and R-22MF(CD) (multi-family residential, conditional) Proposed Zoning: R-12MF(CD) (multi-family residential, conditional)
LOCATION	Approximately 20.6 acres near the intersection of I-485 and North Tryon Street along Salome Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow development of a vacant parcel with up to 228 residential dwelling units, at a density of 11 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various BRC Salome Church LLC Jeff Brown and Keith MacVean, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>Northeast Area Plan (2000)</i> recommendation for residential development up to 12 dwelling units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The proposed development is consistent with the adopted plan recommendation which calls for residential development up to 12 units per acre. • The site is located at a confluence of major streets, on or near I-485, North Tryon Street and Salome Church Road, and is located in an area planned and zoned for primarily residential development. • The site design meets the plan's recommendation for higher density residential, by providing an internal network of streets that connects to abutting properties and to Salome Church Road and by fronting buildings along these streets. • Architecture features such as building materials, minimization of long and blank walls, and roof pitches have been included to support the goal of designing buildings to fit into a larger neighborhood context.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A maximum of 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) along with permitted accessory uses.
- Number of principal residential buildings limited to 12.
- Building height not to exceed three stories or 48 feet.
- Building Design and Architecture
 - The principal buildings will provide a minimum 30% of brick, stone, precast stone, precast concrete, and/or synthetic stone per building façade.
 - Building materials to include a combination of portions of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings.
 - Building elevations are provided and will be designed with vertical bays or articulated architectural façade features.
 - Accessory buildings will be similar in materials, color, architectural elements and design as the principal buildings.

- Buildings shall front a minimum 50% of the total street frontage on the site.
- Buildings exceeding 120 feet in length shall include modulation (areas that are either recessed or extended from of the building massing/façade plane). Modulations shall be a minimum of 10 feet wide and extend or recess a minimum of five feet extending through all floors.
- A minimum of three elevations of each building will be articulated with a wainscot of a minimum of three feet in height.
- Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.
- Roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure.
- Streets, streetscape, and parking
 - Two internal public streets will be constructed as required by the Subdivision Ordinance.
 - Surface parking will not be allowed between Salome Church Road, the proposed streets and proposed buildings except for a specified area between the proposed club house and Salome Church Road.
 - The southernmost access to Salome Church Road will be designed for use only by emergency vehicles and will be restricted/controlled to prohibit access by tenants and visitors.
 - A six-foot sidewalk and eight-foot planting strip will be provided along all public streets.
 - Northbound left-turn lanes will be constructed on Salome Church Road.
 - 50 feet of right-of-way on Salome Church Road will be dedicated and conveyed when the right-of-way for the site's internal public streets are dedicated.
- Other
 - A 50-foot "Class C" buffer will be provided abutting existing single family zoning, which may be reduced by 25% with a fence or berm.
 - The portion of 100-foot SWIM buffer associated with Stoney Creek located on the site will be conveyed to Mecklenburg County Parks and Recreation for the development of a greenway.
- **Existing Zoning and Land Use**
 - Most of the subject site is zoned R-3 (single family residential) and is vacant. A 2.0 acre portion of the site was rezoned by petition 1998-43c to R-22MF(CD) (multi-family residential, conditional) to allow a temporary construction access to the adjoining multi-family tract, which could become a permanent access point.
 - Abutting to the west, on the south end, is an apartment development zoned R-22MF (multi-family residential) built in 1999. Abutting to the west on the north end, is an active landfill site. Across Salome Church Road to the east are vacant parcels and older large lot single family properties zoned R-3 (single family residential). Further north on Salome Church Road are a church and a school, as well as a variety of single family, townhome, and multi-family dwellings in MX-2 (mixed use) zoning.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2014-019 proposes a CC (commercial center) site plan amendment for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. The proposed development will allow up to 380 multi-family residential units at a density of approximately 14.33 dwelling units per acre. The public hearing for this request is also scheduled for the December 14, 2015 City Council rezoning meeting.
- **Public Plans and Policies**
 - The *Northeast Area Plan* (2000) recommends residential uses up to 12 units per acre for this site. The plan recommends that higher density residential housing be developed as part of the fabric of a larger neighborhood, and that such developments should not be built as large, inward orienting complexes.
- **TRANSPORTATION CONSIDERATIONS**
 - Salome Church Road is classified as a major thoroughfare on the CRTPO Thoroughfare Plan and envisioned to be a 5-lane facility in the future. Salome Church Road currently carries 6,800 vehicle trips per day, which can be adequately served by the 2-3 lanes that exist today. The primary transportation goal for this site is to implement the future design for Salome Church Road along the limits of the property so that the future capacity can be created with incremental development. CDOT has requested the developer widen Salome Church Road along the project limits, which remains an outstanding issue. CDOT has other outstanding transportation goals for this site including elimination of the easternmost access (for safety), providing a shared use path along the site frontage for pedestrians and cyclists, and providing a pedestrian connection

to the adjacent multi-family site.

- See Outstanding Issues, notes 1 through 3.

- **Vehicle Trip Generation:**

Current Zoning: 1,000 trips per day based on a mix of single and multi-family residential.

Proposed Zoning: 1,600 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate nine students, while the development allowed under the proposed zoning will produce 35 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 26 students. The proposed development is projected to increase the current school utilization (without mobile classroom units) as follows:
 - Stone Creek Elementary from 121% to 124%
 - James Martin Middle from 90% to 91%
 - Mallard Creek High from 137% to 138%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

OUTSTANDING ISSUES

Transportation

1. Eliminate the proposed southernmost private site driveway.
2. Commit to one half of the widening of the future Salome Church Road cross-section along the site frontage, including a shared use path for pedestrians and cyclists.
3. Provide a 10 foot-wide pedestrian/bicycle connection to the adjacent multi-family site.

Site and Building Design

4. Add vertical architectural elements to the short side of Building 1.

REQUESTED TECHNICAL REVISIONS

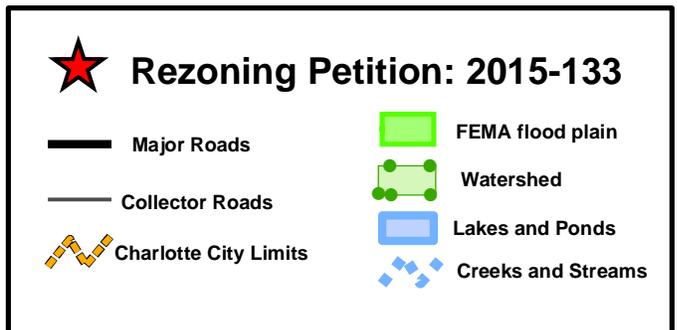
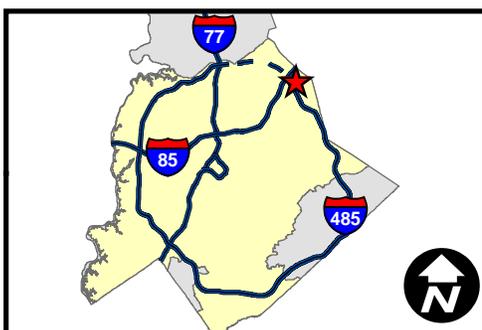
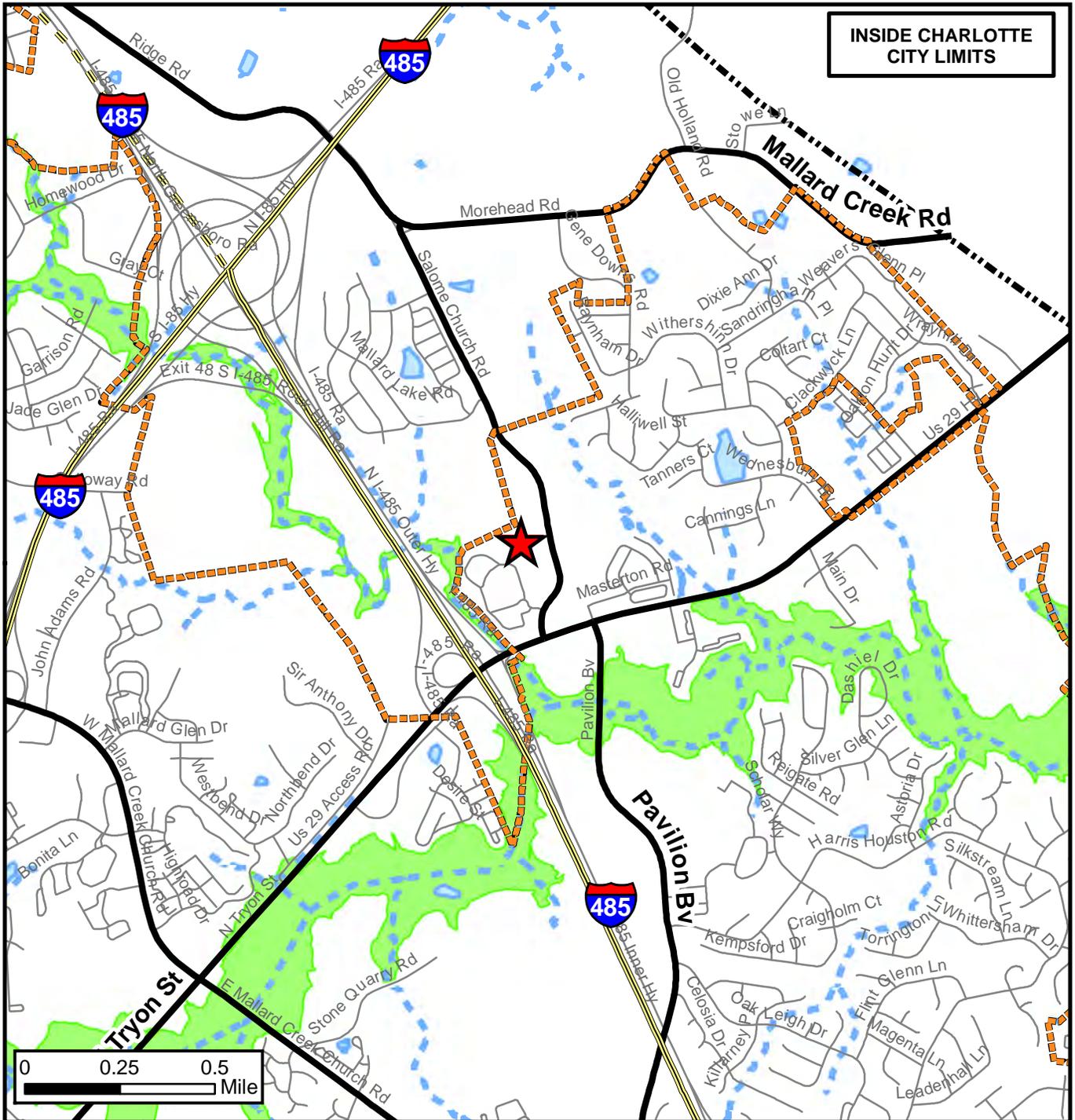
1. Confirm that parking will be screened from private streets, as well as public streets.
2. Remove the word "wainscot" referenced in the General Design Guidelines Note d.
3. Define the "Preferred Exterior Building Materials" referenced in the General Design Guidelines Note d.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Acresage & Location : Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street.



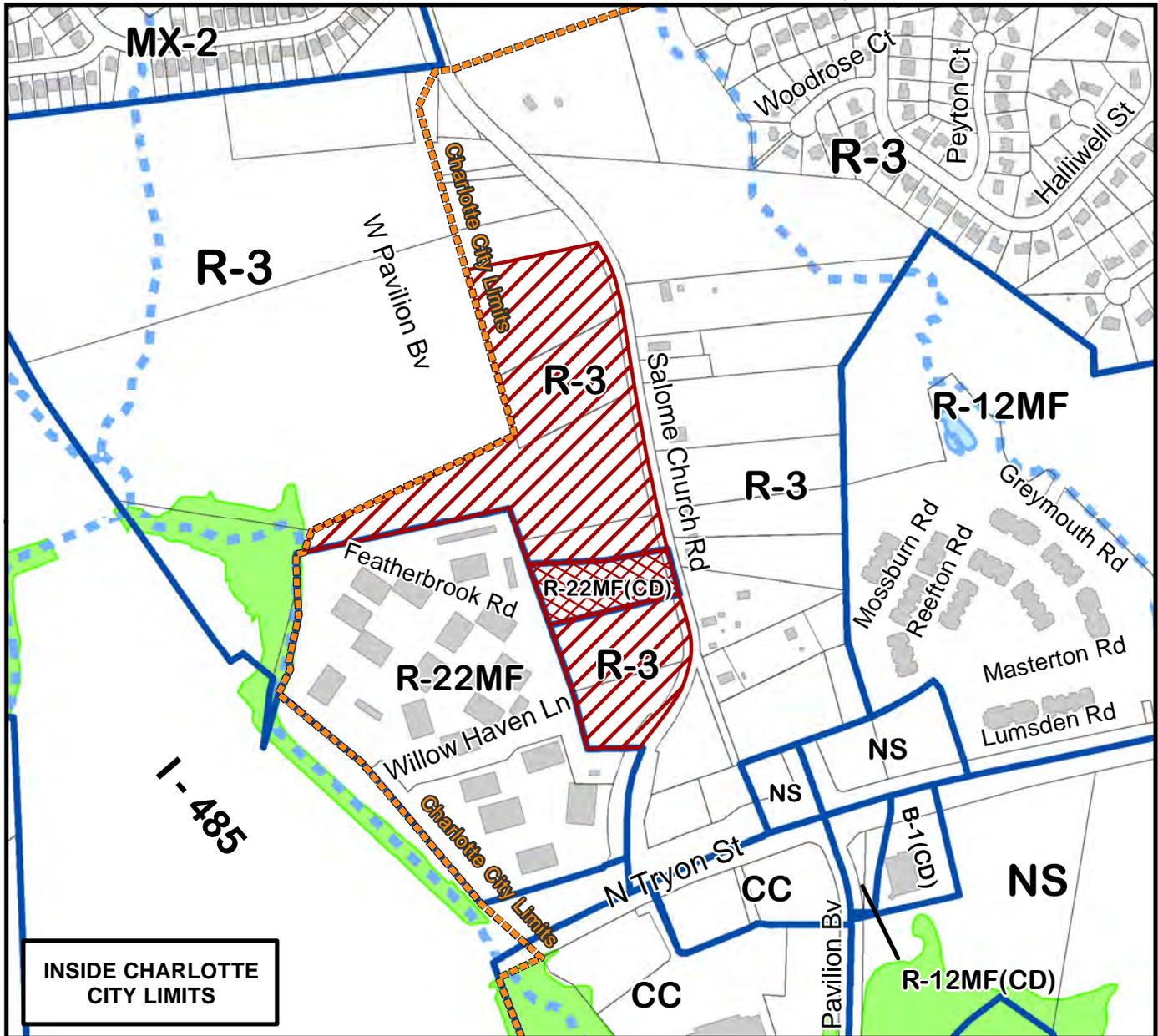
Petition #: **2015-133**

Petitioner: **BRC Salome Church LLC**

Zoning Classification (Existing): **R-3 & R-22MF(CD)**
(Single Family, Residential and Multi-Family, Residential, Conditional)

Zoning Classification (Requested): **R-12MF(CD)**
(Multi-Family, Residential, Conditional)

Acreage & Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street.



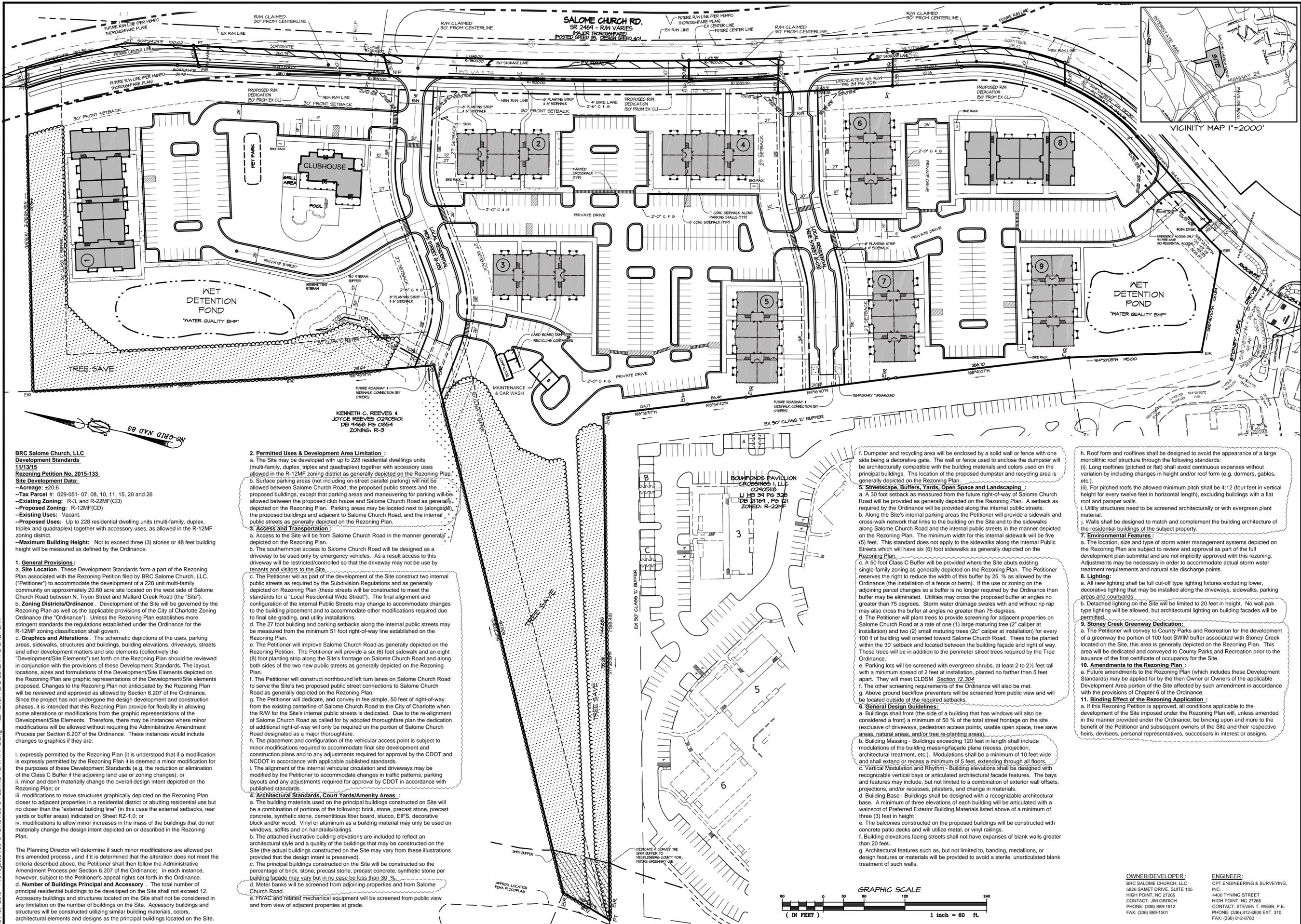
INSIDE CHARLOTTE CITY LIMITS

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.
0 200 400 800 1,200 1,600 Feet



Zoning Map #(s)
54

- Requested R-12MF(CD) from R-3
- Requested R-12MF(CD) from R-22MF(CD)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District



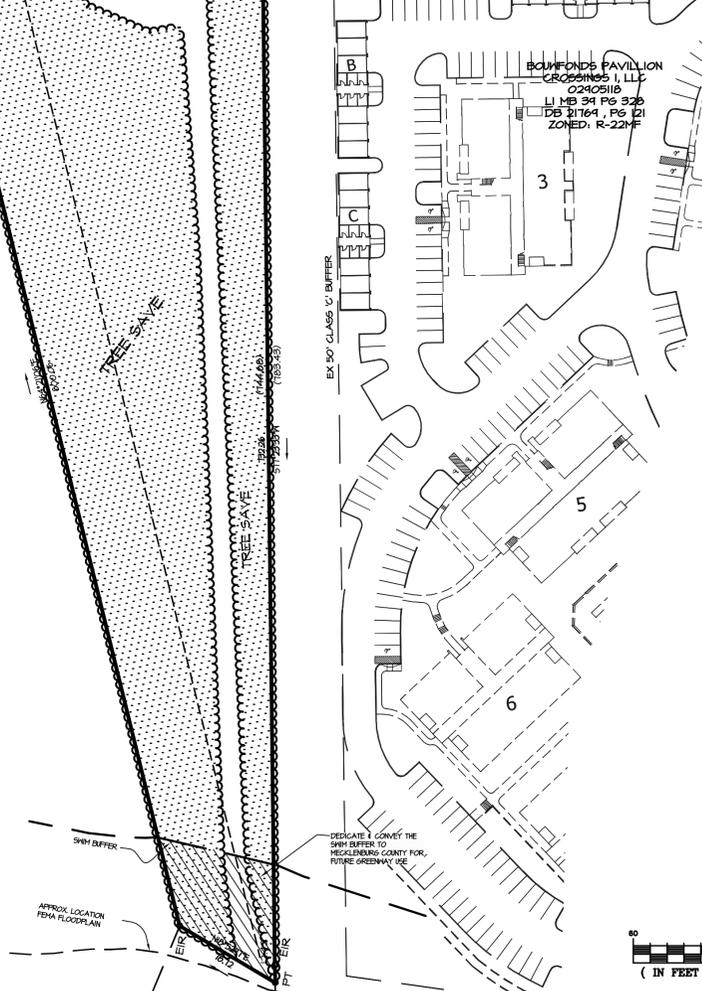
BRC Salome Church, LLC
Development Standards
 11/13/15
 Rezoning Petition No. 2015-133
 Site Development Data:
 --Acreage: ±20.6
 --Tax Parcel #: 029-051-07, 08, 10, 11, 15, 20 and 26
 --Existing Zoning: R-3, and R-22MF(CD)
 --Proposed Zoning: R-12MF(CD)
 --Existing Uses: Vacant
 --Proposed Uses: Up to 228 residential dwelling units (multi-family, duplex, triplex and quadplex) together with accessory uses, as allowed in the R-12MF zoning district.
 --Maximum Building Height: Not to exceed three (3) stories or 48 feet building height will be measured as defined by the Ordinance.

1. General Provisions:
 a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by BRC Salome Church, LLC. ("Petitioner") to accommodate the development of a 228 unit multi-family community on approximately 20.60 acre site located on the west side of Salome Church Road between N. Tryon Street and Mallard Creek Road (the "Site").
 b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the R-12MF zoning classification shall govern.
 c. **Graphics and Alterations.** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:
 i. expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards (e.g. the reduction or elimination of the Class C Buffer if the adjoining land use or zoning changes); or
 ii. minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
 iii. modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks, rear yards or buffer areas) indicated on Sheet RZ-1.0; or
 iv. modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance: in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.
 d. **Number of Buildings Principal and Accessory.** The total number of principal residential buildings to be developed on the Site shall not exceed 12. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:
 a. The Site may be developed with up to 228 residential dwelling units (multi-family, duplex, triplex and quadplex) together with accessory uses allowed in the R-12MF zoning district as generally depicted on the Rezoning Plan.
 b. Surface parking areas (not including on-street parallel parking) will not be allowed between Salome Church Road, the proposed public streets and the proposed buildings, except that parking areas and maneuvering for parking will be allowed between the proposed club house and Salome Church Road as generally depicted on the Rezoning Plan. Parking areas may be located next to (alongside), the proposed buildings and adjacent to Salome Church Road, and the internal public streets as generally depicted on the Rezoning Plan.
 c. **Access and Transportation:**
 a. Access to the Site will be from Salome Church Road in the manner generally depicted on the Rezoning Plan.
 b. The southernmost access to Salome Church Road will be designed as a driveway to be used only by emergency vehicles. As a result access to this driveway will be restricted/controlled so that the driveway may not be used by tenants and visitors to the Site.
 c. The Petitioner will as part of the development of the Site construct two internal public streets as required by the Subdivision Regulations and as generally depicted on Rezoning Plan (these streets will be constructed to meet the standards for a "Local Residential Wide Street"). The final alignment and configuration of the internal Public Streets may change to accommodate changes to the building placement and to accommodate other modifications required due to final site grading, and utility installations.
 d. The 27 foot building and parking setbacks along the internal public streets may be measured from the minimum 51 foot right-of-way line established on the Rezoning Plan.
 e. The Petitioner will improve Salome Church Road as generally depicted on the Rezoning Petition. The Petitioner will provide a six (6) foot sidewalk and an eight (8) foot planting strip along the Site's frontage on Salome Church Road and along both sides of the two new public streets as generally depicted on the Rezoning Plan.
 f. The Petitioner will construct northbound left turn lanes on Salome Church Road to serve the Site's two proposed public street connections to Salome Church Road as generally depicted on the Rezoning Plan.
 g. The Petitioner will dedicate, and convey in fee simple, 50 feet of right-of-way from the existing centerline of Salome Church Road to the City of Charlotte when the R/W for the Site's internal public streets is dedicated. Due to the re-alignment of Salome Church Road as called for by adopted thoroughfare plan dedication of additional right-of-way will only be required on the portion of Salome Church Road designated as a major thoroughfare.
 h. The placement and configuration of the vehicular access point is subject to minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT and NCDOT in accordance with applicable published standards.
 i. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with published standards.

4. Architectural Standards, Court Yards/Amenity Areas:
 a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
 b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations provided that the design intent is preserved).
 c. The principal buildings constructed on the Site will be constructed so the percentage of brick, stone, precast stone, precast concrete, synthetic stone per building facade may vary but in no case be less than 30%.
 d. Meter banks will be screened from adjoining properties and from Salome Church Road.
 e. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.



f. Dumpster and recycling area will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal buildings. The location of the proposed dumpster and recycling area is generally depicted on the Rezoning Plan.
 5. **Streetscape, Buffers, Yards, Open Space and Landscaping:**
 a. A 30 foot setback as measured from the future right-of-way of Salome Church Road will be provided as generally depicted on the Rezoning Plan. A setback as required by the Ordinance will be provided along the internal public streets.
 b. Along the Site's internal parking areas the Petitioner will provide a sidewalk and cross-walk network that links to the building on the Site and to the sidewalks along Salome Church Road and the internal public streets in the manner depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet. This standard does not apply to the sidewalks along the internal Public Streets which will have six (6) foot sidewalks as generally depicted on the Rezoning Plan.
 c. A 50 foot Class C Buffer will be provided where the Site abuts existing single-family zoning as generally depicted on the Rezoning Plan. The Petitioner reserves the right to reduce the width of this buffer by 25% as allowed by the Ordinance (the installation of a fence or berm). If the use or zoning on the adjoining parcel changes so a buffer is no longer required by the Ordinance then the buffer may be eliminated. Utilities may cross the proposed buffer at angles no greater than 75 degrees. Storm water drainage swales with and without rip rap may also cross the buffer at angles no greater than 75 degrees.
 d. The Petitioner will plant trees to provide screening for adjacent properties on Salome Church Road at a rate of one (1) large maturing tree (2" caliper at installation) and two (2) small maturing trees (2" caliper at installation) for every 100 lf of building wall oriented toward Salome Church Road. Trees to be planted within the 30' setback and located between the building facade and right of way. These trees will be in addition to the perimeter street trees required by the Tree Ordinance.
 e. Parking lots will be screened with evergreen shrubs, at least 2 to 2½ feet tall with a minimum spread of 2 feet at installation, planted no farther than 5 feet apart. They will meet CLDSM Section 12.304.
 f. The other screening requirements of the Ordinance will also be met.
 g. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

6. General Design Guidelines:
 a. Buildings shall front (the side of a building that has windows will also be considered a front) a minimum of 50% of the total street frontage on the site (exclusive of driveways, pedestrian access points, usable open space, tree save areas, natural areas, and/or tree re-planting areas).
 b. Building Massing - Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (recess, projection, architectural treatment, etc.). Modulations shall be a minimum of 10 feet wide and shall extend or recess a minimum of 5 feet, extending through all floors.
 c. Vertical Modulation and Rhythm - Building elevations shall be designed with recognizable vertical bays or articulated architectural facade features. The bays and features may include, but not limited to, a combination of exterior wall offsets, projections, and/or recesses, pilasters, and change in materials.
 d. Building Base - Buildings shall be designed with a recognizable architectural base. A minimum of three elevations of each building will be articulated with a rainscoat of Preferred Exterior Building Materials listed above of a minimum of three (3) feet in height.
 e. The balconies constructed on the proposed buildings will be constructed with concrete patio decks and will utilize metal, or vinyl railings.
 f. Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.
 g. Architectural features such as, but not limited to, banding, medallions, or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.

h. Roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure through the following standards:
 (i). Long rooflines (pitched or flat) shall avoid continuous expanses without variation by including changes in height and/or roof form (e.g. dormers, gables, etc.).
 (ii). For pitched roofs the allowed minimum pitch shall be 4:12 (four feet in vertical height for every twelve feet in horizontal length), excluding buildings with a flat roof and parapet walls.
 i. Utility structures need to be screened architecturally or with evergreen plant material.
 j. Walls shall be designed to match and complement the building architecture of the residential buildings of the subject property.

7. Environmental Features:
 a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
8. Lighting:
 a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, parking areas and courtyards.
 b. Detached lighting on the Site will be limited to 20 feet in height. No wall pak type lighting will be allowed, but architectural lighting on building facades will be permitted.
9. Stoney Creek Greenway Dedication:
 a. The Petitioner will convey to County Parks and Recreation for the development of a greenway the portion of 100 foot SWIM buffer associated with Stoney Creek located on the Site, this area is generally depicted on the Rezoning Plan. This area will be dedicated and conveyed to County Parks and Recreation prior to the issuance of the first certificate of occupancy for the Site.
10. Amendments to the Rezoning Plan:
 a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.
11. Binding Effect of the Rezoning Application:
 a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

REVISIONS

ENGINEERING AND SURVEYING, INC.
 LICENSED PROFESSIONAL ENGINEERING
 NOBELS FERRY LICENSE NO. 62-1719
 4400 TYNING STREET
 HIGH POINT, NORTH CAROLINA 27265
 PHONE: (336) 889-1512 FAX: (336) 812-8780

SCHMATIC SITE PLAN
SALOME CHURCH ROAD
 BRC SALOME CHURCH, LLC
 CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

SCALE: 1" = 60'
 DATE: 11/3/2015
 PROJECT: 156-01
 DRAWN BY: TGL
 SHEET **RZ-2**



04 ELEVATION: Building Type II Front & Rear
 1/8" = 1'-0" (1/16" = 1'-0" when 11x17)



03 ELEVATION: Building Type II Right & Left
 1/8" = 1'-0" (1/16" = 1'-0" when 11x17)



02 ELEVATION: Building Type I Front & Rear
 1/8" = 1'-0" (1/16" = 1'-0" when 11x17)



01 ELEVATION: Building Type I Right & Left
 1/8" = 1'-0" (1/16" = 1'-0" when 11x17)

SALOME CHURCH ROAD

Proposed Apartment Building
 Salome Church Rd., Charlotte, NC

Note:

These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the Site (the actual buildings constructed on the Site may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained).

Previously
Approved
Site
Plan

LEGAL BOUNDARY DESCRIPTION

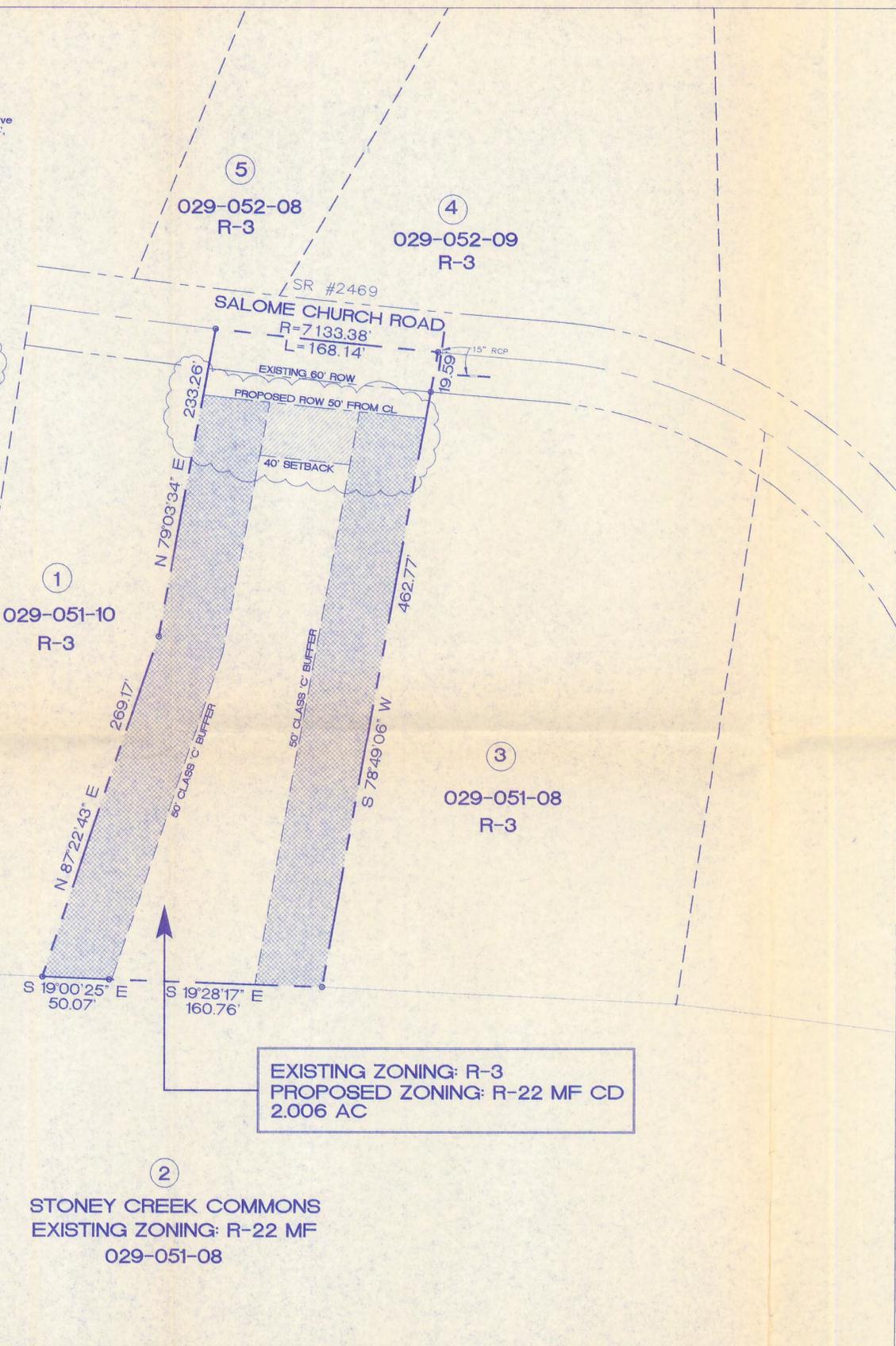
Beginning at an Existing Iron Pin on the Westerly right-of-way of Salome Church Road, said Iron Pin being located approximately 1,036' Northeast of the intersection of Salome Church Road and North Carolina Highway 29; thence leaving said right-of-way the following six calls: (1) S 78° 49' 06" W, 462.77', to an existing iron pin; (2) N 19° 28' 17" W, 160.76', to an existing iron pin; (3) N 19° 00' 25" E, 50.07', to an existing iron pin; (4) N 87° 22' 43" E, 269.17', to an existing iron pin; (5) N 79° 03' 34" E, 233.26', to a point on the centerline of Salome Church Road and (6) with a curve to the right having a radius of 7,133.38' and an arc length of 168.14', along said centerline; thence S 78° 49' 06" W, 19.59' to the Point of Beginning containing 2.006 Acres.

DEVELOPMENT STANDARDS

- 20 feet of additional Right-of-Way and a 40 foot Setback will be required along Project Frontage On Salome Church Road.
- Site will be used for Construction Access, or Future Permanent Access only, for the adjoining Multi-Family Tract.
- Buffers must be installed and inspected for compliance Before the proposed construction access can be used.
- If a permanent access route to Stoney Creek Commons is built on the Site, Curb and Gutter, and a 5 Foot sidewalk at the back of the Future Right-of-Way shall be required.
- The proposed right-of-way along Salome Church Rd. is to be dedicated to NCDOT prior to the issuance of a land use permit for the construction of the access road.
- Driveways will be subject to Mecklenburg County and NCDOT approval as reviewed in the driveway permit process.

ADJACENT PROPERTY OWNERS

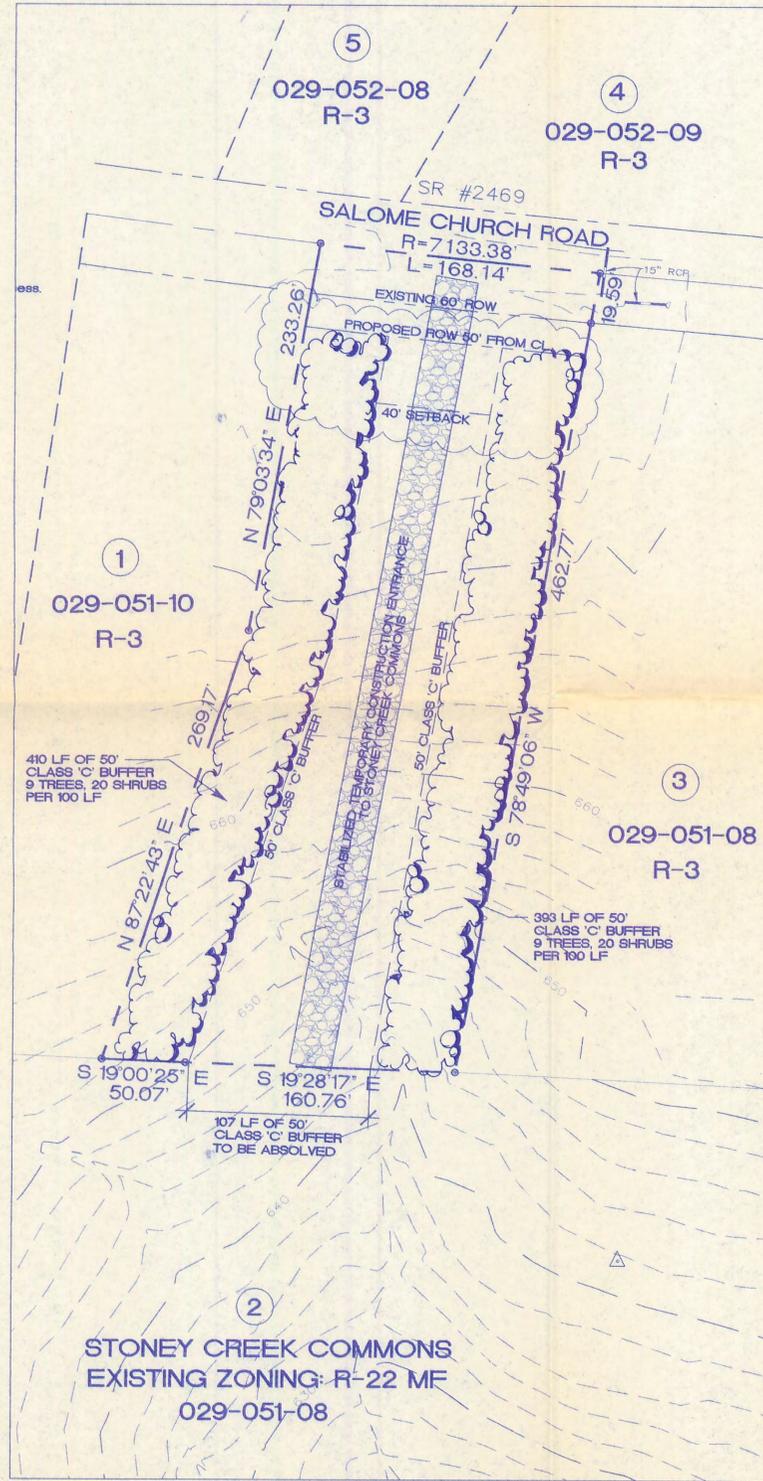
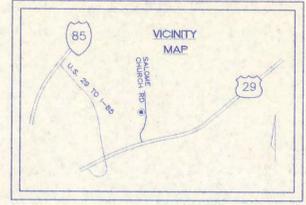
- 029-051-10
NAO KHA VANG + WIFE DIA
1931 SALOME CHURCH ROAD
CHARLOTTE, NC 28262
- 029-051-08
MELVIN T. PINN + WIFE EVORA
5511 RUTH DRIVE
CHARLOTTE, NC 28262
- 029-051-18
DRP, STONEY CREEK, LLP
4000 PIEDMONT PARKWAY, SUITE 130
HIGH POINT, NC 27265
- 029-052-09
LEON ALEXANDER + WIFE HELEN
1900 SALOME CHURCH ROAD
CHARLOTTE, NC 28262
- 029-052-08
JOHN THOMAS BARNETTE
1918 SALOME CHURCH ROAD
CHARLOTTE, NC 28262



TECHNICAL SITE DATA

STONEY CREEK REZONING FOR

DRP STONEY CREEK, LLP
MECKLENBURG COUNTY, NORTH CAROLINA



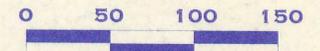
SCHEMATIC SITE PLAN

FOR PUBLIC HEARING

Petition No.: 98-43 (c)

PETITIONER:
DRP STONEY CREEK, LLP
4000 PIEDMONT PARKWAY
SUITE 130
HIGH POINT, NC 27265
1-336-889-8976

029 051 09



SCALE: 1" = 50'

REZONING PLANS

Land Design

DATE: JUNE 12, 1998
PROJECT NO.: 17250B
REVISIONS:
8-20-98 PER PLANNING COMMENTS

APPROVED BY COUNTY COMMISSION

DATE **October 13, 1998**

© 1701 East Boulevard, Charlotte, NC 28203 704/331-0325
© 1414 Prince Street, Alexandria, VA 22314 703/549-7784
© 164 NW Broad St Southern Pines, NC 28387 910/692-2780
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LandDesign, Inc.
Landscape Architecture Land Planning
Urban Design



Agenda Date: 12/14/2015

Agenda #: 16.File #: 15-2025 Type: Zoning Hearing

Rezoning Petition: 2015-107 by D.R. Horton

Location: Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)

Current Zoning: INST (CD) (institutional, conditional) & MX-2 (INNOV) (mixed use, innovative standards)

Proposed Zoning: MX-2 (INNOV) (mixed used, innovative standards) & MX-2 (INNOV) SPA (mixed use, innovative standards site plan amendment)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

Attachments:

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

Previously Approved Site Plan

REQUEST	Current Zoning: INST(CD) (institutional, conditional) and MX-2 (innov) (mixed use, innovative) Proposed Zoning: MX-2 (innov) (mixed use, innovative) and MX-2 (innov) SPA (mixed use, innovative, site plan amendment)
LOCATION	Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway. (Council District 2 - Austin)
SUMMARY OF PETITION	The petition proposes to allow development of a vacant site in the Davis Lake community with up to 103 attached dwelling units (townhomes) at a density of approximately 7.93 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Harris Woods Land Investors D.R. Horton, Inc. Allison Merriman/Land Design
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The proposed residential development for the portion of the site currently zoned MX-2 (mixed use) innovative is consistent with the <i>Northeast District Plan</i> recommendation for residential uses up to eight dwelling units per acre.</p> <p>The proposed residential development for the portion of the site currently zoned INST(CD) (institutional, conditional) is inconsistent with the plan recommendation for institutional uses.</p> <p><u>Rationale for Recommendation</u></p> <ol style="list-style-type: none"> 1. The subject site is part of approximately 383 acres originally rezoned in 1991 to allow a planned community consisting of 1,020 residential units, 292,000 square feet of office, and 197,000 square feet of commercial uses. 2. Site is located within an area with more intense development and abuts a retail center and is across Davis Lake Parkway from existing multi-family residential. 3. This proposal is a minor increase in density from 7.6 to 7.9 dwelling units per acre from the rezoning approved in 2008 for the subject property. 4. Although a portion of the property was rezoned for institutional uses, the development rights for multi-family residential are still in place for the majority of the site. 5. The proposal will provide improved pedestrian and vehicular connectivity through an internal network of sidewalks, public streets and private drives, including a new connection to David Cox Road. 6. The project will enhance the existing water quality pond with amenities such as benches and walking trails.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 103 attached residential dwelling units at a density of approximately 7.93 units per acre.
- Vertical height of all buildings not to exceed 40 feet.
- Conceptual building elevations.

- Exterior front wall surfaces, exclusive of windows and doors, of all buildings will have a minimum of 70% brick, stone and/or similar masonry products, and/or hardi-plank/fiber.
- Internal street network consisting of proposed public roads with on-street parking, private drives, and access onto David Cox Road and Davis Lake Parkway.
- Dedication of right-of-way along David Cox Road as measured 42 feet from its existing centerline, prior to issuance of first subdivision lot certificate of occupancy.
- Construction of left-turn lanes with 150 feet of storage on David Cox Road and Davis Lake Parkway to access proposed development.
- Provision of 40-foot setbacks along David Cox Road and Davis Lake Parkway.
- Potential location of tree save areas.
- Provision of 50-foot and 100-foot undisturbed PCCO (post construction controls ordinance) buffers, and a 50-foot "Class A" buffer along the western portion of property abutting I-1 (light industrial) zoned property.
- Existing detention/BMP (Best Management Practices) storm water facility to be used to treat subject site, and will be maintained by the adjacent shopping center (Shoppes at Davis Lake).
- Installation of walking trail and benches around existing water quality pond.
- Innovative provisions to:
 - Allow minimum front setbacks for attached dwellings to be 20 feet as measured from proposed right-of-way or back of sidewalk (whichever is greater). *Minimum 30 feet required.*
 - Allow minimum lot widths for attached dwellings to be 20 feet. *Minimum 55 feet is required.*
 - Allow residential uses to front on private drives as long as they are publicly accessible.
- **Existing Zoning and Land Use**
 - The site is currently undeveloped with a water quality pond located at the southeast corner of the property.
 - Rezoning petition 2008-044 rezoned the subject site from O-1(CD) (office, conditional) to MX-2 (innov) (mixed use, innovative) to allow 92 townhomes on the site.
 - 2012-096 rezoned approximately 2.18 acres of the subject property from MX-2 (innov) (mixed use, innovative) to INST(CD) (institutional, conditional) in order to allow a 25,000 square foot, 40-bed dependent living facility, which has not be constructed.
 - To the north is a mix of attached and detached residential housing types zoned R-4 (single family residential), RU(CD) (rural, conditional), R-8(CD) (single family residential, conditional), R-9PUD (planned unit development), and R-8MF(CD) (multi-family residential, conditional).
 - To the east is an assisted living facility zoned O-1(CD) (office, conditional).
 - South of the rezoning site is a shopping center (Shoppes at Davis Lake).
 - To the west is an office, residence, vacant residential lot, and office/distribution/warehouse uses zoned O-1(CD) (office, conditional), R-MH (manufactured home), and I-1 (light industrial).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Rezoning petition 2013-024 approved a CC SPA (commercial center, site plan amendment) to allow the development of a 15,000-square foot commercial building on a newly configured parcel in an existing shopping center (Shoppes at Davis Lake), located on the northwest corner of the intersection at West W. T. Harris Boulevard and Davis Lake Parkway.
- **Public Plans and Policies**
 - The *Northeast District Plan* (1996) recommends institutional land uses for a portion of the site as amended by rezoning petition 2012-096. The Plan recommends residential up to eight dwelling units per acre on the rest of the site, as amended by rezoning petition 2008-044.
- **TRANSPORTATION CONSIDERATIONS**
 - The primary transportation goals for this site are to provide safe access and improve the sidewalk conditions along the property. This rezoning proposal achieves these goals with the construction of left-turn lanes at the entrances from Davis Lake Parkway and from David Cox Road and by installing sidewalks along Davis Lake Parkway and David Cox Road. The petitioner has agreed to provide a pedestrian connection to the existing retail development to the south.
 - **Vehicle Trip Generation :**
 - Current Zoning: 600 trips per day
 - Proposed Zoning: 660 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.

- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 13 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 2 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Ridge Road Middle (123% utilization) and Mallard Creek High (132% utilization), but will slightly increase the utilization at David Cox Elementary from 131% to 132%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

OUTSTANDING ISSUES

Site and Building Design

1. Show the Common Open Space/Tree Save Areas as referenced in Note b as this information is not noted on the site plan.
2. Modify Innovative Development Standards 1 to specify "proposed private or public right-of-way."
3. Provide a hard path/trail from the proposed sidewalk along Public Road A to the courtyard area of the shopping center to the south.
4. Add architectural commitments and screening and landscaping commitments approved in rezoning petition 2008-044.
5. Provide details on amenities in the common open space identified on the site plan.

REQUESTED TECHNICAL REVISIONS

1. Clarify the meaning of "residential dwelling units of all types" as noted in the Site Development Data Table on Sheet RZ-1.
2. Modify labeling on Sheet RZ-1 to note that the proposed 40-foot setbacks on David Cox Road and Davis Lake Parkway will be landscaped. Modify corresponding Screening and Landscaped Areas Note c to include "landscaped" in language.
3. Confirm building type of residential unit(s) proposed as individual for sale townhomes require 400 square feet of open space. This required open space should be labeled on the Typical Lot Layout on Sheet RZ-2.
4. Amend the maximum building height and parking information in Site Development Data on Sheet RZ-1, to state that such will be allowed as per ordinance standards.
5. Combine all Innovative Development Standards for the MX-2 Area on Sheet RZ-3.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

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

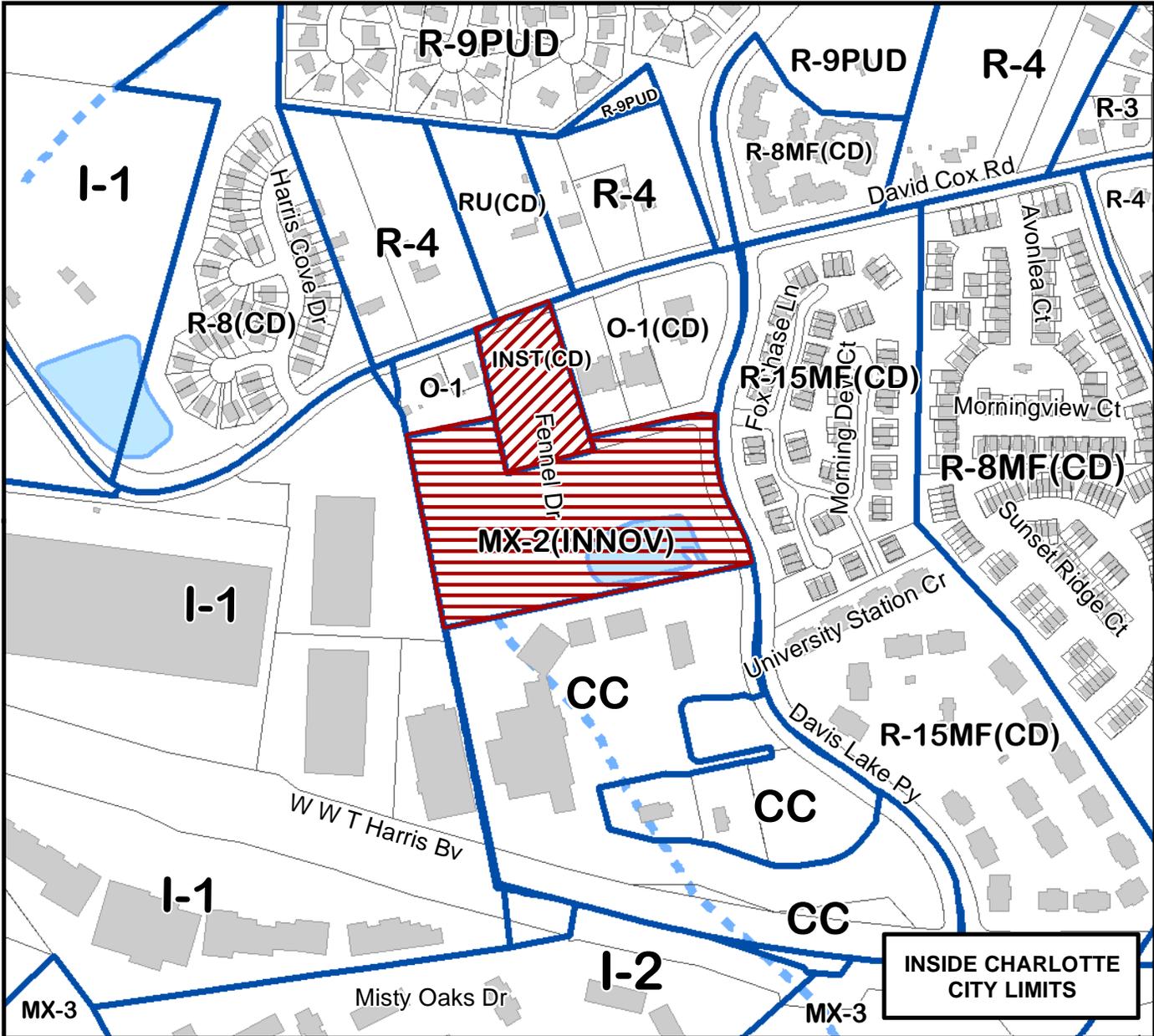
Petition #: **2015-107**

Petitioner: **D.R. Horton, Inc.**

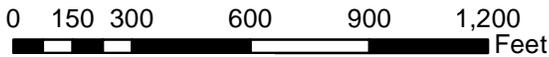
Zoning Classification (Existing): **INST(CD) & MX-2(INNOV)**
(Institutional, Conditional and Mixed Use, Innovative)

Zoning Classification (Requested): **MX-2(INNOV) & MX-2(INNOV) SPA**
(Mixed Use, Innovative and Mixed Use, Innovative, Site Plan Amendment)

Acreage & Location: Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway.



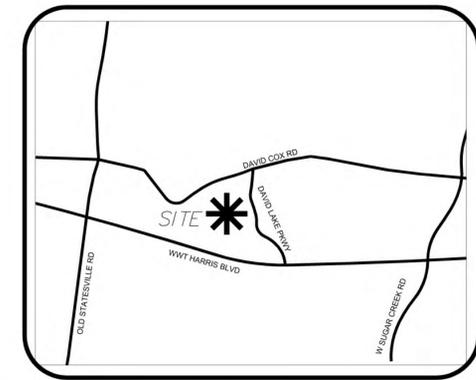
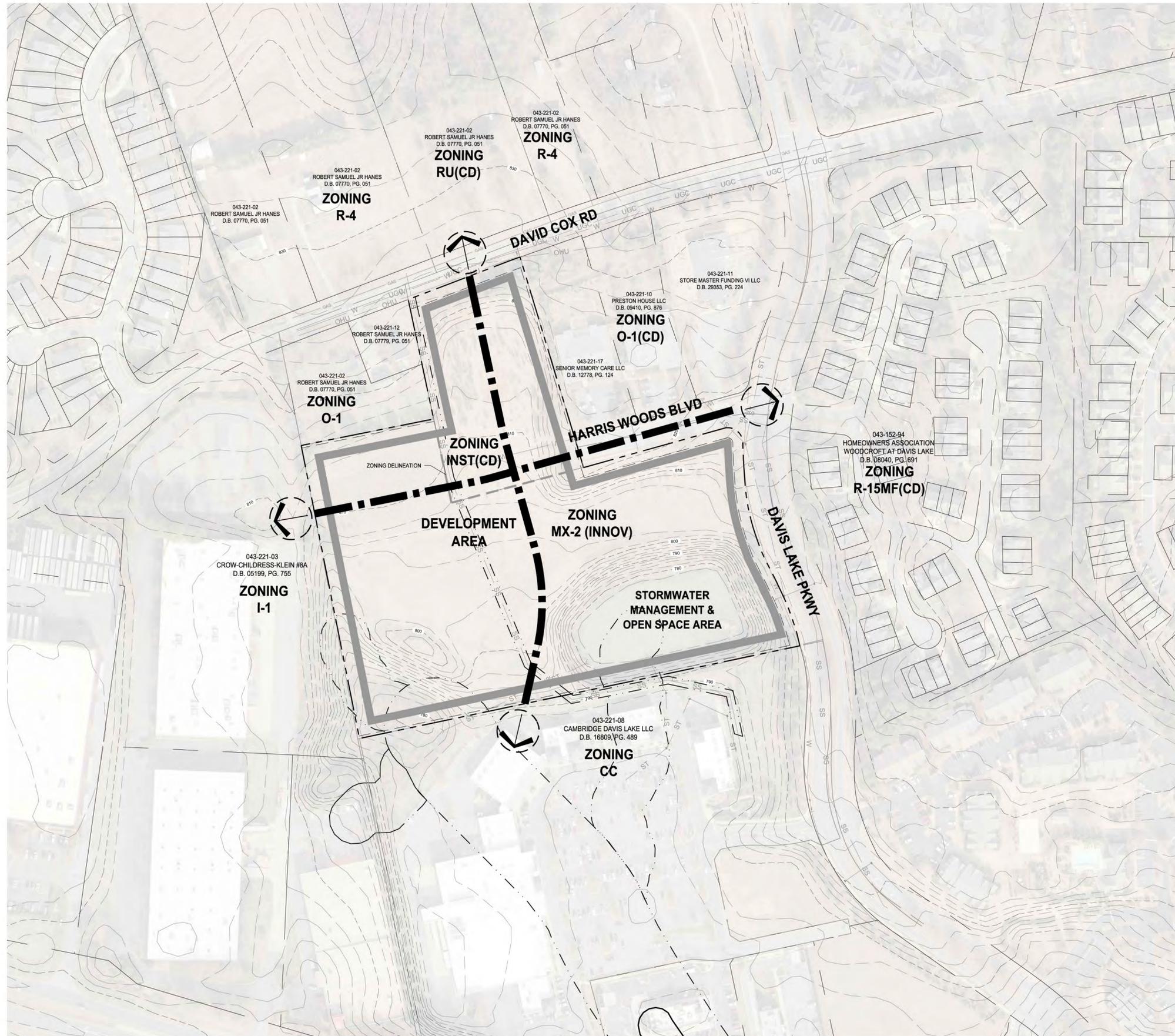
Map Produced by the Charlotte-Mecklenburg Planning Department, 7-31-2015.



Zoning Map #(s)

52

- Requested MX-2(INNOV) from INST(CD)
- Requested MX-2(INNOV) SPA from INST(CD)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District



VICINITY MAP
NTS

SITE DEVELOPMENT DATA

Acreage:	+/-12.99 AC.
Tax Parcel:	043-221-01
Existing Zoning:	INST(CD) and MX-2 (INNOV)
Proposed Zoning:	MX-2(INNOV) and MX-2 (INNOV) SPA
Existing Uses:	Vacant
Proposed Uses:	Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MX-2 innovative zoning district (as more specifically described below).
Maximum Gross Square Feet of Development:	Up to 103 attached residential dwelling units of all types (8 units/ac.)
Maximum Building Height:	As allowed by the Ordinance in the area zoned MX-2 Innovative.
Parking:	As required by the Ordinance for the MX-2 Innovative portion of the Site.

SITE LEGEND

- SITE ACCESS
- STREET NETWORK
- DEVELOPMENT AREA

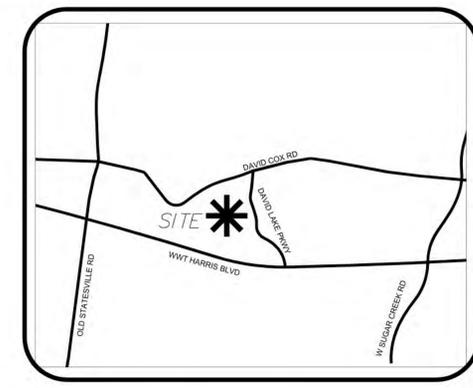
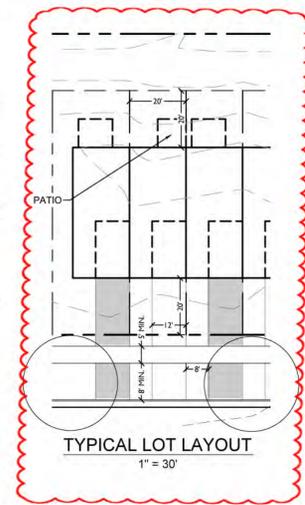


DAVIS LAKE TOWNHOMES
REZONING PETITION No. 2015-107
D.R. HORTON

REVISIONS:
9/18/15 - REVISIONS PER STAFF COMMENTS
11/10/15 - REVISIONS PER STAFF COMMENTS

DATE: 07/24/15
DESIGNED BY:
DRAWN BY: NG
CHECKED BY:
SCALE: 1"=100'
PROJECT #: 1015205
SHEET #:

RZ-1



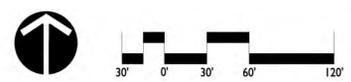
CONCEPTUAL ELEVATION 1



CONCEPTUAL ELEVATION 2



NOTE:
CONCEPTUAL ELEVATIONS PROVIDED ARE INTENDED TO CONVEY CONCEPTUAL DESIGN ELEMENTS OF THE TOWNHOME PRODUCT. SPECIFIC PRODUCT MAY DEVIATE FROM THE PROVIDED IMAGERY AS LONG AS THE SPIRIT OF THE FINAL PRODUCT DOES NOT CONFLICT WITH THE ELEVATIONS PROVIDED.



Davis Lake Townhomes Development Standards
Rezoning Petition No. 2015-107
DR Horton - Petitioner
11/6/15

Site Development Data:

- Acreage: ± 12.99
- Tax Parcel: 043-221-01
- Existing Zoning: INST(CD) and MX-2(INNOV)
- Proposed Zoning: MX-2(INNOV) and MX-2(INNOV) SPA
- Existing Uses: Vacant
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed in the MX-2 innovative zoning district (as more specifically described below).
- Maximum Gross Square Feet of Development: Up to 103 attached residential dwelling units of all types (8 units/ac).
- Maximum Building Height: As allowed by the Ordinance in the area zoned MX-2 Innovative.
- Parking: As required by the Ordinance for the MX-2 Innovative portion of the Site

General Provisions:

Unless other standards are established by the Rezoning Plan, the innovative requests, or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Mixed Use District (MX-2) zoning district shall be followed in connection with development taking place in the approximately 13 ac site located on Davis Lake Parkway, Harris Woods Blvd and David Cox Rd (the "Site") which Site is more particularly depicted in the Rezoning Plan.

The Technical Data Sheet is also accompanied by: a Conceptual Master Plan. Petitioner shall develop the Site in a manner generally consistent with the Conceptual Master Plan, with the understanding that the configurations, placements and sizes of buildings, parking areas and opens spaces may be altered or modified as long as the ultimate design is consistent with the spirit and intent of the Conceptual Master Plan. The configurations, placements, number and sizes of the buildings and treatment of open space areas depicted on the Conceptual Master Plan and any building designs depicted are conceptual in nature and therefore are subject to refinements as part of the total design process. Petitioner reserves the right to make innovative requests subject to approval by the Charlotte Planning Commission.

Permitted Uses/ Maximum Number of Dwelling Units:

The Site may be developed for a maximum of 103 (8 units/ac) attached residential dwelling units together with accessory permitted uses under the Ordinance in the MX-2 zoning district.

Setbacks, Side Yards & Rear Yards:

All buildings on the Site will satisfy or exceed the setback, side yard and rear yard requirements established under the Ordinance for the MX-2 zoning district or by the innovative requests made by the petitioner.

Transportation:

- a. All transportation improvements will be implemented and approved by the City before the first subdivision lot certificate of occupancy is issued.
- b. David Cox Road's right-of-way as measured 42' from its existing centerline will be dedicated in fee simple along the site's frontage before the first subdivision lot certificate of occupancy is issued.
- c. Internal streets will consist of Harris Woods Blvd (Public) and (Public) Road A. Additional private drives have been shown on the Rezoning Plan to access individual townhome units.
- d. Private drives shown on the plan will be a minimum of 20' from edge of pavement to edge of pavement.

Innovative Development Standards for the MX-2 Area:

The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within MX-2 areas, to accommodate development elements so as to allow for a pedestrian friendly residential development:

1. Minimum front setbacks for attached dwellings shall be 20 (twenty) feet as measured from proposed right-of-way or back of sidewalk (whichever is greater);
2. Minimum lot widths for attached dwellings shall be 20 (twenty) feet;
3. Residential uses may front on private drives as long as they are publicly accessible.

In addition, the Petitioner reserves the right to modify the innovative development standards described above or seek other innovative development standards in the future pursuant to the applicable process set forth in the Ordinance.

Architectural Standards:

The exterior front wall surfaces, exclusive of windows and doors, of all buildings will have a minimum of 70% brick, stone and/or similar masonry products, and/or hardi-plank/ fiber cement board. The vertical height of all buildings will not exceed 40'.

Innovative Development Standards for the MX-2 Area:

The Petitioner hereby seeks the following Innovative Development Standards in connection with development taking place within MX-2 areas, to accommodate development elements so as to allow for a pedestrian friendly residential development:

Screening and Landscaped Areas:

- a. The water quality pond will have additional landscaping installed along its perimeter, which will include a minimum of 11 trees and other native shrubs along the pond fringe.
- b. A 40 foot setback will be provided along David Cox Road and Davis Lake Parkway as depicted on the Rezoning Plan.
- c. The buffer between the site and the industrial zoning will be provided in accordance with Section 12.302 (4)b. For residential uses developing abutting industrial uses or zoning districts, the residential use shall be responsible for providing 50 percent of the required buffer specified for the more intensive use.
- d. The width of the buffer between the site and the industrial zoning may be reduced by 25% if a berm is provided.

CH-020720-124

Storm Water Management:

- a. The existing Detention/ BMP will be used to treat this site. The petitioner/engineer will demonstrate at the time of plan submittal that the existing Stormwater facility is sized appropriately to accommodate the requirements of the proposed development. If the facility is a regional facility (treating more than 1 parcel), the facility must demonstrate that it is properly recorded as such, according to Land Development guidelines, and that it not only treats the rezoned site but also that it continues to treat other intended properties according to previous requirements. If this cannot be adequately demonstrated at the time of plan submittal, the petitioner shall comply with the storm water control measures of the Post Construction Controls Ordinance.
- b. The existing Detention/BMP will be maintained by the adjacent Shopping Center and the HOA will be charged its pro-rata share of the maintenance costs.

Common Open Space/ Tree Save Areas:

- a. Tree Save areas will be provided as depicted on the Rezoning Plan.
- b. Common open space shall be provided as depicted on the Rezoning Plan.
- c. Each unit will have a minimum of 400 square feet of private open space.

Sidewalks/ Streetscape:

- a. All internal sidewalks will be a minimum of 5 feet in width and planting strip will be 8 feet in width- as depicted on the Rezoning Plan.
- b. A walking trail will be installed along the edge of the pond, as depicted on the Rezoning Plan. The trail will be a minimum of 4' in width and will be constructed of concrete, mulch or crushed gravel.
- d. A minimum of two (2) benches will be installed along the walking trail, as generally depicted on the Rezoning Plan.
- c. A 6 foot sidewalk will be installed along David Cox Rd, as depicted on the Rezoning Plan. The sidewalk will be located within the dedicated right-of-way for David Cox Rd.

Solid Waste:

The future dumpsters on the Rezoning Plan will only be installed if the community does not have a private or public curb pickup. The private pickup will be managed by the HOA.

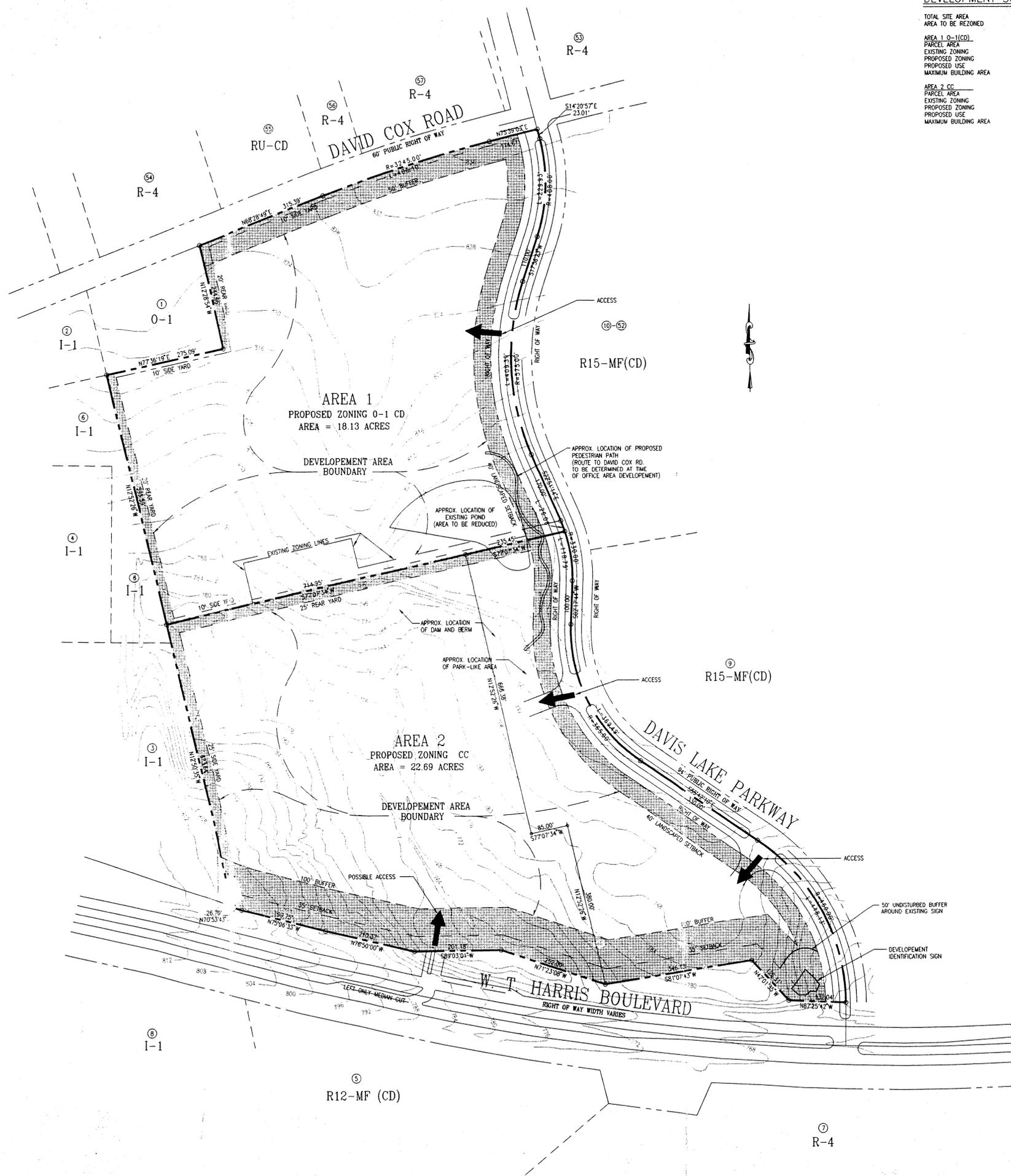
Amendments to the Rezoning Plan:

Future amendments to the Rezoning Plan may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

Binding Effect of the Rezoning Application:

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees, personal representatives, successors in interest or assigns.

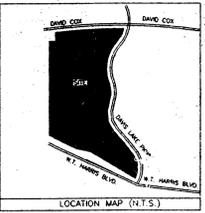
Previously
Approved
Site
Plan



DEVELOPMENT SUMMARY

TOTAL SITE AREA	40.82 ACRES
AREA TO BE REZONED	40.82 ACRES
AREA 1 0-1(CD)	18.13 ACRES
PARCEL AREA	0-1 (CD)
EXISTING ZONING	0-1 (CD)
PROPOSED USE	ALL USES ALLOWED IN THE 0-1 DISTRICT
MAXIMUM BUILDING AREA	172,000 S.F.
AREA 2 CC	22.69 ACRES
PARCEL AREA	B-1 SCD
EXISTING ZONING	CC
PROPOSED USE	SHOPPING CENTER
MAXIMUM BUILDING AREA	160,000 S.F.

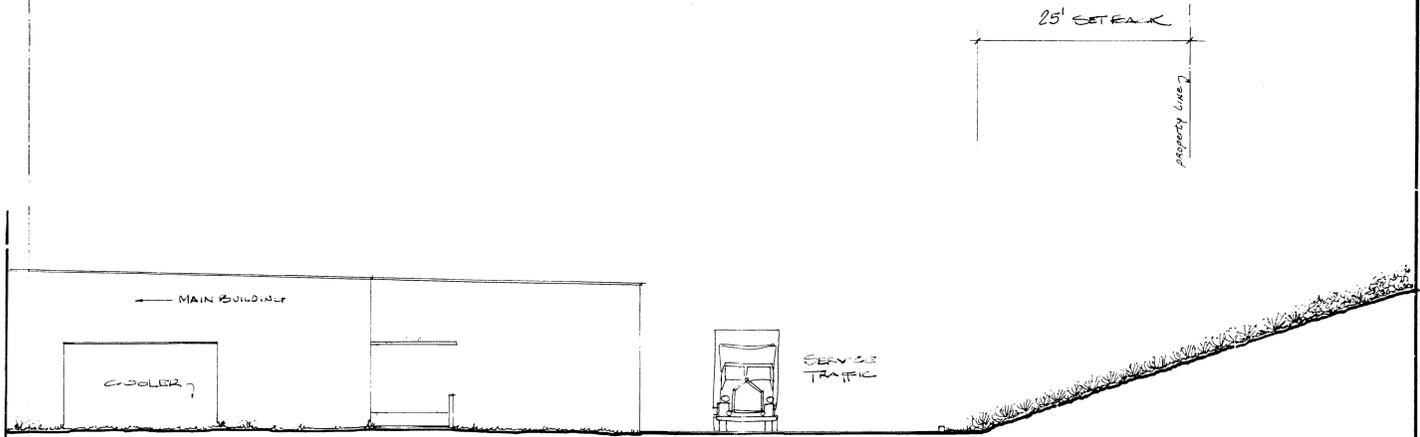
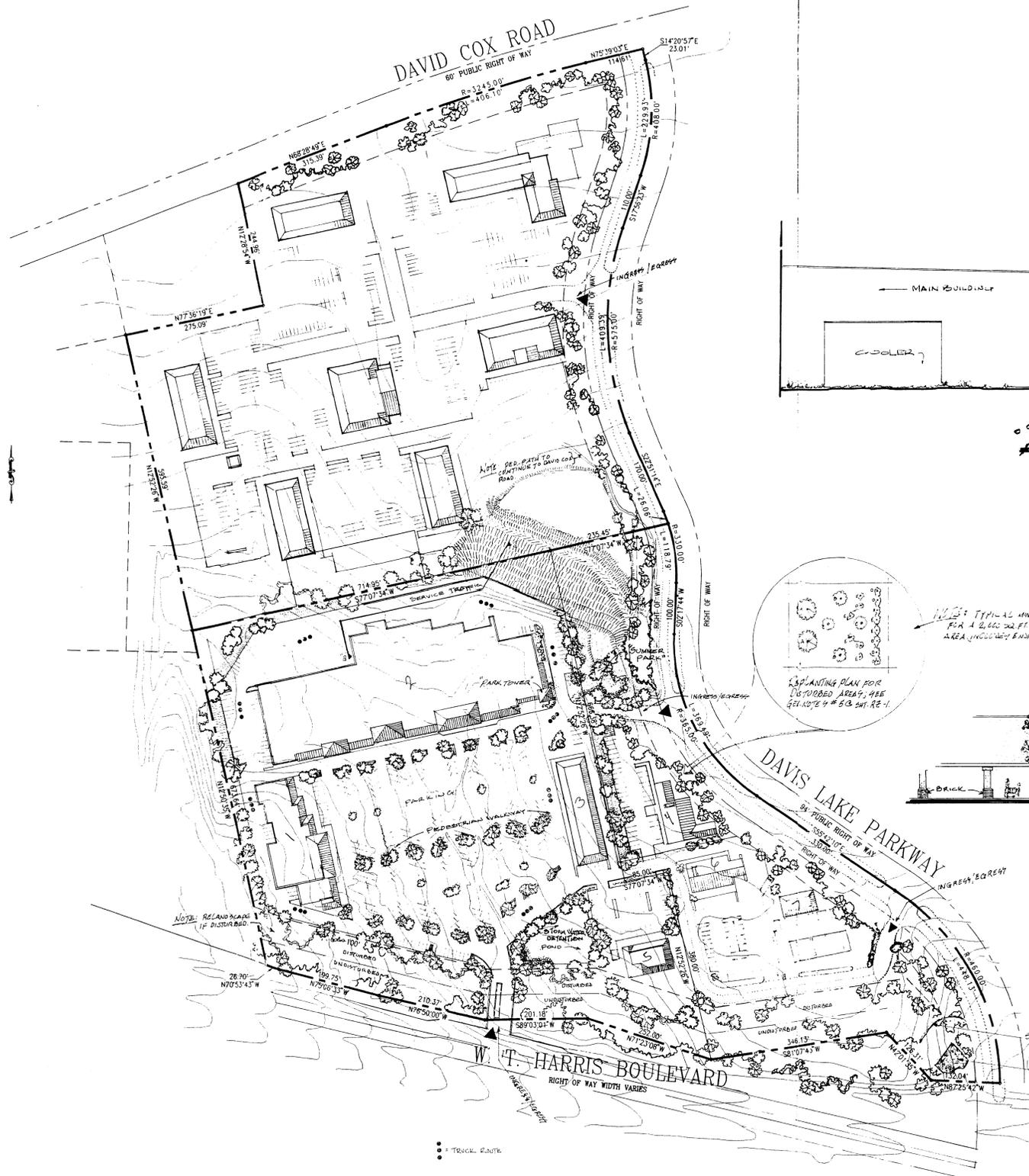
- GENERAL NOTES**
- AS IT PERTAINS TO THE DEVELOPMENT OF AREA 1 AND AREA 2, THE FOLLOWING STATEMENTS OF COMMITMENT APPLY IN LIEU OF SIMILAR STATEMENTS WHICH APPEAR AS PART OF REZONING PETITION #91-9(C).
 - AN OBJECTIVE OF THIS PLAN IS TO INCORPORATE SPECIAL DESIGN FEATURES TO PRESERVE AN ATTRACTIVE STREETSCAPE ALONG HARRIS BOULEVARD AND TO SOFTEN PUBLIC VIEW OF THE BUSINESS AND OFFICE AREAS.
 - AT THE TIME ANY DEVELOPMENT OCCURS ALONG DAVID COX ROAD, THAT ROADWAY SHALL BE WIDENED TO COLLECTOR STANDARDS AND 30 FEET OF RIGHT OF WAY DEDICATED FROM THE CENTER LINE PRIOR TO ISSUANCE OF PERMITS. ANY LEFT-TURN LANE INSTALLATION SHALL BE DETERMINED BY NORMAL STANDARDS AND REQUIREMENTS OF THE MECKLENBURG COUNTY ENGINEERING DEPARTMENT.
 - A 100 FOOT WIDE BUFFER AREA WILL BE ESTABLISHED ALONG THE RIGHT OF WAY FOR HARRIS BOULEVARD AND WILL REMAIN AS OPEN SPACE. THE PETITIONER, HOWEVER, RESERVES THE RIGHT TO INSTALL PEDESTRIAN AND BICYCLE PATHWAYS, ACCESS POINTS, SIGNS AND GRAPHICS, LIGHTING FIXTURES AND DRAINAGE PIPES OR CHANNELS AND UTILITY LINES WITHIN THIS AREA. NO GRADING MAY BE PERFORMED WITHIN THE 50 FOOT WIDE STRIP CLOSEST TO HARRIS BOULEVARD, EXCEPT IN CONNECTION WITH THE CONSTRUCTION OF ACCESS POINTS, UTILITY LINES, AND PEDESTRIAN AND BICYCLE PATHWAYS. THE PETITIONER AGREES TO SUBMIT A GRADING PLAN FOR THE NORTHERLY HALF OF THE 100 FOOT BUFFER AREA TO THE PLANNING COMMISSION STAFF FOR ITS REVIEW AND COMMENTS, WITH ITS INTENTION BEING TO PRESERVE AS MUCH OF THIS PART OF THE LANDSCAPE AREA IN ITS UN-DISTURBED CONDITION AS MAY BE REASONABLY POSSIBLE.
 - THE HARRIS BOULEVARD BUFFER, AS WELL AS THE LANDSCAPE SETBACK ALONG DAVIS LAKE PARKWAY AND THE LANDSCAPE SETBACK ALONG DAVID COX ROAD, SHALL BE SUBJECT TO THE FOLLOWING MINIMUM PLANTING REQUIREMENTS FOR AREAS DISTURBED BY GRADING OR OTHER CONSTRUCTION ACTIVITIES. FOR EVERY 2,000 SQUARE FEET OF BUFFER OR LANDSCAPE AREA, THERE SHALL BE:
 - TWO CANOPY TREES OF 1-1/2" TO 2" HIGH CALIPER MINIMUM.
 - TWO UNDERSTORY TREES OF 6-FOOT HEIGHT MINIMUM.
 - TWO EVERGREEN TREES OF 4 TO 5 FEET MINIMUM.
 - EIGHT EVERGREEN SHRUBS AT 3 GALLON POT SIZE MINIMUM.
 - SIX DECIDUOUS SHRUBS AT 3 GALLON POT SIZE MINIMUM.
 IF EXISTING VEGETATION TO REMAIN MEETS OR EXCEEDS THE ABOVE STANDARDS, NO ADDITIONAL PLANTINGS WILL BE PROVIDED; OTHERWISE, SUPPLEMENTAL PLANTINGS WILL BE INSTALLED. WHERE EXISTING VEGETATION IS TO REMAIN, VINES, WEEDY PLANTS, AND OTHER SCRUB GROWTH MAY BE REMOVED TO PROVIDE A PROPER LANDSCAPE APPEARANCE.
 - PARKING FOR THE PROPOSED DEVELOPMENT SHALL ADHERE, AS A MINIMUM, TO ALL REQUIREMENTS OF APPLICABLE ZONING CLASSIFICATIONS. LANDSCAPED ISLANDS WITHIN PARKING AREAS SHALL BE PLACED IN ACCORDANCE WITH THE PROVISIONS OF THE CHARLOTTE TREE ORDINANCE.
 - BUILDINGS IN EACH OF THE TWO DEVELOPMENT AREAS SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE OTHER BUILDINGS IN THE SAME AREA. THE OFFICES PROPOSED SHALL BE CONSTRUCTED OF WOOD, MASONRY, OR SIMILAR MATERIALS TO ACHIEVE A DESIGN THEME THAT IS RESIDENTIAL IN CHARACTER. ALL DETACHED BUILDINGS WITHIN THE COMMERCIAL AREAS SHALL CONFORM TO UNIFORM DESIGN CRITERIA ESTABLISHED FOR THE MAIN RETAIL CENTER. THE MAIN SHOPPING CENTER BUILDING SHALL BE DESIGNED USING BRICK AND STUCCO MATERIALS AS GENERALLY SHOWN ON THE SCHEMATIC SITE PLAN. THE BUILDING SIDE NEAREST DAVIS LAKE PARKWAY SHALL BE FINISHED WITH SIMILAR MATERIAL. THE REFRIGERATION UNIT TO BE PLACED ON THE MAIN SHOPPING CENTER BUILDING SHALL BE SHIELDED FROM THE VIEW ALONG DAVIS LAKE PARKWAY. ANY FLAT ROOF SECTION OF THE MAIN BUILDING SHALL CONTAIN A MANSARD AND PARAPET WALL WITH STANDING METAL ALONG THE FRONT OF THE BUILDING. SIMILAR ARCHITECTURAL FEATURES TO REFLECT THE DESIGN MOTIF OF THE FRONT FACADE WILL BE RETURNED APPROXIMATELY HALF WAY DOWN THE SIDE WALL CLOSEST TO DAVIS LAKE PARKWAY.
 - EXTERIOR LIGHTING FOR BUSINESS AND OFFICE AREAS WILL BE DIRECTED OR SHIELDED TO PREVENT GLARE ON NEARBY RESIDENTIAL PROPERTIES. THE MAXIMUM FIXTURE HEIGHT WILL BE 30'.
 - ALL SETBACKS AND OTHER DIMENSIONAL REQUIREMENTS DESCRIBED BY THE MECKLENBURG COUNTY ZONING ORDINANCE WILL BE OBSERVED OR EXCEEDED IN THE DEVELOPMENT OF THIS PROPERTY.
 - THE PROJECT SIGNAGE SHALL CONFORM TO MECKLENBURG COUNTY ZONING ORDINANCE REQUIREMENTS. IN ADDITION, SUCH HEIGHT AS DAVIS LAKE PARKWAY WILL BE LIMITED TO SEVEN FEET, FOUR FEET FOR OUTPARCEL SIGNAGE.
 - WATER AND SEWER SERVICES WILL BE PROVIDED TO THE SITE THROUGH THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT SYSTEM.
 - THE BUILDING CONFIGURATIONS, PLACEMENTS AND SIZES SHOWN ON THE SCHEMATIC SITE PLAN ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES WITHIN THE BUILDING ENVELOPES ESTABLISHED ON THIS REZONING PLAN. PARKING LAYOUTS MAY ALSO BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATIONS.
 - THE "LEFT ONLY MEDIAN CUT" ON W.T. HARRIS BOULEVARD MUST BE CONSTRUCTED BY THE DEVELOPER PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. A RIGHT TURN DECELERATION LANE SHALL BE CONSTRUCTED BY THE DEVELOPER ON HARRIS BOULEVARD AT THE SHOPPING CENTER ENTRANCE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 - ALL DUMPSTERS WILL BE FULLY ENCLOSED (WITH GATES).
 - STORMWATER DETENTION SHALL NOT BE LOCATED IN A BUFFER OR SETBACK.
 - A TRUCK ROUTE WITHIN THE SHOPPING CENTER AREA SHALL BE ESTABLISHED GENERALLY AS SHOWN ON THE SCHEMATIC SITE PLAN. SIGNAGE AND OTHER FEATURES SHALL BE USED TO ENCOURAGE TRUCKS TO USE THE HARRIS BOULEVARD ENTRANCE.
 - THE DEVELOPERS REPRESENTATIVES, IN CONJUNCTION WITH THE NEIGHBORHOOD, SHALL WORK WITH MECKLENBURG COUNTY ENGINEERING DEPARTMENT AT THE TIME DRIVEWAY PERMITS ARE SOUGHT TO REMOVE ANY REQUIREMENT FOR LEFT-TURN LANES FROM DAVIS LAKE PARKWAY IN ORDER TO PRESERVE EXISTING MEDIANS.
 - THE LOADING DOCK FOR THE GROCERY STORE SHALL BE LOCATED AT THE REAR PORTION OF THE STORE BUILDING MOST DISTANT FROM DAVIS LAKE PARKWAY AS SHOWN ON THE SCHEMATIC SITE PLAN.
 - AS SHOWN ON THE SCHEMATIC SITE PLAN, THE EXISTING POND AREA SHALL BE KEPT BUT MAY BE RECONFIGURED THROUGH THE CONSTRUCTION OF A NEW DAM TO BE APPROVED BY THE CORPS OF ENGINEERS. IN ADDITION, A BERM AREA SHALL BE ESTABLISHED BETWEEN THE DAM AND THE MAIN SHOPPING CENTER BUILDING TO SCREEN THE VIEW FROM DAVIS LAKE PARKWAY TOWNSHIPS. THE HEIGHT OF THIS BERM SHALL BE DETERMINED BY ENGINEERING STUDIES, BUT IN ANY CASE SHALL BE HIGH ENOUGH TO MATERIALLY SCREEN THE MAIN BUILDING. THE DAM AND BERM SHALL BE PLANTED WITH TREES, SHRUBS AND/OR ORNAMENTAL GRASSES AS WILL BE APPROVED BY THE CORPS OF ENGINEERS AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES.
 - THE DEVELOPER WILL MAINTAIN THE HARRIS BOULEVARD ENTRANCE AS THE SOLE "UNOBSTRUCTED" ACCESS SUBJECT TO APPROVAL BY N.C.D.O.T. AND MECKLENBURG COUNTY ENGINEERING DEPARTMENT.



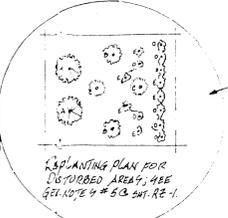
96-9(C)
 APPROVED BY COUNTY COMMISSION
 DATE August 13, 1996

TECHNICAL DATA SHEET

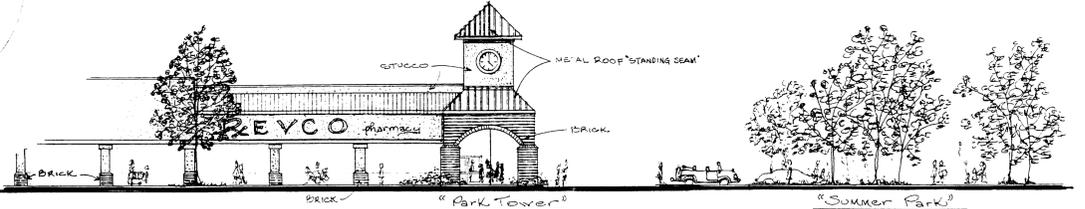
		DAVIS LAKE	
		DAVIS LAKE PARKWAY & W. T. HARRIS BLVD	
		CHARLOTTE, NORTH CAROLINA	
		S.C. HONDROS & ASSOCIATES, INC. ENGINEERS & CONTRACTORS P.O. BOX 220456 CHARLOTTE, N.C. 28222 PH 377-4614	
		REVISIONS	
NO.	DATE	APP'D	DESCRIPTION
B	7/23/96		ADDED NOTES 16-20, REV. 7 & 13
A	7/12/96		REVISIONS
OWNERS APPROVAL:		DATE:	PART NO.
DRN BY: R.A.B.		DATE: 2/23/96	SCALE: 1" = 100'
		REZONING PLAN	



SECTION $\frac{3}{8}$ " AT 25' SETBACK



NOTE: TYPICAL MIN. HEIGHTS FOR 12' & 20' SETBACKS ARE INDICATED IN THIS AREA (SEE GEOTECH # SC-DAT-RE-1)

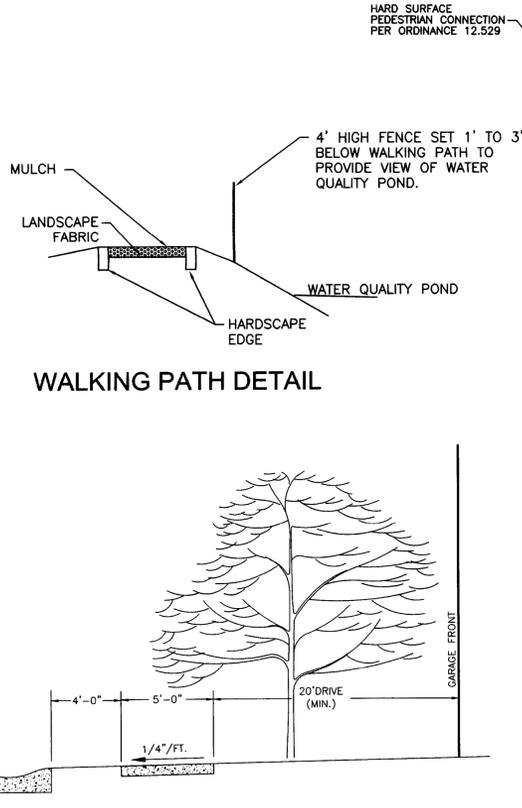
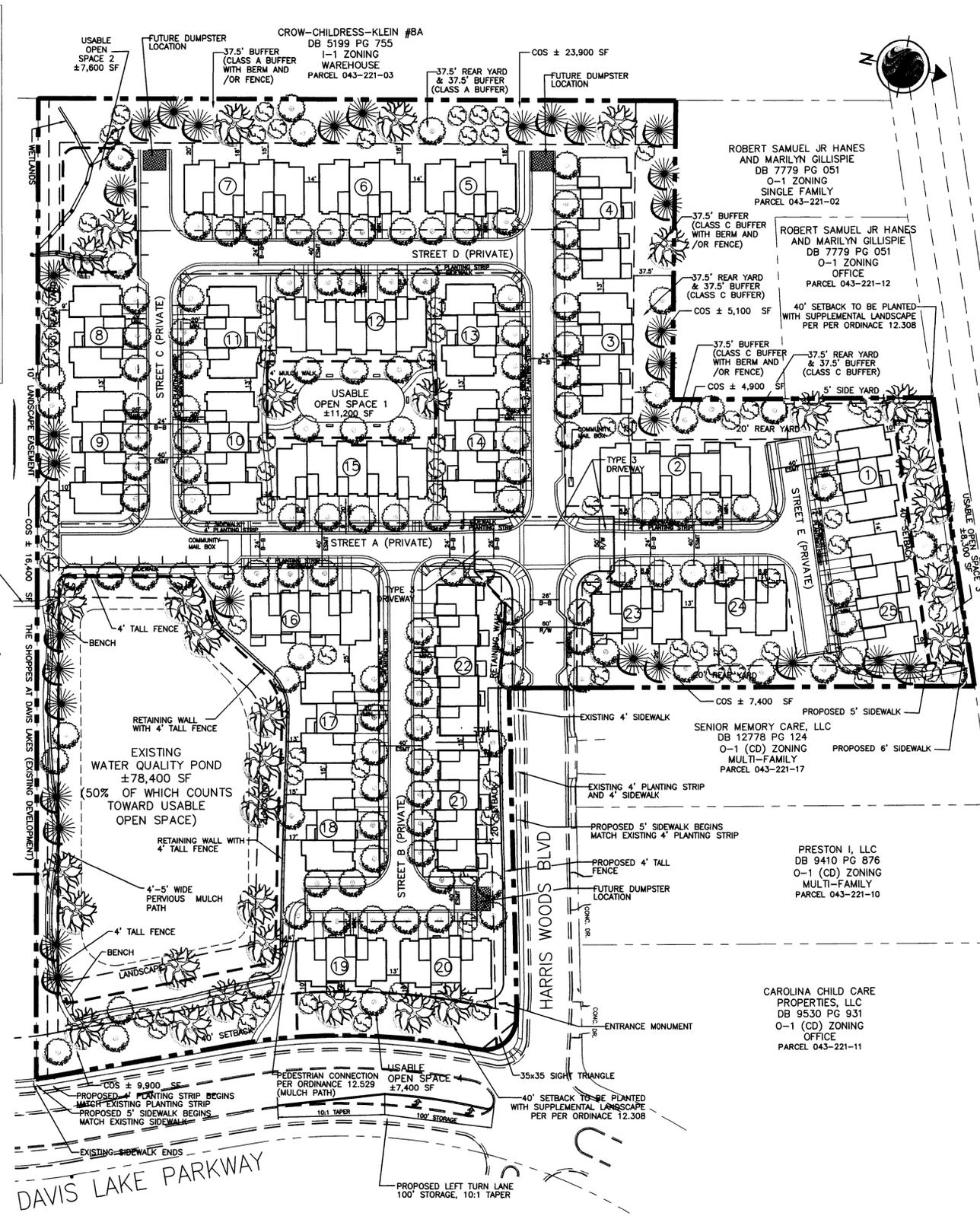
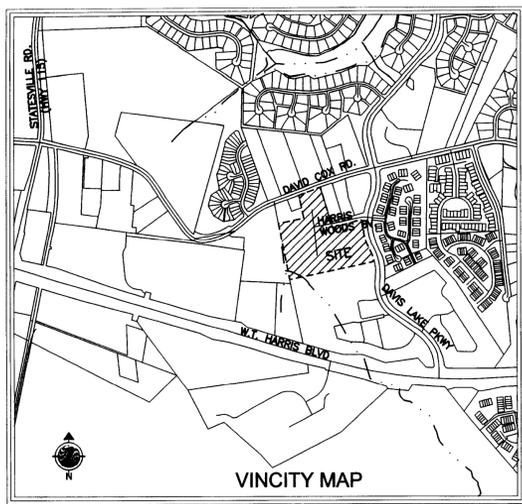


BUILDING ELEVATION DETAIL

THE BUILDING CONFIGURATIONS, PLACEMENTS AND SIZES SHOWN ON THE SCHEMATIC SITE PLAN ARE SCHEMATIC IN NATURE AND MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES WITHIN THE BUILDING ENVELOPES ESTABLISHED ON THIS REZONING PLAN. PARKING LAYOUTS MAY ALSO BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATIONS.

SCHEMATIC SITE PLAN

		DAVIS LAKE DAVIS LAKE PARKWAY & W. T. HARRIS BLVD. CHARLOTTE, NORTH CAROLINA	
		 S.C. HONDROS & ASSOCIATES, INC. ENGINEERS & CONTRACTORS P.O. BOX 220456 CHARLOTTE, N.C. 28222 PH 377-4614	
B 7/18/96 REVISION A 4/19/96 Submitted To Planning Dept.			
NO.	DATE	APP'D	DESCRIPTION
REVISIONS			
OWNERS APPROVAL:		DATE:	PART NO.
			1995/P072/01E
DRN BY:	CHK BY:	DATE:	SCALE:
		2/22/96	1" = 100'
REZONING PLAN			RZ-2 OF 2



DEVELOPMENT STANDARDS

GENERAL PROVISIONS

Unless other standards are established by the Rezoning Plan, the innovative requests, or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "Ordinance") for the Mixed Use District (MX-2) zoning district shall be followed in connection with development taking place on this approximately 12.4 acre site located on Davis Lake Parkway, Harris Woods Boulevard, and David Cox Road (the "Site"), which Site is more particularly depicted on the Rezoning Plan.

The development depicted on the Rezoning Plan is intended to reflect the arrangement of the proposed use on the Site, but the final configuration, placement and size of the individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan. Innovative requests, and these Development Standards during design development and construction phases. Street layouts may be modified to accommodate final building locations. Petitioner reserves the right to make innovative requests subject to approval by the Charlotte Planning Commission.

PERMITTED USES/MAXIMUM NUMBER OF DWELLING UNITS

The Site may be developed for a maximum of 92 town-home attached dwelling units together with permitted uses under the Ordinance in the MX-2 zoning district.

SETBACKS, SIDE YARDS AND REAR YARDS

All buildings on the Site will satisfy or exceed the setback, side yard and rear yard requirements established under the Ordinance for the MX-2 zoning district or by the innovative requests made by the petitioner.

ARCHITECTURAL COMMITMENTS

- The exterior front wall surfaces, exclusive of windows and doors, of all buildings will have a minimum of 90% brick, stone, and/or similar masonry products, and/or hard-pan/brick cement board.
- The exterior rear wall surfaces, exclusive of windows and doors, of buildings 19 and 20 which back up to Davis Lake Parkway will have a minimum of ninety percent (90%) brick, stone, and/or similar masonry products.
- Vinyl siding is allowed provided it is the thicker, textured upgrade vinyl product. No aluminum siding will be allowed.
- The vertical height of all buildings will not exceed 40 feet.

SCREENING AND LANDSCAPED AREAS

- Screening shall conform to the standards and treatments specified in the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
- The water quality pond will have additional landscaping installed along the banks, which will include a minimum of 6 River Birch, 5 Weeping Willows, and other native shrubs along the pond fringe.
- A 40 foot setback will be planted with supplemental landscape per Ordinance 12.308, behind Buildings 19, 20, 25, and 1, as depicted on the Rezoning Plan.
- A protective 4 foot fence will be installed around the water quality pond, as depicted on the Rezoning Plan.
- A protective 4 foot fence will be installed along the top of the retaining wall closest to Harris Woods Boulevard, as depicted on the Rezoning Plan.
- The buffer between the site and the industrial zoning is reduced to 37.5 feet with a berm and/or fence and landscaped as a class A buffer. The 25% reduction has been made in accordance with the provisions of section 12.302.8.
- The buffer between the site and the adjoining single family use is reduced to 37.5 feet with a berm and/or fence and landscaped as a class C buffer, as depicted on the Rezoning Plan. The 25% reduction has been made in accordance with the provisions of section 12.302.8.

STREETS AND DRIVEWAYS

- All internal streets will be private except for Harris Woods Boulevard extension which will end with a "hammer head" on street A, as depicted on the Rezoning Plan.
- Harris Woods Boulevard extension will be a public street and will be a minimum of 26 feet wide from back of curb to back of curb, as depicted on the Rezoning Plan.
- All internal streets that are private will be constructed to public street paving standards.
- All private streets will be a minimum of 24 feet wide from back of curb to back of curb, as depicted on the Rezoning Plan.
- All driveways will be a minimum of 20 feet from the back of sidewalk or curb to the front of the garage, as depicted on the Rezoning Plan.
- Petitioner will construct a left turn lane from Davis Lake Parkway to Harris Woods Blvd. The left turn lane will have a width of 10 feet, minimum of 100 feet of storage and have a 10:1 taper, as depicted on the Rezoning Plan.

MONUMENTATION AND SIGNAGE

- Signage and/or entry monument will meet or exceed the requirements of the Ordinance. One entry monument will be located at Davis Lake Parkway and Harris Woods Boulevard, as depicted on the Rezoning Plan.
- The community will have central mail boxes, as depicted on the Rezoning Plan.

COMMON OPEN SPACE/TREE SAVE AREAS/ TREE ORDINANCE

- Common open space shall be provided in various locations on the Site, as depicted on the Rezoning Plan.
- Each unit will have a minimum of 400 square feet of private open space.

SIDEWALKS/STREETSCAPE

- All internal sidewalks will be 5 feet and planting strips will be 4 feet, as depicted on the Rezoning Plan.
- Street trees will be installed behind sidewalks, as depicted on the Rezoning Plan and will be large maturing spaced 40 feet on center.
- A 5 foot sidewalk and a 4 foot planting strip will be installed along the southern side Harris Woods Boulevard, as depicted on the Rezoning Plan.
- On the western side of Davis Lake Parkway, that is adjoining the Property, a 5 foot sidewalk and 4 foot planting strip will be installed, as depicted on the Rezoning Plan.
- Pedestrian connectivity will be provided to the adjoining shopping center by a concrete sidewalk and/or concrete steps, as depicted on the Rezoning Plan.
- Pedestrian connectivity will be installed with mulch and a hardscape edge from private street B to Davis Lake Parkway, as depicted on the Rezoning Plan.
- A 5 foot sidewalk will be installed from Private street E to David Cox Road, as depicted on the Rezoning Plan.
- A 4-5 foot mulch walking trail will be installed with a hardscape edge from the sidewalk on private street A around the Common Open Space/Pond and will connect with the sidewalk on Davis Lake Parkway, as depicted on the Rezoning Plan.
- A minimum of two benches will be installed along the 4 foot mulch walking trail, as depicted on the Rezoning Plan.
- A 8 foot sidewalk will be installed along David Cox Road, as depicted on the Rezoning Plan. The sidewalk will be located outside of the proposed right of way within the setback as depicted on the Rezoning Plan. Petitioner will record a public access and maintenance easement.

SOLID WASTE

The future dumpsters on the Rezoning Plan will only be installed if the community does not have a private or public curb pickup. The private pickup will be managed by the HOA.

STORM WATER MANAGEMENT

- The existing Detention/BMP can only be used to treat the site if the petitioner/engineer can demonstrate at the time of plan submittal that the existing Detention/BMP was designed and is sized appropriately according to previous requirements for what is draining to it and that the pond can treat the reworked site. If the facility is a regional facility (treating more than one parcel) then that facility must demonstrate that it is properly recorded as such according to Land Development guidelines and that it not only treats the reworked site but also that it continues to treat other intended properties properly according to previous requirements. If this cannot be demonstrated satisfactorily at the time of plan submittal then the petitioner shall comply with the storm water control measures of the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- The existing Detention/BMP will be maintained by the adjacent Shopping Center and the HOA will be charged its pro-rata share of the maintenance costs.

SUBDIVISION ORDINANCE

Development of the Site shall comply with the terms and conditions of the City of Charlotte Subdivision Ordinance (the "Subdivision Ordinance"), provided, however, that the Petitioners shall have the right to pursue a variance, variances, or innovative requests from the standards and requirements of the Subdivision Ordinance in accordance with the procedures set out therein.

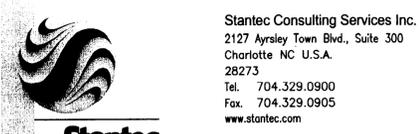
AMENDMENTS TO THE REZONING PLAN

Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.

BINDING EFFECT OF THE REZONING APPLICATION

If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.

Throughout these Development Standards, the terms "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.



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Legend

SITE TABULATION:

PARCEL ID #	04322101
TOTAL AREA:	±12.38 ACRES
EXISTING ZONING:	O-1 (CD)
PROPOSED ZONING:	MX-2 (INNOVATIVE)
PROPOSED PRIMARY USES:	TOWNHOMES FOR SALE
PROPOSED UNITS:	92 UNITS
PROPOSED DENSITY:	7.43 DU/AC
USABLE OPEN SPACE:	
UOS 1	11,200 SF
UOS 2	7,600 SF
UOS 3	8,300 SF
UOS 4	17,400 SF
UOS 5	39,200 SF
TOTAL	±82,500 SF (11.6%)
OTHER OPEN SPACE	±106,800 SF (20%)
APPROVED BMP IMPERVIOUS	48.9%
PROPOSED IMPERVIOUS	54.1%
BUILDING PARKING	2 PER UNIT
ONSTREET PARKING	17 SPACES

Notes

DEVELOPMENT DATA

THE DEVELOPMENT DEPICTED ON THIS PLAN IS INTENDED TO REFLECT THE APPROXIMATE ARRANGEMENT AND CONFIGURATION OF THE PROPOSED USES ON THE SITE. THE EXACT CONFIGURATION, PLACEMENT, AND SIZE OF THE INDIVIDUAL ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS OF THE ORDINANCE AND THE RESTRICTIONS NOTED ON THE PLAN DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES.

INNOVATIVE DEVELOPMENT STANDARDS

THE PETITIONER, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11.208, "INNOVATIVE DEVELOPMENT STANDARDS", MAY PROPOSE MODIFICATIONS TO THE FOLLOWING STANDARDS:

- STREET TYPE, DIMENSIONS, AND CONSTRUCTION STANDARDS
- SIDEWALK, CURBS, AND GUTTERS
- MINIMUM LOT SIZE AND LOT WIDTH
- SETBACKS, SIDE, FRONT, AND REAR YARDS FOR PRINCIPLE AND ACCESSORY STRUCTURES.
- BUILDING SEPARATION
- SIGHT TRIANGLES
- 400 SF OF PRIVATE OPEN SPACE

5. Per Client for 6th Submittal	CWH	RLC	20080515
4. Per Client Comments	CWH	RLC	20080423
3. PER CITY COMMENTS	CWH	RJG	20080321
2. CLIENT COMMENTS	CWH	RJG	20080313
1. City Comments	BKE	RJG	08.02.15
Revision	By	Appd.	YY.MM.DD

File Name: 00840C-DB-GRADING STUDY BKE RJG RJG
Dwn. Chkd. Dsgn. YY.MM.DD



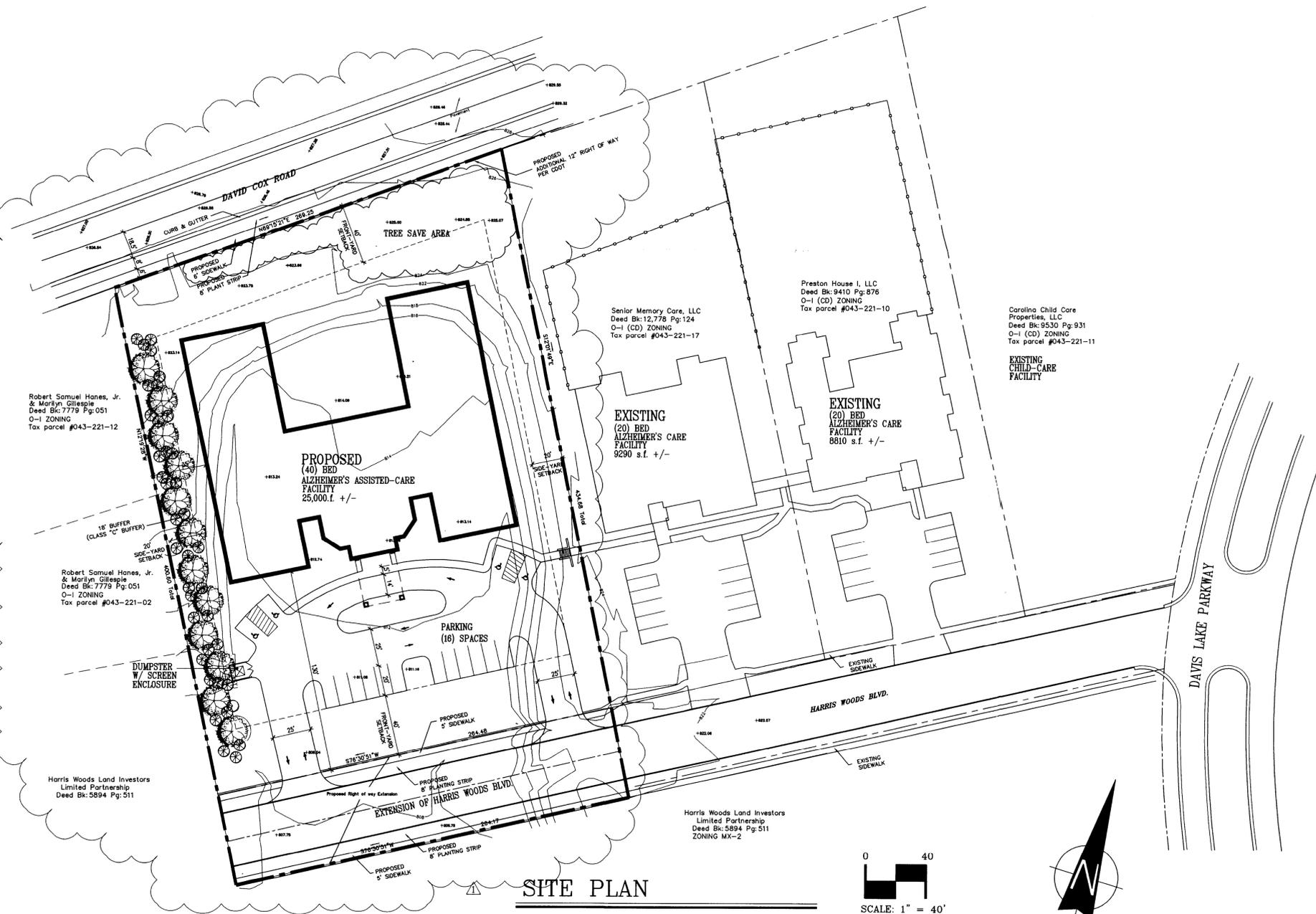
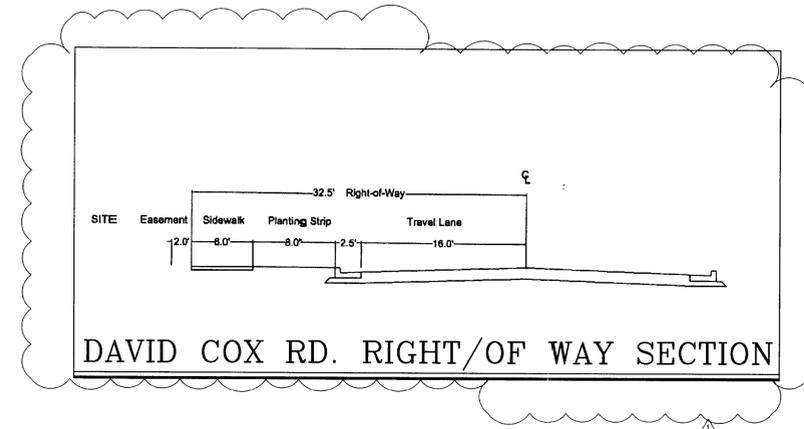
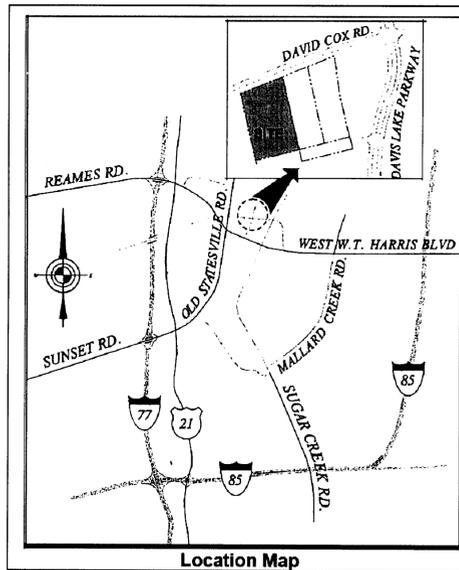
APPROVED BY
CITY COUNCIL
MAY 19 2008



Title

DAVIS LAKE TOWNHOMES
For Public Hearing 2008-044

Project No.	173200840	Scale	0 60' 90' 120'
Drawing No.		1:80	Revision



1. **Developmental Data Table**
 - a. Site Acreage: 2.18 +/- acres
 - b. Tax Parcel: 043-221-01 portion of
 - c. Existing Zoning: MX-2 (innovative)
 - d. Proposed Zoning: Institutional (CD)
 - e. Existing Use: Vacant land
 - f. Proposed Use: 40 bed assisted care facility
 - g. Building Area: 25,000 +/- s.f., single story
 - h. Floor Area Ratio: 0.26 (0.50 max allowed)
 - i. Maximum Building Height: 40'
 - j. Parking Spaces: As required by the ordinance
2. **General Provisions**
 - a. Unless other standards are established by the Rezoning Plan, or these Development Standards, all development standards established under the City of Charlotte Zoning Ordinance (the "ordinance") for the Institutional zoning district shall be followed in connection with the development taking place on this approximately 2.18 acre site located on Harris Woods Boulevard and David Cox Road (the "Site", which Site is more particularly depicted on the Rezoning Plan.
 - b. The development depicted on the Rezoning Plan is intended to reflect the arrangement of the proposed use on the Site, but the final configuration, placement and size of the individual Site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan, and these Development Standards during design development and construction phases.
 - c. Changes to the rezoning plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.
3. **Permitted Uses**
 - a. The site will be developed for a 40 bed dependent living facility as permitted uses under the Ordinance in the Institutional zoning district.
 - b. The proposed building on the Site will satisfy or exceed the setback, side yard, rear yard, screening and buffer requirements established under the Ordinance for the Institutional zoning district.
4. **Transportation**
 - a. Harris Woods Boulevard extension will be a public street and the existing street cross-section will be continued with a five-foot sidewalk and 8-foot planting strip along both sides of the street extension as shown on the Rezoning Plan.
 - b. The extension of Harris Woods Boulevard will be platted prior to the first certificate of occupancy.
 - c. Parking will be surface parking as shown on the Rezoning Plan. Long term bicycle parking will be located within the facility. Short term bicycle parking will be located as required by the Ordinance.
 - d. David Cox Road shall be improved per the cross-section detail.
 - e. The proposed driveway connections to Harris Woods Boulevard will require driveway permits from CDOT. Exact driveway locations, type and width to be determined by CDOT.
 - f. Two 35'x35' site triangles are required for the street entrances onto Harris Woods Boulevard as indicated on the Rezoning Plan.
5. **Architectural Standards**
 - a. Proposed building will use similar exterior building materials to match the existing facility buildings. Exterior finishes will include face brick veneer and vinyl or fiber cement board siding.
 - b. Trash/dumpster enclosure shall be constructed of similar building materials as the proposed building.
 - c. All fencing shall meet all requirements of the Ordinance.
6. **Streetscape and Landscaping**
 - a. Screening shall conform to the standards and treatments specified in the Ordinance. All landscaping installed on the Site will meet or exceed the requirements of the Ordinance.
 - b. The buffer between the site and the adjoining single family use shall be a 18' wide Class "C" buffer and landscaped as required in the Ordinance.
 - c. A 6' sidewalk will be installed along David Cox Road, as depicted on the Rezoning Plan. The sidewalk will be located outside of the proposed right of way within the setback as depicted on the Rezoning Plan. Petitioner will record a public access and maintenance easement.
 - d. Curb, gutter and sidewalk are required, in addition to any additional right-of-way along David Cox Road.
7. **Parks, Greenways and Open Space**
 - a. Open space shall meet and or exceed the requirements of the Ordinance as depicted on the Rezoning Plan.
8. **Signage**
 - a. Signage will meet or exceed the requirements of the Ordinance.
9. **Lighting**
 - a. All exterior lighting shall meet or exceed the requirements of the Ordinance.
 - b. Any freestanding site lighting shall not exceed 25 feet in height.
 - c. All freestanding and exterior lighting will be fully shielded and full cut-off type fixtures.
 - d. No wall-pack type exterior lighting will be allowed.
10. **Other**
 - a. Future amendments to the Rezoning Plan and these Development Standards may be applied for by the then Owner or Owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance.
 - b. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioners and the current and subsequent owners of the Site and their respective successors in interest and assigns.
 - c. Throughout these Development Standards, the terms, "Petitioners" and "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.
 - d. Per Section 12.529 in the Ordinance, a minimum 5-foot sidewalk connection must be provided to all streets adjoining the use.



8510 McAlpine Park Drive
Suite 204
Charlotte, North Carolina
28211
704/366-3639
704/364-9578 FAX

PETITION #2012-096
EDENCARE, INC.



Proposed
**ALZHEIMER'S
ASSISTED
LIVING CENTER**
at
PRESTON HOUSE
phase III
Charlotte,
North Carolina

Content:

REZONING PLAN

Project 11510
Date 8/21/2012
Revisions
10.11.12

**APPROVED BY
CITY COUNCIL**

DEC 17 2013

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Sheet

ASP1



Agenda Date: 12/14/2015

Agenda #: 17.File #: 15-2026 Type: Zoning Hearing

Rezoning Petition: 2015-118 by Pavillion Development Company

Update: Protest Petition (Sufficient)

Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 - Mayfield)

Current Zoning: CC (commercial center)

Proposed Zoning: CC (SPA) (commercial center, site plan amendment)

Staff Recommendation:

Staff does not recommend approval of this petition.

Attachments:

Staff Analysis

Vicinity Map

Rezoning Map

Site Plan

Previously Approved Site Plan

Note: A sufficient protest petition has been filed.

REQUEST	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
LOCATION	Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road. (Council District 3 – Mayfield)
SUMMARY OF PETITION	The petition proposes to allow an automobile service station, associated convenience store, and another proposed commercial use.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Nasir Ahmad Pavilion Development Company N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION	<p>Staff does not recommend approval of this petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Southwest District Plan</i>, as amended by Petition 1997-015, as automobile oriented uses such as convenience stores with fuel sales were not allowed.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • This is part of a larger 22-acre rezoning (petition 1997-015) which was entitled for hotel, office, and retail uses with a specific prohibition on drive-through restaurants and automobile service stations including fuel sales. • The subject property is located at the intersection of Nations Ford Road and Tyvola Road and the remaining three corners of the intersection are developed with residential or religious institutions, which are compatible with the surrounding residential neighborhoods. • The existing zoning from 1997 provided for uses that would be compatible with surrounding neighborhoods, and keeping automobile-related uses to the east side of Interstate 77 which is more commercial in nature. • Since the 1997 rezoning, no significant land use changes have occurred that warrant the introduction of automobile oriented uses on this site. Therefore, staff supports maintaining the current site plan and uses.
---------------------------------	--

PLANNING STAFF REVIEW

- **Background**
 - A rezoning petition was previously filed on the subject site (rezoning petition 2014-092) to allow a 3,010-square foot automobile service station and a 2,500-square foot commercial building.
 - A protest petition that was filed on this request was deemed to be insufficient. The public hearing on this petition was held on October 20, 2014.
 - The Zoning Committee deferred this petition several times and ultimately voted 7-0 on January 15, 2015 to recommend approval of this petition with modifications, and the petitioner’s commitment to address outstanding issues prior to City Council decision.
 - The petition was withdrawn in March 2015 prior to the City Council decision.
- **Proposed Request Details**
The site plan amendment contains the following changes:
 - Divides Parcel 4 (the subject property) into two parcels; Parcel 4A is 1.27 acres and Parcel 4B is 0.52 acres.
 - Allows all uses in the CC (commercial center) district except building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows on Parcel 4A.

- Permits a maximum 3,010 square foot building excluding permitted accessory structures.
- Allows all uses in the CC (commercial center) district except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows on Parcel 4B. Permits a maximum 2,500 square foot building.
 - Changes the right-in/right-out access on the north side of the site on Nations Ford Road to full movement access with a southbound left-turn lane into the center.
 - Adds new seven-foot sidewalks along north and south sides of the building connecting to a new sidewalk along Nations Ford Road.
 - Provides new eight-foot sidewalk and eight-foot planting strip along Nations Ford Road and Tyvola Road with landscape buffer.
 - Provides four-foot planting strip and five-foot sidewalk along the eastern edge of the site along the right-in access drive. Provides a five-foot screening strip and five-foot sidewalk along the northern boundary along an existing private access easement named Tyvola Glen Circle.
 - Adds that the subject parcels will be designed with materials compatible with adjacent residential neighborhood, and notes that the buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola Road on at least 50% of the length of the first floor frontage facing the street and right-in driveway. Windows must not be blocked by equipment, window adhesives, or other means.
 - Provides that roofs should be pitched and should be between 5:12 and 12:12. Projected dormers may be implemented. Fuel canopy islands will also be designed to have a pitched roof.
 - Requires blank walls not to exceed 20 feet and to be mitigated by providing architectural detail.
 - Adds a CATS bus stop and waiting pad on the north side of Tyvola Road between Nations Ford Road and the right-in access driveway.
 - Requires improvements to existing pedestrian refuge island within median at the intersection of Nations Ford Road and Tyvola Road to be upgraded to improve existing ramps, sidewalks, and curb.

The site plan accompanying this petition contains the following provisions carried over from Petition 1997-015:

- Provides a landscaped buffer along Nations Ford Road.
 - Limits height of the building on Parcel 4B to a maximum of two stories.
 - Limits ground mounted signage for individual parcels to a maximum of 4 feet high and 50 square feet.
 - Prohibits building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows on both parcels.
- **Existing Zoning and Land Use**
 - The subject is part of a larger 22.25 acre site at the northeast corner of Nations Ford Road and Tyvola Road. The larger site was rezoned by petition 1997-015 to CC (commercial center) to allow for office, retail, institutional, eating/drinking/ entertainment establishments and hotel uses. The rezoning included eight parcels.
 - The subject parcel remains vacant. The other parcels on the larger site have been developed with an office building, a bank branch, and several hotels. A site plan amendment, petition 2008-018, provided for an additional hotel development on one parcel.
 - The subject site is part of an overall commercial center. The approved site plan for this site allows 6,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments, and excludes automobile service stations, building material sales and dwellings.
 - Properties across Tyvola Road to the south, and across Nations Ford Road to the west are zoned R-4 (single family residential) with single family uses (Greenbriar Woods neighborhood) and a church. Diagonally across Tyvola Road and Nations Ford Road is multi-family development zoned R-17M(CD) (multi-family conditional).
 - Across I-77 to the east is an area of intensive commercial development, including gasoline stations, hotels, fast food and other restaurant uses, and a variety of retail uses.
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - Rezoning petition 2016-003 is a CC SPA (commercial center, site plan amendment) consisting of approximately 7.1 acres located on the east side of Nations Ford Road, north of Tyvola Road, and west of I-77, to allow office or a hotel on Parcels 1 and 2. This request is tentatively scheduled for the January 19, 2016 City Council rezoning meeting.
 - **Public Plans and Policies**
 - The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of

uses including office, hotel, and other uses permitted in the CC (commercial center) zoning district including eating/drinking/entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses, per Petition 1997-015, which amended the plan.

TRANSPORTATION CONSIDERATIONS

- The proposed use will increase the volume of traffic in and out of the site, but since it is a convenience use, most of the trips will be pass-by traffic, meaning that the use will not add a significant amount of new traffic on the adjacent streets. The primary transportation goal for this site is to improve pedestrian access to and from the site. In order to achieve these goals, the petitioner has agreed to complete improvements to the existing sidewalks on the perimeter of the site and improve the pedestrian crossings of Nations Ford Road and of Tyvola Road through various median improvements on Nations Ford and at the Nations Ford / Tyvola intersection. This site is served by bicycle lanes along Nations Ford Road, however there are sidewalk gaps on the west side of Nations Ford Road that limit the pedestrian accessibility to the site.
- See Outstanding Issues, note 8.
- **Vehicle Trip Generation:**
Current Zoning: 1,600 trips per day
Proposed Zoning: 3,400 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** See outstanding issue, note 6.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Land Use

1. The proposed land use on Parcel 4A is inconsistent with the *Southwest District Plan*, as amended by petition 1997-015.

Site and Building Design

2. Architectural Standards language (transparency note) should be revised to address façade facing Nations Ford Road in addition to Tyvola Road and the access drive as currently noted.
3. Architectural Standards language should be revised to state blank walls shall not exceed 20 feet and should be mitigated by providing architectural detail such as: a substantial change in material and/or articulation greater than 12 inches in depth.
4. Revise Architectural Standards language to define compatible materials.
5. Show trees to be saved on site plan.
6. Show all right-of-way trees as being protected.
7. Clarify how the subject parcels will be designed with materials compatible with adjacent residential neighborhood.

Transportation

8. Incorporate CDOT's requested design refinements to the pedestrian refuge medians.

REQUESTED TECHNICAL REVISIONS

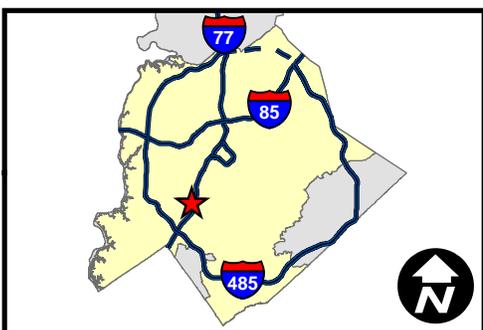
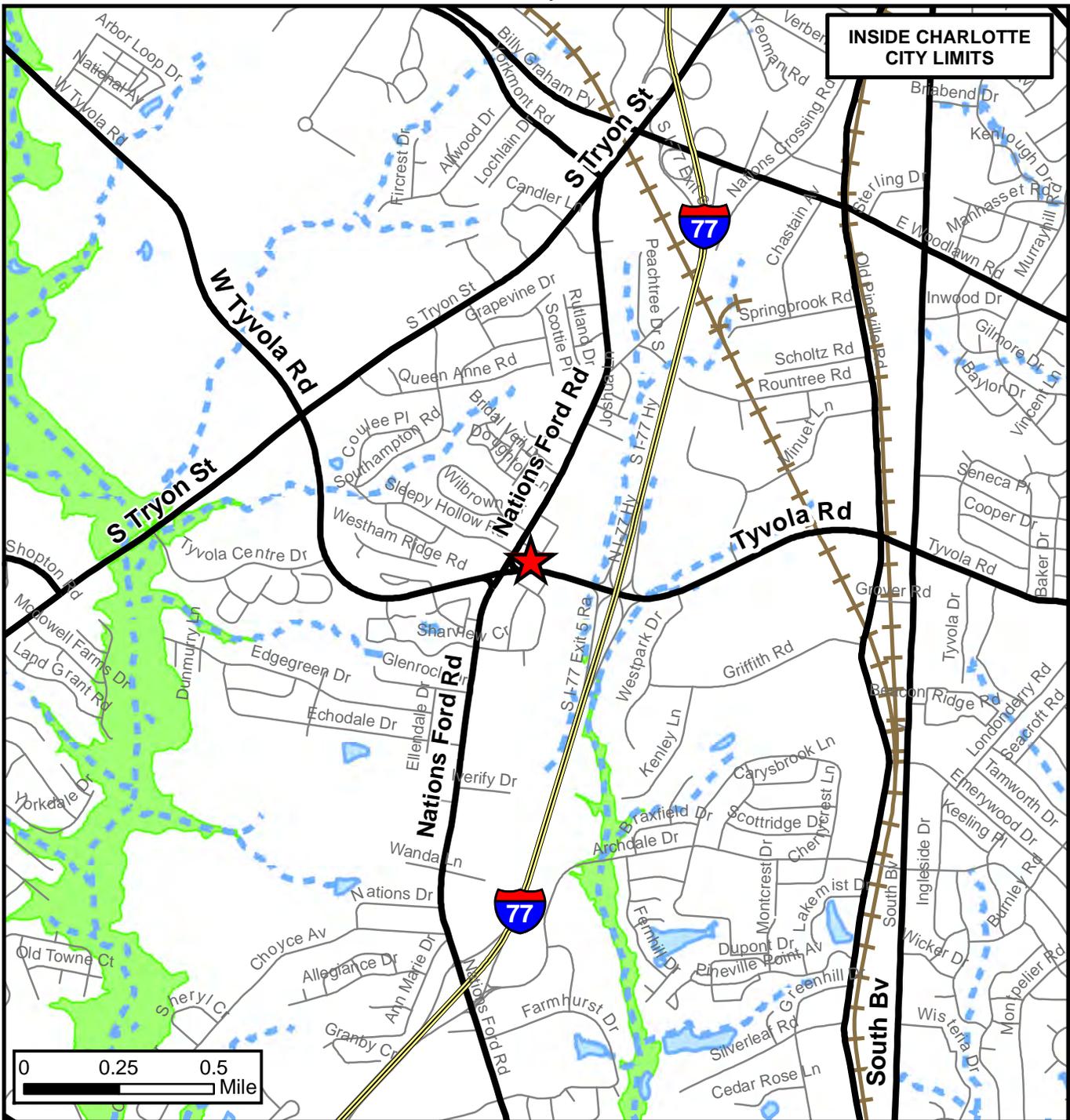
1. Under Site Data remove "(CD)" from Existing Zoning and Proposed Zoning lines as the Commercial Center zoning district is conditional.
2. Under Purpose statement, remove reference to automobile service station and associated convenience store.
3. Under Permitted Uses heading, add automobile service station as a prohibited use.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

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

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.



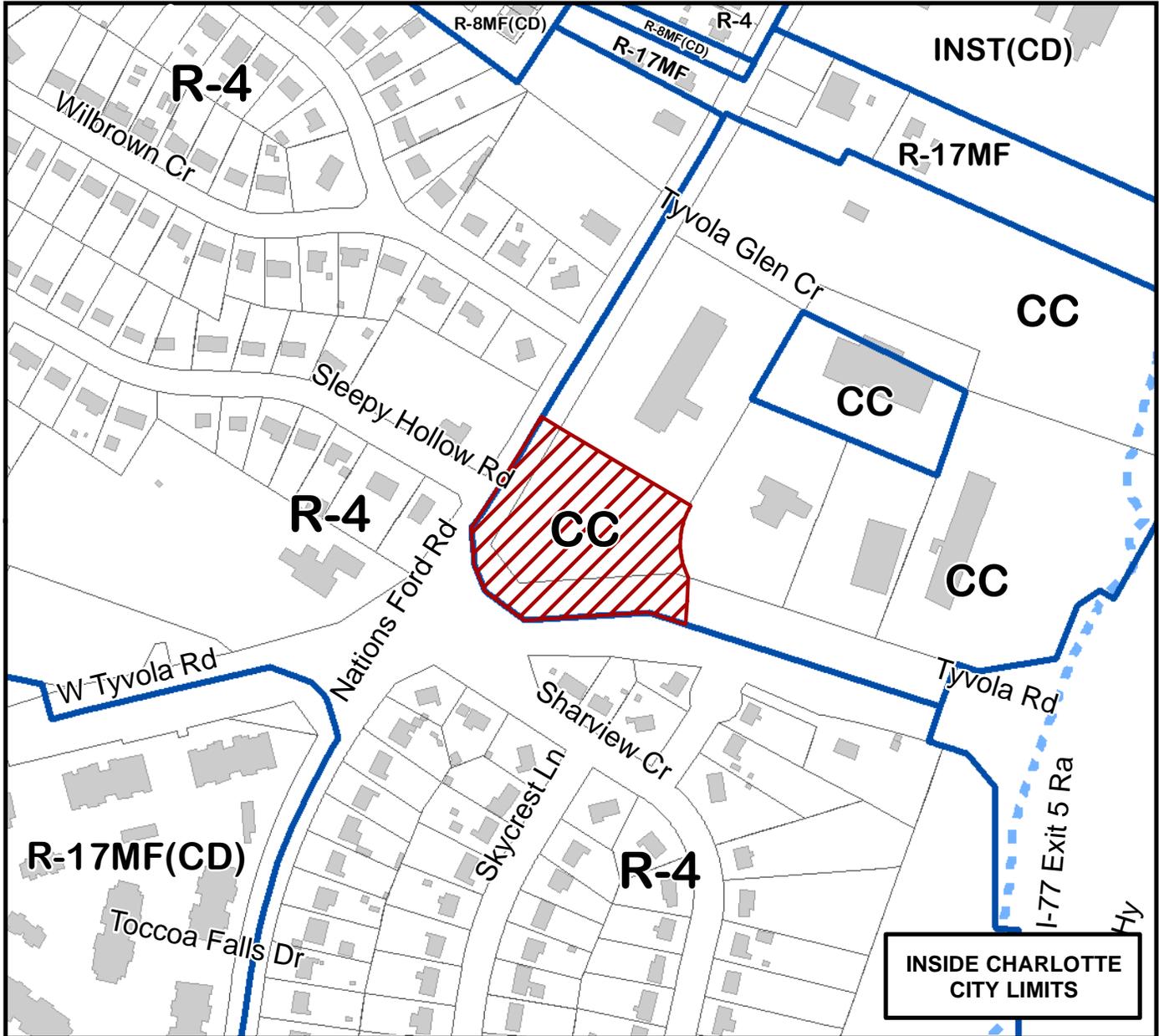
Petition #: **2015-118**

Petitioner: **Pavillion Development Company**

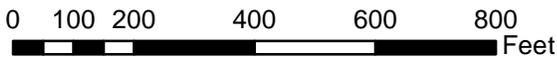
Zoning Classification (Existing): **CC**
(Commercial Center)

Zoning Classification (Requested): **CC SPA**
(Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.

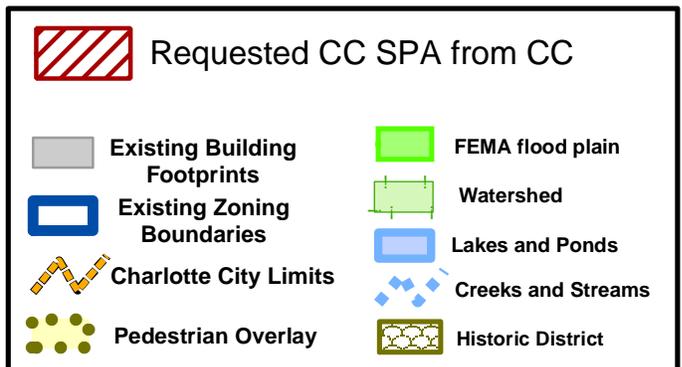


Map Produced by the Charlotte-Mecklenburg Planning Department, 7-31-2015.



Zoning Map #(s)

134

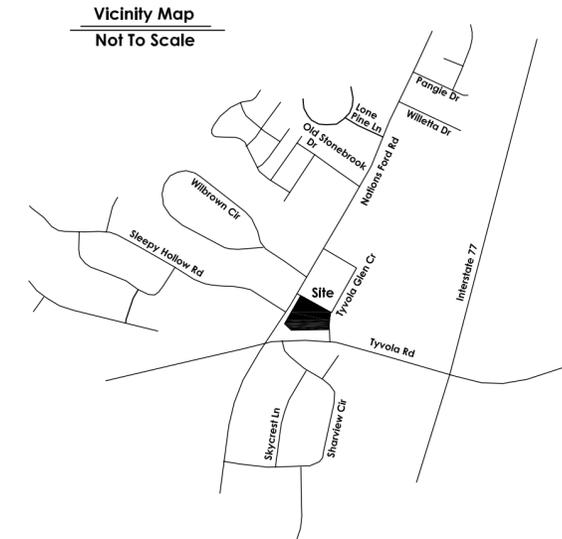


I, Richard Boyd Brooks, certify that this plat was drawn under my supervision from an actual survey made under my supervision, (deed description recorded in Book 5674, page 265); that the boundaries not surveyed are clearly indicated as drawn from the deeds shown hereon; that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. This is a survey of an existing parcel of land and does not create a new street or change an existing street. Subject to underground utilities and or any easements or right-of-ways of record. Area by the coordinate method of area computation. Copying this plat could be a violation of copyright laws. Witness my original signature, registration number and seal this 23rd day of November, A.D., 2007.

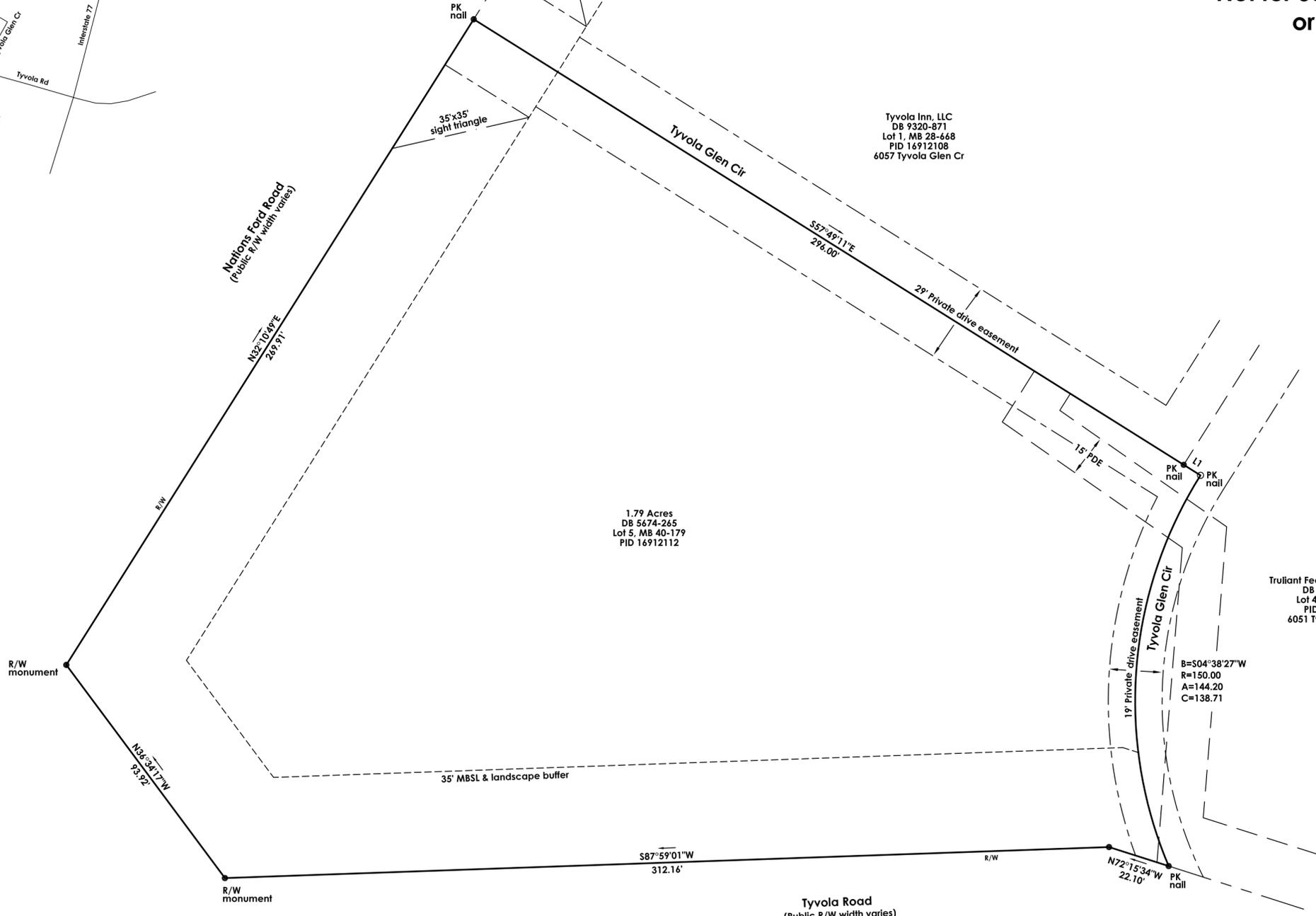
RICHARD BOYD BROOKS
 1200 JENKINS DRIVE
 CHARLOTTE, N.C. 28212
 (704) 568-1719
 SIGNED _____
 Professional Land Surveyor, L-2689

Preliminary Plat
For Review Only
Not for Sales Conveyance
or Recording

Notes:
 1) The R/W of Nations Ford Rd. and Tyvola Rd. were taken from MB 40-179.



MB 40-179



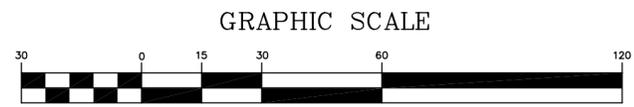
Tyvola Inn, LLC
 DB 9320-871
 Lot 1, MB 28-668
 PID 16912108
 6057 Tyvola Glen Cr

1.79 Acres
 DB 5674-265
 Lot 5, MB 40-179
 PID 16912112

Truliant Federal Credit Union
 DB 16193-346
 Lot 4, MB 40-179
 PID 16912111
 6051 Tyvola Glen Cr

B=S04°38'27"W
 R=150.00
 A=144.20
 C=138.71

- LEGEND:
 EIP ● = Existing Iron Pin
 NIP ○ = New Iron Pin
 NPS ■ = No Point Set
 R/W = Right Of Way
 ☉ = Power Pole
 MBSL = Minimum Building Setback Line
 ESMT = Easement
 ⊙ = Manhole
 EP = Edge of Pavement



Line Table		
Line	Length	Bearing
L1	7.00	S57°49'11"E

1
 SHEET NO. OF 1
 PLAN NO. 07296
 SCALE 1"=30'
 DATE 11/23/07
 CHECKED R.B.B.
 DRAWN S.R.S.

City of Charlotte
 Mecklenburg County, N.C.

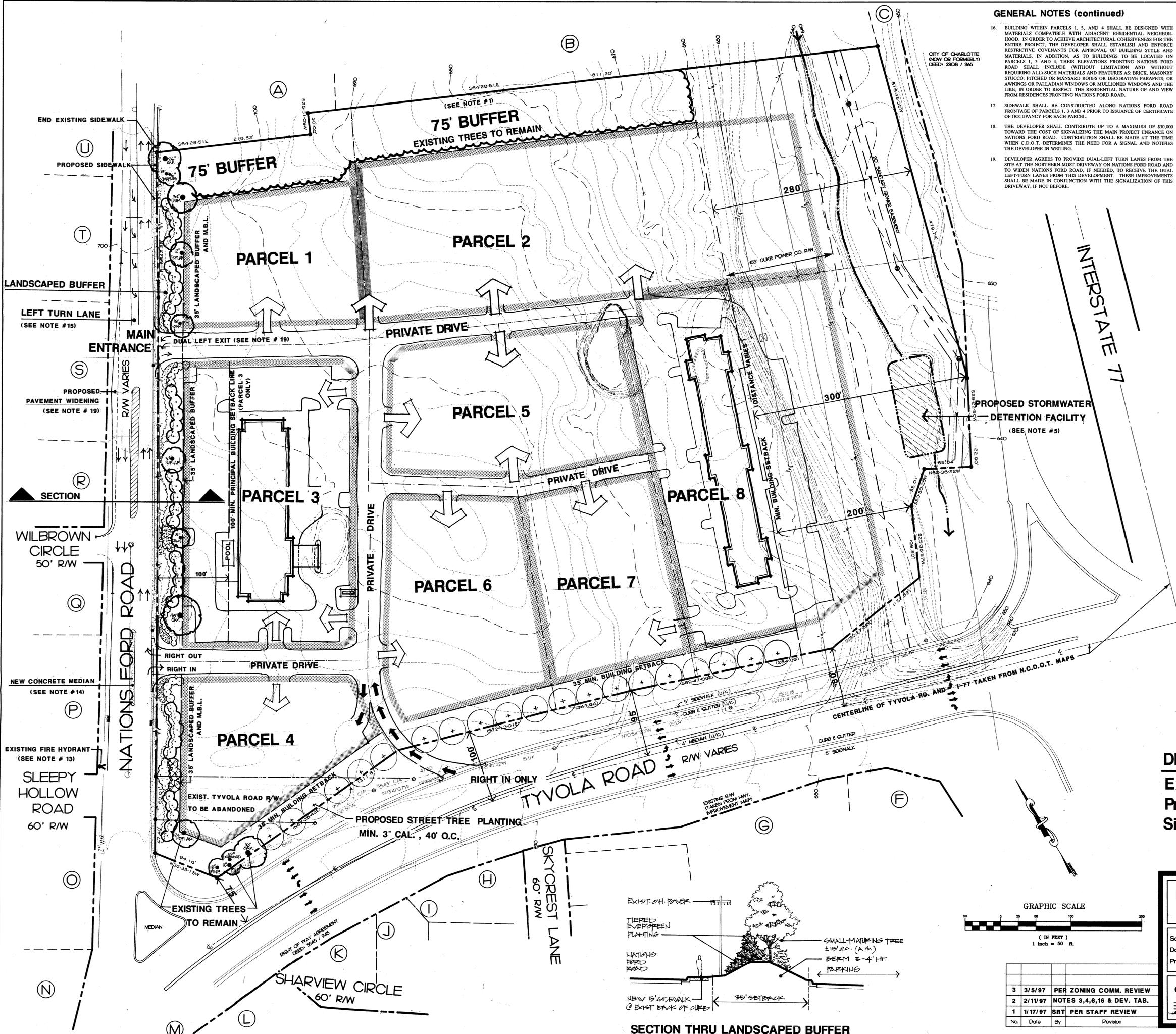
Boundary Survey
 for
 Stephen Lucas

Spratt & Brooks
 P.O. BOX 25175 - CHARLOTTE, NC
LAND SURVEYING
 (704) 568-1719

NO.	REVISIONS	BY



Previously
Approved
Site
Plan



GENERAL NOTES (continued)

16. BUILDING WITHIN PARCELS 1, 3, AND 4 SHALL BE DESIGNED WITH MATERIALS COMPATIBLE WITH ADJACENT RESIDENTIAL NEIGHBORHOOD. IN ORDER TO ACHIEVE ARCHITECTURAL COHERENCE FOR THE ENTIRE PROJECT, THE DEVELOPER SHALL ESTABLISH AND ENFORCE RESTRICTIVE COVENANTS FOR APPROVAL OF BUILDING STYLE AND MATERIALS. IN ADDITION, AS TO BUILDINGS TO BE LOCATED ON PARCELS 1, 3 AND 4, THEIR ELEVATIONS FRONTING NATIONS FORD ROAD SHALL INCLUDE (WITHOUT LIMITATION AND WITHOUT REQUIRING ALL) SUCH MATERIALS AND FEATURES AS: BRICK, MASONRY STUCCO, PITCHED OR MANSARD ROOFS OR DECORATIVE PARAPETS, OR AWNINGS OR PALLADIAN WINDOWS OR MULLIONED WINDOWS AND THE LIKE, IN ORDER TO RESPECT THE RESIDENTIAL NATURE OF AND VIEW FROM RESIDENCES FRONTING NATIONS FORD ROAD.
17. SIDEWALK SHALL BE CONSTRUCTED ALONG NATIONS FORD ROAD FRONTAGE OF PARCELS 1, 3 AND 4 PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR EACH PARCEL.
18. THE DEVELOPER SHALL CONTRIBUTE UP TO A MAXIMUM OF \$30,000 TOWARD THE COST OF SIGNALIZING THE MAIN PROJECT ENTRANCE ON NATIONS FORD ROAD. CONTRIBUTION SHALL BE MADE AT THE TIME WHEN C.D.O.T. DETERMINES THE NEED FOR A SIGNAL AND NOTIFIES THE DEVELOPER IN WRITING.
19. DEVELOPER AGREES TO PROVIDE DUAL-LEFT TURN LANES FROM THE SITE AT THE NORTHERN-MOST DRIVEWAY ON NATIONS FORD ROAD AND TO WIDEN NATIONS FORD ROAD, IF NEEDED, TO RECEIVE THE DUAL LEFT TURN LANES FROM THIS DEVELOPMENT. THESE IMPROVEMENTS SHALL BE MADE IN CONJUNCTION WITH THE SIGNALIZATION OF THIS DRIVEWAY, IF NOT BEFORE.

DEVELOPMENT TABULATION

PARCEL #	SIZE (AC.)		PROPOSED USES	MAX. DEVELOP. (SF/ ROOMS)	MAX. BLDG. HEIGHT
	GROSS	NET			
1	2.03	1.15	OFFICE	31,000 SF	2 STOREYS
2	5.53	3.23	OFFICE	83,000 SF	6 STOREYS
3	3.04	2.25	HOTEL OR OFFICE	125 ROOMS OR 45,000 SF	4 STOREYS
4	1.76	1.05	SEE NOTE BELOW	16,000 SF OFFICE OR 10,500 SF RETAIL OR OTHER USE ** BELOW	2 STOREYS
5	2.00	1.60	SEE NOTE BELOW	16,000 SF OFFICE OR 10,500 SF RETAIL OR OTHER USE ** BELOW	4 STOREYS
6	1.85	1.41	SEE NOTE BELOW	21,150 SF OFFICE OR 14,100 SF RETAIL OR OTHER USE ** BELOW	2 STOREYS
7	1.33	1.13	SEE NOTE BELOW	15,500 SF OFFICE OR 11,500 SF RETAIL OR OTHER USE ** BELOW	2 STOREYS
8	4.69	3.21	HOTEL OR OFFICE	150 ROOMS OR 70,000 SF	6 STOREYS

** ALL USES PERMITTED UNDER CC ZONING CLASSIFICATION EXCEPT: AUTOMOBILE SERVICE STATIONS, BUILDING MATERIAL SALES, DWELLINGS
 ** TOTAL RESTAURANT USE FOR PARCELS 4, 5, 6 AND 7 SHALL NOT EXCEED 24,000 SF.

GENERAL NOTES

1. 75 FOOT BUFFER SHOWN ALONG THE NORTHERN PROPERTY LINE MAY BE REDUCED IF THE ADDING PROPERTY IS REZONED TO A NON-RESIDENTIAL CLASSIFICATION.
2. THE CONFIGURATION OF TYVOLA ROAD (INCLUDING CURB LINES, SIDEWALKS, MEDIANS, ETC.) WAS TAKEN FROM NC DOT ROADWAY CONSTRUCTION DRAWINGS. CONSTRUCTION OF THESE IMPROVEMENTS IS CURRENTLY UNDERWAY WITH AN ESTIMATED COMPLETION DATE OF SEPTEMBER, 1998.
3. THE R/W AND PROPERTY LINE DESCRIPTIONS ALONG INTERSTATE 77 AND TYVOLA ROAD ARE APPROXIMATE BUT ARE INTENDED TO CONFORM TO FINAL NC DOT ENGINEERING DRAWINGS. PETITIONER AND NC DOT HAVE A FINAL AGREEMENT REGARDING THE LOCATION, DEDICATION AND ACQUISITION OF R/W ALONG INTERSTATE 77 AND TYVOLA ROAD, SUBJECT TO FIELD SURVEY.
 ADDITIONAL R/W ALONG NATIONS FORD ROAD WILL BE DEDICATED BY THE PETITIONER IF NEEDED IN ORDER TO PROVIDE 35 FEET OF R/W FROM THE CENTER LINE OF THE R/W OF NATIONS FORD ROAD PRIOR TO BUILDING PERMIT ISSUANCE FOR PARCEL 1.
4. ALL SIGNAGE SHALL MEET APPLICABLE REGULATIONS. AS A MINIMUM, IN EFFECT AT TIME OF PERMITTING, GROUND MOUNTED SIGNAGE FOR INDIVIDUAL PARCELS SHALL BE A MAXIMUM OF FOUR FEET HIGH AND 30 SQUARE FEET. ONE "SHOPPING CENTER SIGN" SHALL BE PERMITTED AT TYVOLA ROAD ENTRANCE. MAXIMUM 100 SQUARE FEET. ONE "SHOPPING CENTER SIGN" SHALL BE PERMITTED ALONG NATIONS FORD ROAD FRONTAGE, MAXIMUM 25 SQUARE FEET.
5. CONTROL OF STORMWATER FROM THE SITE SHALL CONFORM TO ALL REGULATIONS WITH DETAILED PLANS TO BE SUBMITTED TO AND APPROVED BY THE CITY ENGINEERING DEPARTMENT. STORMWATER DETENTION FOR THE ENTIRE SITE MAY BE PROVIDED IN A COMMON FACILITY AT THE LOWPOINT OF THE SITE AS SHOWN ON PLAN. NO DETENTION FACILITIES SHALL BE PERMITTED WITHIN THE 75 FOOT BUFFER.
6. ALL SITE LIGHTING SHALL BE INWARDLY DIRECTED SO AS NOT TO REFLECT OR BEAM TOWARD ADJACENT PROPERTY.
7. ADJACENT PROPERTY OWNERS ARE LISTED ON AN ATTACHMENT TO THE PETITION AND ARE KEYS TO THIS PLAN BY LETTER CODE.
8. LANDSCAPING STRIPS AND ISLANDS SHALL BE CREATED TO BREAK THE VISUAL IMPACT OF THE PARKING AREAS. PARKING REQUIREMENTS FOR ALL USES SHALL SATISFY MINIMUM ORDINANCE STANDARDS.
9. ADJUSTMENTS TO PARCEL LINES SHOWN MAY VARY PENDING FINALIZATION OF PLANS.
10. RECOMBINATIONS OF PARCELS 4 THROUGH 7 SHALL BE PERMITTED BUT IN NO CASE SHALL BE SUBDIVIDED INTO MORE THAN 4 PARCELS.
11. PETITIONER SHALL LIMIT THE MAXIMUM NUMBER OF RESTAURANTS TO THREE, TO BE LOCATED WITHIN THE AREAS DEFINED AS PARCELS 4-7. NO DRIVE-THRU FACILITIES SHALL BE PERMITTED FOR ANY RESTAURANT USE.
12. CONTINUOUS LANDSCAPING STRIPS AND ISLANDS SHALL BE CREATED ALONG NATIONS FORD ROAD, AS SHOWN ON PLAN, TO BREAK THE VISUAL IMPACT OF THE PARKING AREAS. AS A MINIMUM, SCREENING SHALL BE PROVIDED PER SECTION 12.303 OF THE CITY ZONING ORDINANCE.
13. A FIRE HYDRANT IS REQUIRED WITHIN 750 FEET OF THE FURTHEST PORTION OF ANY BUILDING AS THE TRUCK TRAVELS. PETITIONER AGREES TO MEET THIS REQUIREMENT.
14. PETITIONER SHALL PROVIDE APPROXIMATELY 200' CONCRETE MEDIAN, WITHIN NATIONS FORD ROAD TO ENSURE RIGHT-IN, RIGHT-OUT TRAFFIC MOVEMENT AT SOUTHERN PROJECT ENTRANCE AS SHOWN ON PLAN.
15. CDOT SHALL REMARK PAVEMENT ALONG NATIONS FORD ROAD FOR LEFT TURN LANE TO NORTHERN PROJECT ENTRANCE AS SHOWN ON PLAN. THE TURN LANE SHALL HAVE 150 FEET OF STORAGE AND A 15:1 BAY TAPER.

APPROVED BY CITY COUNCIL
 DATE 3/17/97

DEVELOPMENT DATA

Existing Zoning: B1-SCD (#88-1)
 Proposed Zoning: CC
 Site Area: 22.25 Acres

For Public Hearing

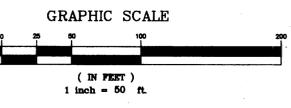
FELD DEVELOPMENT CORP.
TYVOLA ROAD & I-77 SITE

REZONING PLAN
PETITION # 97-15

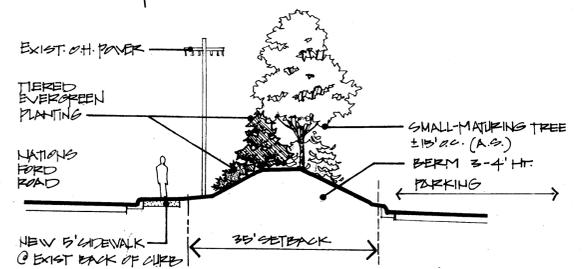
Scale: 1"=50'
 Date: 11/22/96
 Project: #9633

TURNBULL DESIGN GROUP, P.A.
 Land Planning, Landscape Architecture
 P.O. Box 11283
 Charlotte, North Carolina 28220-1283
 Phone: (704) 525-8500
 Fax: (704) 525-8692

SHEET NO.
R-1



No.	Date	By	Revision
3	3/5/97	PER ZONING COMM. REVIEW	
2	2/11/97	NOTES 3,4,8,16 & DEV. TAB.	
1	1/17/97	SRT PER STAFF REVIEW	



SECTION THRU LANDSCAPED BUFFER



Agenda Date: 12/14/2015

Agenda #: 18.File #: 15-2022 Type: Zoning Hearing

Rezoning Petition: 2015-092 by QuikTrip Corporation

Location: Approximately 5.11 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza. (Council District 5 - Autry)

Current Zoning: R-4 (single family residential) and B-1 (CD) (neighborhood business, conditional).
Proposed Zoning: B-1 (CD) (neighborhood business, conditional) and B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

Staff Recommendation:

Staff recommends approval of the petition upon resolution of outstanding issues related to clarification of uses, building orientation, environmental features, and transportation improvements.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan
- Previously Approved Site Plan

REQUEST	Current Zoning: R-4 (single family residential) and B-1(CD) (neighborhood business, conditional) Proposed Zoning: B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment)
LOCATION	Approximately 5.11 acres located on the northwest corner at the intersection of East W. T. Harris Boulevard and The Plaza. (Council District 5 - Autry)
SUMMARY OF PETITION	The petition proposes the redevelopment of a former retail site with a convenience store with fuel sales.
PROPERTY OWNER	Gemstone, Inc., Jan Hilton Caldwell, Howard A. Hilton, Jr., Larry L. Hilton, and Plaza Road Baptist Church
PETITIONER	QuikTrip Corporation
AGENT/REPRESENTATIVE	John Carmichael, Robinson Bradshaw & Hinson
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

STAFF RECOMMENDATION	<p>Staff recommends approval of the petition upon resolution of outstanding issues related to clarification of uses, building orientation, environmental features, and transportation improvements.</p> <p><u>Plan Consistency</u> The proposed use is consistent with the <i>Northeast District Plan's</i> recommendation for retail uses for the portion of the site that is currently zoned B-1(CD) (neighborhood business, conditional). For the remainder of the site, the proposed use is inconsistent with the adopted plan's recommendation for single family residential uses.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The intersection of East W. T. Harris Boulevard and The Plaza is identified as a neighborhood center in the <i>Northeast District Plan</i>. • A significant portion of the site was previously developed with a retail use, which has since been demolished. • The proposed development will re-establish retail on the portion of the site, which is currently vacant. • The remainder of the property, which is currently developed with single family residential and a church fronting The Plaza, will be primarily utilized for site access, tree save, landscaping, and buffering, and has been designed to be compatible with the adjacent residential on Hunters Crossing Lane and across The Plaza.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Permitted uses include a convenience store with fuel sales and associated incidental or accessory uses allowed in the B-1 (neighborhood business) district, which may include an eating/drinking/entertainment use (EDEE).
 - Accessory drive-through service windows are prohibited.
 - Maximum gross floor area of any building is 8,000 square feet.
 - Maximum building height of 25 feet.
 - A "Class B" buffer ranging in width from 36.75 feet to 64 feet will be provided along exterior property boundaries abutting residential zoning and/or uses. Buffer widths may be reduced by 25% with a fence, wall or berm.
 - Building materials on principal buildings include brick, porcelain tile, metal, glass and polypro 95

- mesh as specified on attached elevations.
- Site access via driveways on East W. T. Harris Boulevard and The Plaza.
- Four-sided building elevations submitted.
- **Existing Zoning and Land Use**
 - The majority of the site was rezoned by petition 1996-064 to B-1(CD) (neighborhood business, conditional) to allow up to 13,5000 square feet of retail and any other use permitted in the B-1 (neighborhood business) district. The site was developed in accordance with the approved site plan and has since been razed.
 - The remainder of the subject property is currently zoned R-4 (single family residential) and developed with three single family detached dwellings and a religious institution.
 - The intersection of East W.T. Harris and The Plaza, which is identified as a neighborhood center in the *Northeast District Plan*, is developed with a range of commercial uses located in the B-1 (neighborhood business) zoning district.
 - Surrounding properties located between The Plaza and St. Johns Church Road are primarily zoned R-4 (single family residential) and developed with single family dwellings, with the exception of a multi-family apartment use located in B-1 (neighborhood business) zoning.
 - Remaining adjacent properties are developed with automotive gas station uses, an eating/drinking/entertainment establishment, various types of retail, a self-storage facility, a post office and residential uses in R-4 (single family residential), R-12MF(CD) (multi-family residential, conditional), B-1(CD) (neighborhood business, conditional), and BD(CD) (distributive business, conditional) zoning districts.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Northeast District Plan* (1996) recommends single family residential uses for the portion of the site zoned R-4 (single family residential) and retail uses for the remainder of the site as amended by Petition 1996-64.
 - The plan identifies the intersection of East W. T. Harris Boulevard and The Plaza as an existing neighborhood center. Neighborhood size centers are defined in the *General Development Policies* as retail shopping centers that may include up to 100,000 square feet of retail uses. Office and residential uses may also be included.
 - The petition supports the *General Development Policies-Environment* by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
 - The proposed use will generate a very high volume of traffic in and out of the site, but since it is a convenience use, most of the trips will be pass-by traffic, meaning that the use will not add a significant amount of new traffic on the adjacent streets. Therefore, the primary transportation consideration for this site is for safe and efficient access. CDOT has required that the proposed full movement location be spaced properly from the intersection of The Plaza and W.T. Harris Boulevard. The site plan proposal will also extend the left-turn storage from The Plaza onto W.T. Harris Boulevard. Pedestrians and bicyclists can access the site using the crosswalks and bike lanes at the intersection of The Plaza and W.T. Harris Boulevard.
 - See Outstanding Issues, note 5.
 - **Vehicle Trip Generation:**
 - Current Zoning: 650 trips per day (mix of single family and retail)
 - Proposed Zoning: 10,900 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** See Outstanding Issues, note 6.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** See Outstanding Issues, note 7.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

OUTSTANDING ISSUESLand Use

1. Define incidental/accessory uses and eliminate eating/drinking/entertainment establishments as an accessory use.
2. Add a note that a car wash is not permitted.

Site and Building Design

3. Orient the building so that the outdoor dining and an entrance are accessible from The Plaza, with no parking between the building and the sidewalk.
4. Locate gas pumps at East W. T. Harris Boulevard.

Transportation

5. Incorporate into the conditional plan the changes that the petitioner has agreed to make to The Plaza to provide for a left-turn lane into the site and to extend the storage of the eastbound left-turn lanes.

Environment

6. Show and label the 30-foot Post Construction Water Quality buffer on Sheet RZ-1.
 7. Subtract the area of the sanitary sewer easement from the tree save area.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

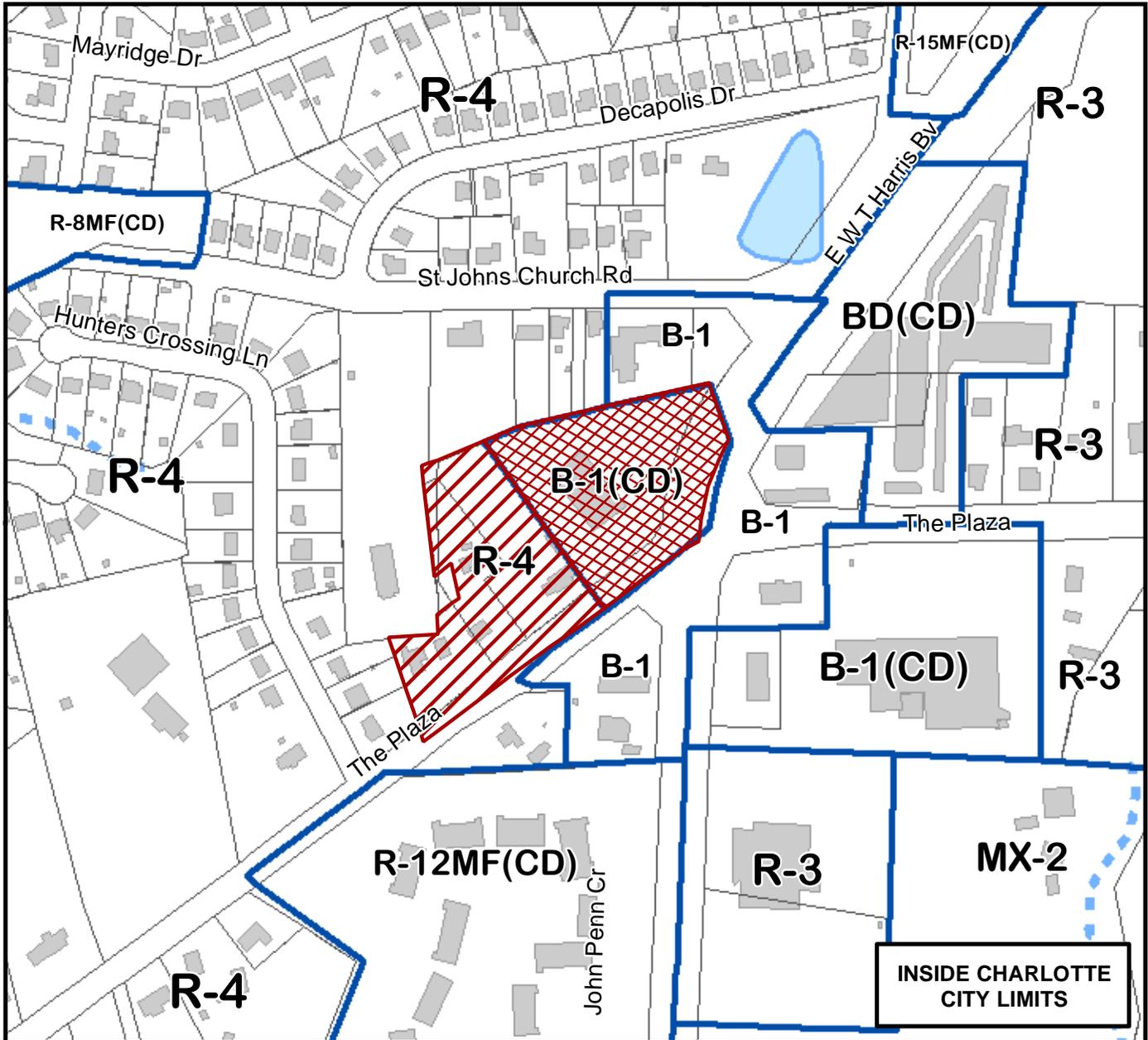
Petition #: **2015-092**

Petitioner: **QuikTrip Corporation**

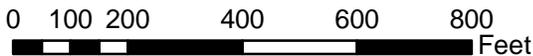
Zoning Classification (Existing): **R-4 & B-1(CD)**
(Single Family, Residential and Neighborhood Business, Conditional)

Zoning Classification (Requested): **B-1(CD) & B-1(CD) SPA**
(Neighborhood Business, Conditional and Neighborhood Business, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 5.11 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza.

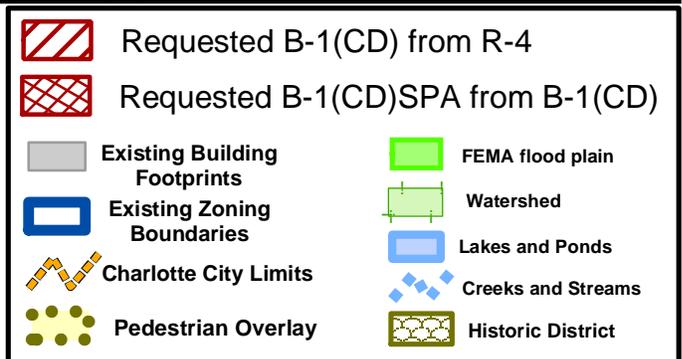


Map Produced by the Charlotte-Mecklenburg Planning Department, 11-12-2015.



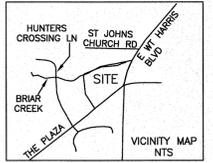
Zoning Map #(s)

76



GENERAL NOTES

- THIS IS A SURVEY OF AN EXISTING PARCELS OF LAND. THIS IS AN ALTA/ACSM LAND TITLE SURVEY.
- THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH RTK-VRS GPS OBSERVATIONS USING A SPECTRA PRECISION EPOCH 50 RECEIVER AND PROCESSED USING GPS CONTINUOUSLY OPERATING REFERENCE STATIONS. DATE OF OBSERVATIONS WAS 1-28-2015. THE RELATIVE POSITIONAL ACCURACY OF THE GPS NETWORK IS ± 0.05. THE FOLLOWING CORRS WAS USED AS THE BASE STATION:
 - HORIZONTAL POSITIONS ARE REFERENCED TO NAD83(2011).
 - VERTICAL POSITIONS ARE REFERENCED TO NAVD83 USING GEOID12A.
 - THE COMBINED SCALE FACTOR IS 0.9999542.
- ZONING: B-1(CD) AND R-4. BUILDING SETBACKS AND RESTRICTIONS: FRONT: 30'; SIDE: 30'; REAR: XX'. HEIGHT: XX'.
- FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS SHOWN ON FEMA COMMUNITY NO. 370158, PANEL NO. 4585 K (MAP NO. 3710488500K) DATED FEBRUARY 19, 2014.
- REFERENCES: DEED BOOK 9879, PAGE 516; DEED BOOK 29207, PAGE 427. MAP BOOK 28, PAGE 211.
- UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



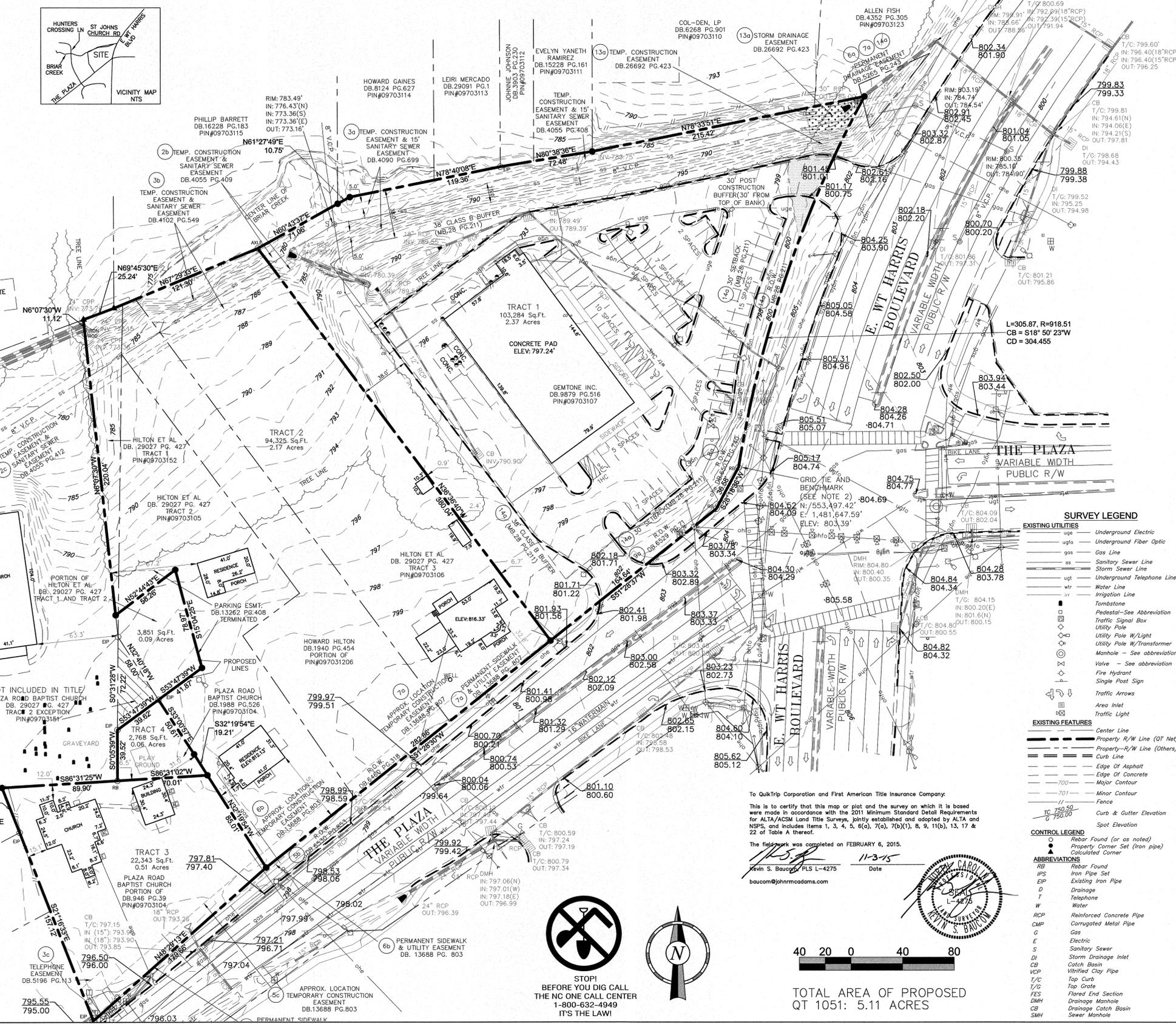
PROPERTY DESCRIPTION:

Table 1:
Being that certain parcel of land lying and being situate in Mecklenburg County, North Carolina, and being more particularly described as follows:
Beginning at an existing axis, said axis being the Northeast corner of the herein described property and the Northeast corner of Tract 3, Deed Book 29207, Page 427 (said axis being located N 67°30'30" W 11.12' feet from an iron pin set in the right-of-way for E. W.T. Harris Boulevard; thence with said right-of-way, with a curve to the left having an arc length of 305.87 feet, a radius of 918.51 feet and a chord bearing and distance of South 18°20'22" West 304.45 feet to an existing iron pin in the right-of-way for The Plaza, thence with said right-of-way for the following two (2) calls: (1) South 28°18'36" West 36.58 feet to an existing iron pin; thence (2) South 51°28'37" West 164.64 feet to an iron pin set (said iron pin being located North 41°28'30" West 282.86 feet from an iron pin set in said right-of-way; thence leaving said right-of-way, North 36°36'40" West 380.04 feet to an existing axis, the POINT OF BEGINNING, containing 103281 square feet, 2.37 acres, more or less.

Tract 2:
Being that certain parcel of land lying and being situate in Mecklenburg County, North Carolina, being Deed Book 29207, Page 427 and Deed Book 1940, Page 404 and being more particularly described as follows:
Beginning at an existing axis, said axis being the Northeast corner of the herein described property and the Northeast corner of Tract 3, Deed Book 29207, Page 427 (said axis being located S 60°43'37" W 71.06 feet from an iron pin set); thence South 36°36'40" East 380.04 feet to an iron pin set in the right-of-way for The Plaza (said iron pin set being located S 51°28'37" W 164.64 feet from an existing iron pin); thence with said right-of-way, South 51°28'37" West 282.86 feet to an iron pin set in the right-of-way for The Plaza, the Southwest corner of Tract 2, Deed Book 29207, Page 427; thence leaving said right-of-way, North 32°19'54" West 85.01 feet to an iron pin set (said iron pin being the Southwest corner of the property described in Deed Book 1988, Page 526; thence with said property, North 32°19'54" West 19.21 feet to an iron pin set thence North 33°00'57" West 50.61 feet to an existing iron pin (said iron pin being the Southwest corner of Tract 2 exception, Deed Book 29207, Page 427); North 32°40'18" West 58.00 feet to an existing iron pin (said iron pin being the South corner of Parcel No. 09703152); thence with thence with the Western line of Tract 1, Deed Book 29207, Page 427, North 09°07'30" West 237.04 feet to an existing iron pin; thence North 06°07'30" West 5.59 feet to a point (said point being in the line of the property described in Deed Book 8419, Page 719); thence with said property, North 69°44'40" East 172.97 feet to the POINT OF BEGINNING, containing 91815 square feet, 2.25 acres, more or less.

- ### NOTES PERTAINING TO FIRST AMERICAN TITLE INSURANCE COMPANY
- TITLE COMMITMENT NO. 15-51 (TRACT 1)
EFFECTIVE: JANUARY 6, 2015 AT 8:00 AM
SCHEDULE B - SECTION II (EXCEPTIONS)
- ITEM 3a - EASEMENT AGREEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 4090, PAGE 699 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 4a - DEED OF EASEMENT IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 4098, PAGE 568 DOES NOT AFFECT. EASEMENT FALLS WITH RIGHT OF WAY OF THE PLAZA.
 - ITEM 5a - DEED IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 5261, PAGE 873 DOES NOT AFFECT. EASEMENT FALLS WITH RIGHT OF WAY OF THE PLAZA.
 - ITEM 6a - DRAINAGE EASEMENT IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 5265, PAGE 257 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 7a - DEED OF EASEMENT IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 5264, PAGE 257 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 8a - DEED IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 6503, PAGE 740 ESTABLISHES A PORTION OF CURRENT RIGHT OF WAY AS SHOWN.
 - ITEM 9a - DEED IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 6529, PAGE 71 ESTABLISHES A PORTION OF THE CURRENT RIGHT OF WAY AS SHOWN HEREON.
- ITEMS 10-12a CONTAIN NO SURVEY MATTERS
- ITEM 13a - STORM DRAINAGE EASEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 26692, PAGE 423 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 14a - MATTERS SHOWN IN MAP BOOK 28, PAGE 211 AFFECTING SUBJECT PROPERTY ARE SHOWN.

- ### NOTES PERTAINING TO FIRST AMERICAN TITLE INSURANCE COMPANY
- TITLE COMMITMENT NO. 15-98 (TRACT 2)
EFFECTIVE: JANUARY 12, 2015 AT 8:00 AM
SCHEDULE B - SECTION II (EXCEPTIONS)
- ITEM 2b - EASEMENT AGREEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 4055, PAGE 409 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 3b - EASEMENT AGREEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 4102, PAGE 547 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 4b - DEED OF EASEMENT IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 4107, PAGE 171 DOES NOT AFFECT. EASEMENT FALLS WITHIN CURRENT RIGHT OF WAY OF THE PLAZA.
 - ITEM 5b - FEE SIMPLE DEED IN FAVOR OF DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 8530, PAGE 853 ESTABLISHES THE CURRENT RIGHT OF WAY OF THE PLAZA AS SHOWN.
 - ITEM 6b - PERMANENT EASEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 13688, PAGE 803 AFFECTS SUBJECT PROPERTY AS SHOWN.
 - ITEM 7b - PERMANENT EASEMENT IN FAVOR OF CITY OF CHARLOTTE RECORDED IN BOOK 13688, PAGE 807 AFFECTS SUBJECT PROPERTY AS SHOWN.

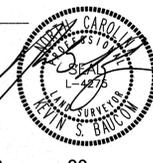


- ### SURVEY LEGEND
- EXISTING UTILITIES
- ugf Underground Electric
 - ugfo Underground Fiber Optic
 - gas Gas Line
 - ss Sanitary Sewer Line
 - sw Storm Sewer Line
 - wt Water Line
 - wtr Irrigation Line
 - tm Tombstone
 - ps Pedestal-See Abbreviation
 - ts Traffic Signal Box
 - up Utility Pole
 - uwl Utility Pole W/Light
 - uwt Utility Pole W/Transformer
 - man Manhole - See abbreviation
 - val Valve - See abbreviation
 - fh Fire Hydrant
 - sp Single Post Sign
 - ta Traffic Arrows
 - ai Area Inlet
 - tl Traffic Light
- EXISTING FEATURES
- cl Center Line
 - prl Property R/W Line (OT Net)
 - prl Property R/W Line (Others)
 - cl Curb Line
 - ea Edge of Asphalt
 - ec Edge of Concrete
 - ml Major Contour
 - mi Minor Contour
 - fc Fence
 - ce Curb & Gutter Elevation
 - se Spot Elevation
- CONTROL LEGEND
- o Rebar Found (or as noted)
 - pc Property Corner Set (Iron Pipe)
 - cc Calculated Corner
- ABBREVIATIONS
- RF Rebar Found
 - IPS Iron Pipe Set
 - EP Existing Iron Pipe
 - D Drainage
 - T Telephone
 - W Water
 - RCP Reinforced Concrete Pipe
 - CMP Corrugated Metal Pipe
 - G Gas
 - E Electric
 - S Sanitary Sewer
 - DI Storm Drainage Inlet
 - CB Catch Basin
 - VCP Vitriol Clay Pipe
 - T/C Top Curb
 - T/G Top Grate
 - FES Flared End Section
 - DMH Drainage Manhole
 - CB Catch Basin
 - SMH Sewer Manhole

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, 5, 6(G), 7(G), 7(b)(1), 8, 9, 11(b), 13, 17 & 22 of Table A thereof.

The field work was completed on FEBRUARY 6, 2015.

Kevin S. Baucum, PLS L-4275 Date 11-3-15
baucum@johnmccadam.com



TOTAL AREA OF PROPOSED
QT 1051: 5.11 ACRES

THE JOHN R. MCADAMS COMPANY, INC.
11801 Carmel Commons Blvd.
Charlotte, NC 28226
License No.: 8001733-5646 • McAdamsCo.com

PROJECT NO.: QTR-15000

QuikTrip No. 1051
EAST W.T. HARRIS BOULEVARD AND THE PLAZA
CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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PROTOTYPE: P-81 (11/01/14)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY: LS
REVIEWED BY: KSB

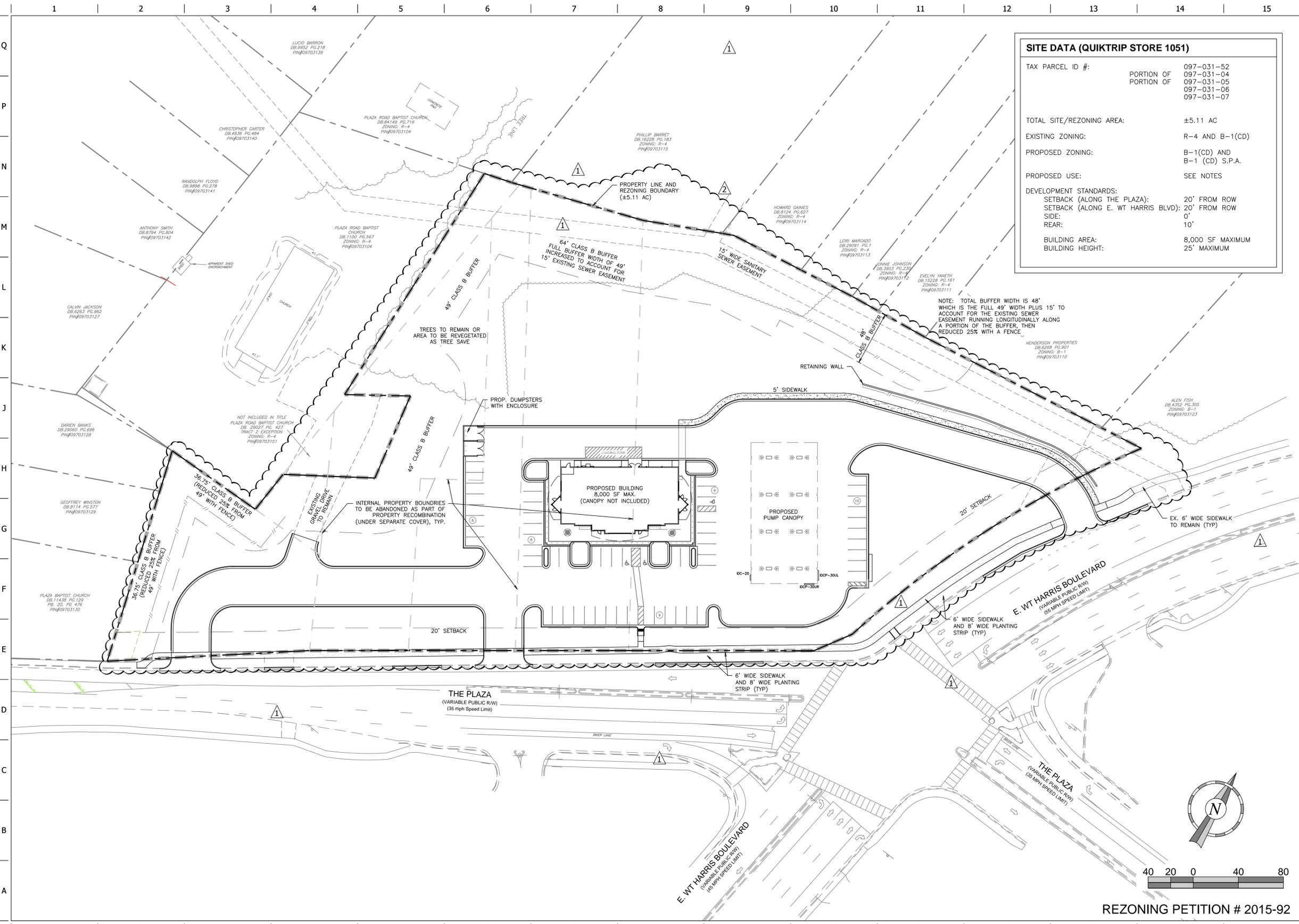
REV	DATE	DESCRIPTION
1	11-3-15	15 UTILITIES ON SITE

SHEET TITLE:	SURVEY PLAN
SHEET NUMBER:	C020

ORIGINAL ISSUE DATE:	2/16/2015
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FILE LOCATION: \\Projects\QTR\15000_1051_East Harris Blvd and The Plaza\Survey\C020_Survey-2.dwg JAB NAME: Survey USER: baucum SAVED: 11/3/2015 9:45 AM PLOTTED: 11/3/2015 9:45 AM

FILE LOCATION: \\QuikTrip\15-017 - 1051\Draw\81-1051 - Civil.dwg TAB NAME: Rezoning USER: bfransmith SAVED: 11/9/2015 3:16 PM PLOTTED: 11/9/2015 3:21 PM



SITE DATA (QUIKTRIP STORE 1051)		
TAX PARCEL ID #:	097-031-52	
	097-031-04	
	097-031-05	
	097-031-06	
	097-031-07	
TOTAL SITE/REZONING AREA:	±5.11 AC	
EXISTING ZONING:	R-4 AND B-1(CD)	
PROPOSED ZONING:	B-1(CD) AND B-1 (CD) S.P.A.	
PROPOSED USE:	SEE NOTES	
DEVELOPMENT STANDARDS:		
SETBACK (ALONG THE PLAZA):	20' FROM ROW	
SETBACK (ALONG E. WT HARRIS BLVD):	20' FROM ROW	
SIDE:	0'	
REAR:	10'	
BUILDING AREA:	8,000 SF MAXIMUM	
BUILDING HEIGHT:	25' MAXIMUM	

PROJECT NO.: 15-017

URBAN DESIGN PARTNERS
 1816 4th Central Ave. # 704-284-2303
 Charlotte, NC 28205 • 704-284-2309
 urban@designpartners.com
 logo@designpartners.com

QuikTrip No. 1051
 WT HARRIS & THE PLAZA
 CHARLOTTE, NC

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PROTOTYPE:	P-82 (02/01/15)
DIVISION:	CAROLINAS
VERSION:	001
DESIGNED BY:	UDP
DRAWN BY:	UDP
REVIEWED BY:	TK

REV	DATE	DESCRIPTION
1	08-21-15	PER STATE COMMENTS
2	11-09-15	PER STATE COMMENTS

ORIGINAL ISSUE DATE: 04:27:15

SHEET TITLE:
 REZONING SITE PLAN

SHEET NUMBER:
RZ-1

REZONING PETITION # 2015-92

Q
P
N
M
L
K
J
H
G
F
E
D
C
B
A

DEVELOPMENT STANDARDS

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by QuikTrip Corporation to accommodate the development of a convenience store with gasoline sales and any incidental or accessory uses relating thereto on that approximately 5.11 acre site located on the northwest corner of the intersection of East W.T. Harris Boulevard and The Plaza, south of St. Johns Church Road, which site is more particularly depicted on the Rezoning Plan (the "Site").
2. Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the B-1 zoning district shall govern all development taking place on the Site.
4. The parcels of land that comprise the Site may be recombined into one parcel at the option of Petitioner.
5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.

B. Permitted Uses

1. The Site may only be devoted to a convenience store with gasoline sales and any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-1 zoning district. Incidental and accessory uses may include, without limitation, an eating, drinking and entertainment use.
2. Accessory drive through service windows shall not be permitted on the Site.

C. Maximum Gross Floor Area

1. The maximum gross floor area of any building located on the Site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with the convenience store and outdoor dining areas shall not be included in the calculation of the maximum gross floor area.
2. The term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of each floor of the principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers, the area under the canopy over the gas pumps and outdoor dining areas. Parking for outdoor dining areas will be provided as required by the Ordinance.

D. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. Subject to Chapter 6 of the Ordinance, the placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
2. The alignments of the internal drives to be located on the Site are subject to any minor modifications or alterations required during the construction permitting process.
3. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall construct a shelter pad for a relocated bus stop on The Plaza between the two proposed driveways into the Site. The shelter pad shall be located entirely within the right of way, and the precise location of the shelter pad shall be determined during the permitting process. The shelter pad shall be constructed to CATS Development Standard 60.09A. Petitioner's obligation to construct the shelter pad shall be subject to Petitioner's ability to obtain all approvals and permits required to construct it. CATS shall be responsible for the installation and maintenance of a bench or shelter.

E. Architectural Standards

1. The maximum height of the building to be constructed on the Site shall be 25 feet.
2. Attached to the Rezoning Plan are schematic architectural renderings of the building to be constructed on the Site that are intended to depict the general conceptual architectural style and character of this building. Accordingly, the building to be constructed on the Site shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings with respect to architectural style, character and primary building materials. Notwithstanding the foregoing, changes and alterations to the elevations of the building which do not materially change the overall conceptual architectural style and character shall be permitted.
3. The exterior building materials for the building to be constructed on the Site are designated on the attached schematic architectural renderings.

F. Streetscape and Landscaping

1. A Class B buffer shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan. The various widths of the Class B buffer are more particularly depicted on the Rezoning Plan.
2. Pursuant to Section 12.302(8) of the Ordinance, Petitioner may reduce the required width of those portions of the Class B buffer that are more particularly depicted on the Rezoning Plan by up to 25% by installing a wall, fence or berm that meets the standards of Section 12.302(8) of the Ordinance.
3. In the event that an adjacent parcel of land is either rezoned to a zoning district or devoted to a use that eliminates or reduces the buffer requirements on the Site, Petitioner may reduce or eliminate, as the case may be, the relevant buffer areas accordingly.
4. Internal sidewalks shall be provided on the Site as generally depicted on the Rezoning Plan.
5. Petitioner shall install an 8 foot planting strip and a 6 foot sidewalk along the Site's frontages on The Plaza and East W.T. Harris Boulevard.

G. Lighting

1. Any freestanding lighting fixtures installed on Site shall have a maximum height of 24 feet, and all such freestanding lighting fixtures shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.
2. Any attached lighting will be downwardly directed and a full cutoff fixture.

H. Binding Effect of the Rezoning Documents and Definitions

1. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
2. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
3. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.

PROJECT NO.: 15-017



URBAN DESIGN PARTNERS

1315 4th Central Ave. # 704-284-3303
Charlotte, NC 28205 # 704-284-3302
urbandesignpartners.com
license no. #26118

QuikTrip No. 1051
WT HARRIS & THE PLAZA
CHARLOTTE, NC



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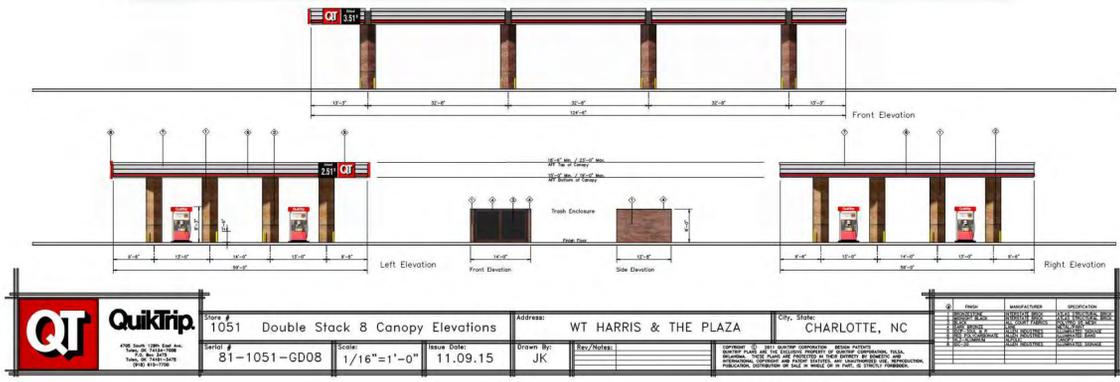
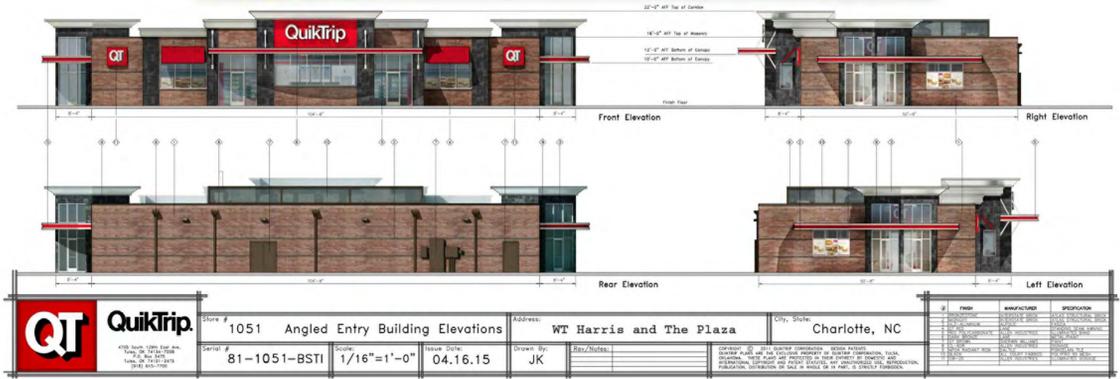
PROTOTYPE: P-82 (02/01/15)
DIVISION: CAROLINAS
VERSION: 001
DESIGNED BY: UDP
DRAWN BY: UDP
REVIEWED BY: TK

REV	DATE	DESCRIPTION	PER STATE COMMENTS
1	08-21-15		
2	11-09-15		

SHEET TITLE:
DEVELOPMENT STANDARDS
AND NOTES

SHEET NUMBER:

RZ-2



PROJECT NO.: 15-017

**URBAN
DESIGN
PARTNERS**
1316 4th Central Ave. P. 704.384.3300
 Charlotte, NC 28203 F. 704.384.3300
 urbandesignpartners.com
 License No. E26118

QuikTrip No. 1051
 WT HARRIS & THE PLAZA
 CHARLOTTE, NC

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 DIVISION: CAROLINAS
 VERSION: 001
 DESIGNED BY: UDP
 DRAWN BY: UDP
 REVIEWED BY: TK

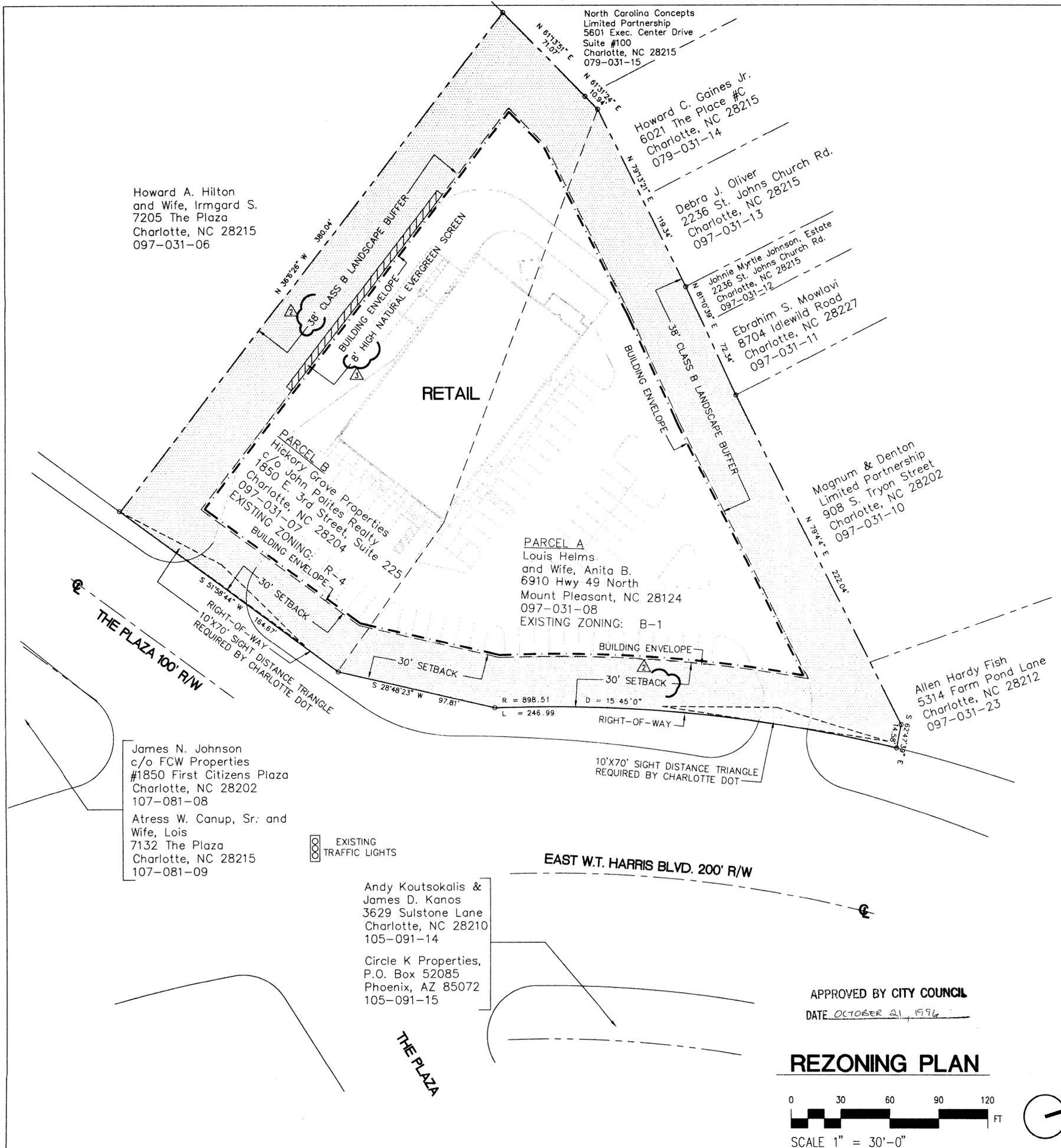
REV	DATE	DESCRIPTION
1	08.21.15	PER STATE COMMENTS
2	11.09.15	PER STATE COMMENTS

ORIGINAL ISSUE DATE: 04.27.15

SHEET TITLE:
 BUILDING ELEVATIONS AND
 ILLUSTRATIVES

SHEET NUMBER:
RZ-3

Previously
Approved
Site
Plan



Howard A. Hilton
and Wife, Irmgard S.
7205 The Plaza
Charlotte, NC 28215
097-031-06

James N. Johnson
c/o FCW Properties
#1850 First Citizens Plaza
Charlotte, NC 28202
107-081-08
Atress W. Canup, Sr. and
Wife, Lois
7132 The Plaza
Charlotte, NC 28215
107-081-09

Andy Koutsokalis &
James D. Kanos
3629 Sulstone Lane
Charlotte, NC 28210
105-091-14
Circle K Properties,
P.O. Box 52085
Phoenix, AZ 85072
105-091-15

North Carolina Concepts
Limited Partnership
5601 Exec. Center Drive
Suite #100
Charlotte, NC 28215
079-031-15
Howard C. Gaines Jr.
6021 The Plaza #C
Charlotte, NC 28215
079-031-14

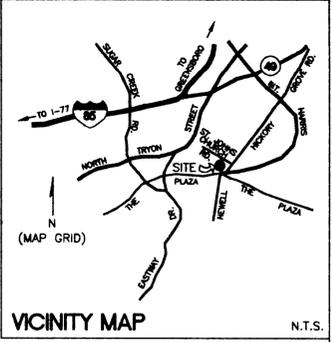
Debra J. Oliver
2236 St. Johns Church Rd.
Charlotte, NC 28215
097-031-13
Johnnie Myrtle Johnson, Estate
2236 St. Johns Church Rd.
Charlotte, NC 28215
097-031-12

Ebrahim S. Mowlavi
8704 Idlewild Road
Charlotte, NC 28227
097-031-11

Magnum & Denton
Limited Partnership
908 S. Tryon Street
Charlotte, NC 28202
097-031-10

Allen Hardy Fish
5314 Farm Pond Lane
Charlotte, NC 28212
097-031-23

PETITIONER: CHILDRESS KLEIN PROPERTIES
301 S. COLLEGE STREET
SUITE 2800
CHARLOTTE, NC 28202
PHONE: 704-342-9000
ARCHITECTS: LITTLE & ASSOCIATES ARCHITECTS, INC.
5815 WESTPARK DRIVE
CHARLOTTE, NC 28217
PHONE: 704-525-6350
DEVELOPMENT DATA:
EXISTING ZONING: R-4 and B-1
PROPOSED ZONING: B-1(CD)
GROSS ACREAGE: ±2.49 ACRES
Maximum Retail Building Area: 13,500 s.f.



NOTE:
In the event that Parcel A is not developed per the proposed B-1(CD) plan, then Parcel A can be developed under the allowable zoning uses under B-1. In the event that Parcel B is not developed under the proposed B-1(CD) plan, then Parcel B can be developed under the allowable zoning uses under R-4.

General Provision

All development standards established under the Mecklenburg County Zoning Ordinance (the "Ordinance") for the B-1 (CD) Zoning District Classification shall be followed in connection with development taking place on the property. Subject only to the provisions set forth below. The configuration, placement and size of the retail building as shown on this Rezoning Plan are schematic in nature and may be altered or modified during design development and construction document phases within the maximum building envelope lines established on this Rezoning Plan. Parking layouts may also be modified to accommodate final building locations.

Permitted Uses

The property may be devoted to any use (including any accessory use) which is permitted under the Ordinance by right or under prescribed conditions in a B-1 Zoning District.

Setbacks

1. Building setbacks shall be a minimum of 30 feet off of the rights-of-way for all existing or future public roads and 38 feet off of all other property lines.
2. Parking will not be permitted in any setback area or buffer zone.

Buffers

1. Buffers established on this Rezoning Plan shall conform to the standards of Section 12.302 of the Ordinance, subject, however, to the provisions of Sections 12.304 thereof.
2. Buffers shall remain open space except to the extent necessary to accommodate pedestrian sidewalks or pathways, access points, walls, berms, fences, grading, and drainage or utility construction.
3. Grading may be performed, slopes and berms may be installed within buffers. The maximum slope within a buffer is 3:1.
4. Where existing trees and natural vegetation have been cleared to accommodate walls, berms, fences, grading and the installation of utility construction, the cleared, unimproved areas will be landscaped with trees and shrubs.
5. Storm water detention areas may not be installed within the buffers and setbacks.
6. Parking will not be permitted within the buffers.
7. Buffers will not be reduced in width from that shown on the plan.
8. The 38' buffer will not be reduced in width by the installation of a fence, wall or berm.
9. Leyland cypress, or similar fast-growing evergreens, will be planted, in the area depicted on the site plan, eight to ten feet high, fifteen feet on center to provide an additional screen between the adjacent property and the drive through window. This planting will be done in addition to the Class B buffer.

Landscaping

1. Landscaping areas will be planted and improved in sequences which are keyed to each phase of development taking place on the site.
2. All landscaping will meet or exceed the requirements of the City of Charlotte Zoning regulations and the City Tree Ordinance.

Parking

1. Each of the parking areas depicted on this Rezoning Plan may vary in size and location, but in all events, off street parking will meet the minimum standards established under the Mecklenburg County Ordinance.
2. Parking areas may be constructed inside and outside the building envelopes.

Lighting

1. A uniform lighting system will be employed throughout the Site.
2. All direct lighting within the Site shall be designed such that direct illumination does not extend past any property line. Consideration will be given to the impact of lighting both within and without the perimeter of the Site. Items for consideration will include intensity, cutoff angles, color, energy efficiency and shielding of sources of light, the intent being to minimize glare towards adjacent streets and properties.
3. Parking lot lighting shall be limited to a height of 30'-0" from grade.
4. No lights will be mounted on the building facing the residentially used or zoned property. However, detached lights shielded and directed inwardly would be allowed.

Signs

1. All signs placed on the property will be erected in accordance with the requirements of the City Sign regulations.

Access Points (Driveways)

1. The number of vehicular access points to the retail building site shall be limited to two; namely, one on Harris Blvd., and one on The Plaza.
2. The placement and configurations of each access point are subject to any minor modifications required to accommodate final Site and architectural construction plans and designs and to approval by the North Carolina Department of Transportation and the Mecklenburg County Engineering Department.
3. Access points will be limited to right in, right out movement only.

Fire Protection

1. Adequate fire protection in the form of fire hydrants will be provided to the Fire Marshal's specifications. Plans for fire hydrants will be submitted to the Fire Marshal's office for approval before the construction of that building commences.
2. Fire hydrants will be located within 750 feet of any building constructed on the site.

Right-of-way Dedication

1. An area 50 feet from the centerline of The Plaza, and 100 feet from the centerline of Harris Blvd. shall be dedicated for future use prior to issuance of the first occupancy permit.

Architectural Controls

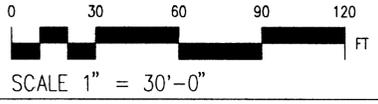
1. All dumpster areas will be screened in accordance with the requirements of the Ordinance. Each dumpster area will be enclosed on all four sides by a wooden fence, block or brick wall with one side being a hinged gate. If one or more sides of the dumpster area adjoin a rear wall of a building, the rear wall may be substituted for the fence along each such side.
2. The rear elevation of the retail building will be constructed of concrete block painted to match the color of the predominant material used in the construction of the front and side elevations.

Storm water Management

1. Storm water runoff from the Site will be managed through a variety of proven techniques which satisfy the standards imposed by the County Engineering Department.

APPROVED BY CITY COUNCIL
DATE OCTOBER 21, 1996

REZONING PLAN



Little & Associates
Architects
5815 Westpark Drive
Charlotte, NC 28217
704-525-6350
704-523-7889 Fax

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CHILDRESS KLEIN PROPERTIES
5800 ONE FIRST UNION CENTER
CHARLOTTE, NORTH CAROLINA

Project Title
**PROPOSED RETAIL BUILDING
THE PLAZA AND HARRIS BLVD., CHARLOTTE, NC**
Rezoning Plan
Petition Number: 96-64

V. P. in Charge
GOPPOLD
Project Architect/Job Captain
GOPPOLD
Drawn By
J.K.E.
Date Drawn
8 AUGUST 96
CADD Dwg. Name
DNV3/03446501/4465RZ01
Revisions
No. **1** Date **12 AUG 96**
No. **2** Date **15 AUG 96**
No. **3** Date **21 AUG 96**
Issue Date

Project Number
03-4465-01
Sheet Of
RZ

FOR PUBLIC HEARING



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 19.File #: 15-2023 Type: Zoning Hearing

Rezoning Petition: 2015-099 by Pappas Properties

Location: Text Amendment to the City of Charlotte Zoning Ordinance to 1) add retail establishments and eating, drinking and entertainment establishments in hotels and motels, office, and multi-family buildings; and 2) add and modify the prescribed conditions when located in an office zoning district, with PED (pedestrian overlay) district designation.

Staff Recommendation:

Staff recommends approval of this petition.

Attachments:

Staff Analysis

Matrix

Text Amendment

REQUEST

Text amendment to Section 9.703

SUMMARY OF PETITION

The petition amends office zoning districts (O-1, O-2, and O-3) to modify the standards for retail, indoor recreation and eating/drinking/entertainment establishments (Type 1 and Type 2) when located in a pedestrian overlay (PED).

Retail, indoor recreation and eating/drinking/entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotels and motels, multi-family buildings, or office buildings.

The proposed modifications to the prescribed conditions for these uses revise the size limitations, external entrances, display of merchandise and amount of exterior signage. The petition will bring these conditions into alignment with the purpose of the Pedestrian Overlay District (PED) by allowing these uses to be designed so they are more pedestrian oriented.

PETITIONER

Pappas Properties

AGENT/REPRESENTATIVE

Walter Fields, III, Walter Fields Group

COMMUNITY MEETING

Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

- The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.

Rationale for Recommendation

- The existing office zoning districts currently limit the size and design of retail, indoor recreation and eating/drinking/entertainment establishments (Type 1 and Type 2) uses in a manner unsupportive of the goals of the Pedestrian Overlay District (PED). The proposed amendment changes certain standards to better support a pedestrian friendly environment and reinforce the purpose of the PED zoning district.
- The proposed amendment increases the amount of allowable retail, indoor recreation and eating/drinking/entertainment establishment uses to encourage more ground floor activation.
- The proposed amendment revises the design standards for external entrances and merchandise display to support active street-oriented retail uses.
- The proposed amendment revises the signage standards to allow for multiple street-oriented tenant signage.
- The proposed amendment clarifies the standards on location of these uses.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The text amendment contains the following provisions:

- Clarifies the requirements for retail, office, eating/drinking/entertainment establishments (EDEE) and indoor recreation located in Office districts (O-1, O-2 and O-3) by adding new subsections that separate the requirements based on whether the use is located in a pedestrian overlay (PED) or not.
- Provides prescribed conditions for retail, office, indoor recreation, and eating/drinking/entertainment establishments (EDEE) in the office zoning districts (O-1, O-2 and O-3) with a

- pedestrian overlay (PED), for:
- Retail and EDEE uses in hotel or motel buildings with at least 75 rooms;
 - Retail, office, indoor recreation and EDEE uses in multi-family buildings with at least 50 units; and
 - Retail and EDEE uses in office buildings that are part of a development with at least 30,000 square feet of office use.
- Allows amount of the retail, office, indoor recreation or EDEE uses as follows:
 - For hotel/motel buildings, retail and EDEEs may occupy up to 20% of the gross floor area of the hotel or motel and only locate on the ground floor, mezzanine or the top floor of any component of the structure. No more than 30% of the allowable floor area provided for these uses to be located on the top floor of any component of the structure. Currently, the square footage allowed for these uses is 75 square feet per room. The existing standards do not limit the location of these uses.
 - For multi-family buildings, retail, office, indoor recreation and EDEE uses may occupy up to 20% of the gross floor area of the multi-family building if the establishment(s) is on the ground floor or mezzanine level. Currently, the square footage allowed for these uses in the office districts is 25 square feet per dwelling unit, up to 10,000 square feet. The existing standards do not limit the location of these uses.
 - For retail establishments and EDEEs in office buildings, these uses may occupy up to 20% of the square footage of the office buildings located within the development if the establishment(s) is on the ground floor or mezzanine level of an office building. Currently the square footage is limited to 20% of the gross floor area on the lot, and does not allow the calculation to be based on the development. In addition, the use is not required to be located within an office building but can be located within the office development.
 - Requires Type 2 EDEEs to be subject to the standard separation requirements for these uses. A Type 2 EDEE is a business where alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.
 - Requires that any rooftop outdoor seating/activity area for an eating/drinking/ entertainment establishment (Type 1 or Type 2) be located at least 250 feet from any residential use (single family, duplex, triplex or quadruplex) or vacant lot located in a single family zoning district. The existing standards require a 100 foot separation for an outdoor seating/activity area operating between the hours of 11:00 PM and 8:00 AM only for an EDEE (Type 2). Currently, there are no supplemental regulations pertaining to rooftop facilities.
 - Permits ground floor retail, office, indoor recreation or EDEE uses to display merchandise that is visible from outside the building. The current zoning text does not allow the merchandise to be visible from outside.
 - Allows ground floor retail, office, indoor recreation or EDEE uses to have entrances external to the building. The current text allows external entrances when these uses are in office or hotels/motels, but does not allow them when the uses are in multi-family buildings.
 - Allows one wall sign up to 16 square feet for each establishment. The existing regulations do not specify the sign size when these are located in multi-family buildings but allow signage per the multi-family district. However, the existing standards limit the signage to 16 square feet for all establishments in office and hotel/motel buildings.
- **Public Plans and Policies**
 - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.
 - **TRANSPORTATION CONSIDERATIONS:** No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

- **Urban Forestry:** No issues.
-

Attachments Online at www.rezoning.org

- Application
- Department Comments
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Retail and Eating, Drinking and Entertainment Establishments in Office Districts with a Pedestrian Overlay District Designation

12-1-15

2015-099

Purpose/Background: The purpose of this text amendment is to modify the office zoning district (O-1, O-2 and O-3) standards for retail uses, indoor recreation and Eating, Drinking, and Entertainment Establishments (Type 1 and Type 2), with most changes related to office zoning with a pedestrian overlay (PED). The retail, indoor recreation, and Eating, Drinking, and Entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotels and motels, multi-family buildings, or office buildings. However, the prescribed conditions limit the size of such uses, prohibit entrances external to the building, prohibit the display of merchandise, and limit the wall signage. The proposed modifications to the prescribed conditions for retail uses, indoor recreation and Eating, Drinking and Entertainment Establishments will bring them into alignment with the purpose of the pedestrian overlay (PED) district by allowing these uses to be designed so they are more pedestrian oriented and to adjust the square footage limitations so they are consistent throughout the office zoning district.

	Current Regulations	Proposed Regulations
<p>Retail and Eating, Drinking and Entertainment Establishments in Hotels and Motels in Office Districts</p>	<ul style="list-style-type: none"> • Retail and Eating, Drinking and Entertainment establishments (Type 1 and Type 2) are permitted as accessory uses, with prescribed conditions in hotels and motels in the office districts. (O-1, O-2 and O-3). Prescribed conditions include: <ul style="list-style-type: none"> • The hotel or motel must have a minimum of 75 rental units; • Gross floor area for the accessory uses is limited to 75 square feet per rental unit; • No merchandise display windows may be visible from outside the building; • No outside storage or display of merchandise is permitted; and • One wall sign is permitted, no larger than 16 square feet. 	<ul style="list-style-type: none"> • Adds a new subsection that allows retail and Eating, Drinking and Entertainment Establishments in hotel or motel buildings when located in the office districts (O-1, O-2 and O-3) and <u>located in a Pedestrian Overlay District (PED)</u>, with prescribed conditions: <ul style="list-style-type: none"> • The use shall occupy no more than 20% of the gross floor area of the hotel or motel, and shall only be located on the ground floor tenant space or on the top floor of any component of the structure, so long as no more than 30% of the floor area provided is located on the roof. • Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units. • Ground floor establishments may have entrances external to the building. • Ground floor establishments may display merchandise. • Each establishment may have one wall sign not to exceed 16 square feet in area. • Locate any rooftop outdoor seating/activity area for an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2) at least 250 feet from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. • Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546: <ul style="list-style-type: none"> • Locate any other (non-rooftop) outdoor seating/activity area, which operates between 11:00 p.m. and 8:00 a.m. and is associated with an Eating, Drinking and Entertainment Establishment (Type 2), at least 100 feet from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district, or provide a Class A buffer if the distance is less than 100 feet. • If outdoor entertainment is associated with an Eating, Drinking and Entertainment Establishment (Type 2) between 11:00 p.m. and 8:00 a.m., a 250-foot separation distance is required from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. However, an adopted Pedscape Plan may establish a different separation distance. Minor

		capitalization and punctuation revisions.
Retail, Office and Eating, Drinking and Entertainment Establishments, and Indoor Recreation in Multi-Family Buildings in Office Districts	<ul style="list-style-type: none"> Retail and office establishments and eating, drinking and entertainment establishments (Type 1 only) and indoor recreation are currently permitted in office districts in multi-family buildings, with prescribed conditions: <ul style="list-style-type: none"> The establishment is located within a building containing at least 50 dwelling units. The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet. The establishment will have no direct public entrance from the outside of the building. No merchandise or display or merchandise will be visible from outside the building. In PED, Type 2 Eating, Drinking and Entertainment Establishments are permitted as an additional use to those allowed in the underlying zoning district. 	<ul style="list-style-type: none"> The current regulations remain unchanged for uses located in multi-family buildings in Office zoning districts. In PED, Type 2 Eating, Drinking and Entertainment Establishments that are a principal use are still permitted as an additional use to those allowed in the underlying district. Adds a new subsection that allows retail, office, and Type 1 Eating, Drinking and Entertainment Establishments, indoor recreation, when located in a multi-family building in an Office district, <u>with a PED district designation</u>, with new prescribed conditions: <ul style="list-style-type: none"> The uses shall occupy no more than 20% of the gross floor area of the multi-family building, and shall be located on the ground floor or a mezzanine located within the ground floor tenant space. The uses may only be located within multi-family buildings that contain at least 50 residential units. Ground floor uses may have external building entrances. Ground floor uses may display merchandise. Each establishment may have one wall sign not to exceed 16 square feet in area. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
Retail and Eating, Drinking and Entertainment Establishments in Office Buildings in Office Districts	<ul style="list-style-type: none"> Retail and eating, drinking and entertainment establishments (type 1 and 2) are allowed in office buildings, with prescribed conditions: <ul style="list-style-type: none"> The principal use of the lot is for office. The principal use of the lot occupies at least 30,000 square feet of floor area. Uses shall occupy no more than 10% of the gross floor area of all buildings on the lot, and shall not exceed 25% of the ground floor area except Eating, drinking and Entertainment Establishments may occupy up to 50% of the ground floor area. Uses located in an Office district (<u>with a PED Overlay designation</u>) shall occupy no more than 20% of the gross floor area of all buildings on the lot and shall only be located on the ground floor. In all districts, except PED, the use must be located within the same building as the principal use, with no direct public entrance to the use from outside the buildings, except for an eating, drinking and entertainment establishment, which may have entrances 	<ul style="list-style-type: none"> The current regulations remain unchanged for retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) located in office buildings in Office zoning districts. Adds a new subsection that allows retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings <u>when located in a Pedestrian Overlay District (PED)</u>, subject to prescribed conditions: <ul style="list-style-type: none"> Uses located in an Office district (with a PED Overlay designation) shall occupy no more than 20% of the gross floor area of the office buildings located in the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space. The uses may only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area. Ground floor uses may have external building entrances. Ground floor uses may display merchandise. Each establishment may have one wall sign not to exceed 16 square feet in area. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546: <ul style="list-style-type: none"> Locate any outdoor seating/activity area, which operates between 11:00 p.m. and 8:00 a.m. and is associated with an Eating, Drinking and Entertainment Establishment (Type 2 only), at least 100 feet from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district, or provide a Class A buffer if the distance is less than 100 feet. If outdoor entertainment is associated with an Eating, Drinking and Entertainment

	<p>external to the building.</p> <ul style="list-style-type: none"> • No merchandise or display of merchandise visible from outside the building housing the proposed use. • One wall sign to identify commercial uses is allowed, provided the sign is no larger than 16 square feet. • Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546. 	<p>Establishment (Type 2) between 11:00 p.m. and 8:00 a.m., a 250-foot separation distance is required from the outdoor seating/activity area to any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. However, an adopted Pedscape Plan may establish a different separation distance.</p>
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Petition #: 2015-099
Petitioner: Pappas Properties

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 7: OFFICE DISTRICTS

- a. Add a new subsections (g) and (h) to Sec. 9.703 (12), "Hotels and motels". Limited revisions made to subsections (a) through (f):

(12) Hotels and motels, subject to the following prescribed conditions ~~provided that:~~

- (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);.
- (b) Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
- (c) Gross floor area for ~~Retail, Eating, Drinking and Entertainment~~ Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;.
- (d) No merchandise or merchandise display window may be visible from outside the building;.
- (e) No outside storage or display of merchandise will be permitted; ~~and~~
- (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.
- (g) Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
- (h) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in hotel or motel buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

- i. Occupy no more than 20% of the gross floor area of the hotel or motel building and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure so long as no more than 30% of the floor area provided is located on the roof.
 - ii. Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
 - iii. Ground floor establishments may have entrances external to the building.
 - iv. Ground floor establishments may display merchandise.
 - v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.
 - vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
 - vii. No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.
- b. Modify Section 9.703 (27), “Retail and Office establishments, Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings” by revising the text and adding a new subsection (b) as follows:
- (27) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings—subject to the regulations of subsection 9.303(25).
- (a) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 only) and Indoor Recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
 - (b) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and Indoor Recreation in multi-family buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
 - i. Occupy no more than 20% of the gross floor area of the multi-family building and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.

- ii. May only be located within multi-family buildings that contain at least 50 residential units.
- iii. Ground floor establishments may have entrances external to the building.
- iv. Ground floor establishments may display merchandise.
- v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.
- vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

c. Amend Sec. 9.703 (28), “Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings” by revising the text and adding a new subsection (b) as follows:

(28) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

(a) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, subject to the following prescribed conditions:

- ~~(a)~~i. The principal use of the lot is for offices;
- ~~(b)~~ii. The principal use of the lot occupies at least 30,000 square feet of floor area;
- ~~(c)~~iii. Retail establishments and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except an Eating, Drinking and Entertainment Establishments may occupy up to 50% of the ground floor area;

~~Retail establishments and Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area on the lot and shall only be located on the ground floor.~~

- ~~(d)~~iv. ~~In all zoning districts, except PED, the proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment. In the PED zoning district, ground floor retail establishments may have entrances external to the building~~
- ~~(e)~~v. No merchandise or display of merchandise will be visible from

outside the building housing the proposed use; ~~and~~

~~(f)~~vi. One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.

~~(g)~~vii. Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(b) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

i. Occupy no more than 20% of the gross floor area of the office buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.

ii. May only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area.

iii. Ground floor establishments may have entrances external to the building.

iv. Ground floor establishments may display merchandise.

v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.

vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 20____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 20____.



Agenda Date: 12/14/2015

Agenda #: 20.File #: 15-2024 Type: Zoning Hearing

Rezoning Petition: 2015-101 by Kolter Acquisitions, LLC

Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)

Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1 (CD) (neighborhood business, conditional)

Proposed Zoning: NS (neighborhood services) 5-year Vested Rights and MX-1 (INNOV) 5-year Vested Rights (mixed use, innovative)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan
- Previously Approved Site Plan

REQUEST	<p>Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1(CD) (neighborhood business, conditional)</p> <p>Proposed Zoning: MX-1 INNOV (mixed use, innovative) and NS (neighborhood services), with five-year vested rights</p>
LOCATION	<p>Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road. (Outside City Limits)</p>
SUMMARY OF PETITION	<p>The petition proposes to develop a large vacant parcel near the intersection of Albemarle and I-485 with:</p> <ul style="list-style-type: none"> • 290,000 square feet of retail, general and medical office uses, eating/drinking/entertainment establishments, personal services and other commercial uses, • a 230-unit independent and dependent nursing home, and • up to 850 age restricted dwelling units.
PROPERTY OWNER	<p>485 Investments, LLC, Lee Security, LLC, Jerry N. Helms and Family Trust, Mary Lynn Rhodes Restated Revocable Trust and Henry Oliver Rhodes, Sr. Revocable Trust</p>
PETITIONER AGENT/REPRESENTATIVE	<p>Kilter Acquisitions LLC Jeff Brown and Keith MacVean, Moore & Van Allen</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6</p>

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p><u>Plan Consistency</u> The request to rezone a portion of the subject property to MX-1 (mixed use) is consistent with the adopted policies in the <i>Albemarle Road/I-485 Interchange Study</i>, which recommends single family land uses between four and eight dwelling units per acre.</p> <p>A portion of the area proposed for NS (neighborhood services) is consistent with the adopted policy's recommendation for retail and a mix of residential, office, and retail uses. However, the remaining area proposed for NS is inconsistent with the plan's recommendation for residential uses up to eight units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485. • In light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road. • The proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provides a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services. • This commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485
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plan envisioned for residents of this area.

- The single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space.

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Site consists for Development Areas A, B and C.
- The site plan allows for up to 290,000 square feet of office, retail, eating/drinking/entertainment establishments and personal services, 850 age restricted residential units, and a continuing care retirement community (CCRC) with up to 230 dependent or independent units.
- The overall MX-1 residential portion allows for a density of 2.5 acres per unit.
- Development Area A (MX-1 Innovative District)
 - Allows up to 850 detached age restricted dwelling units, of which up to 150 dwelling units could be duplex units together with accessory uses allowed in the district such as community areas including pool and club house, customary home occupations, fences and walls, and outdoor lighting.
 - Innovative Provisions to allow preservation of natural features and open space:
 - (i) Decrease the minimum lot size from 10,000 square feet to 3,800 square feet for single family detached lots.
 - (ii) Decrease the minimum lot width from 70 feet to 35 feet for interior single family detached lots and a minimum lot width of 40 feet for single family detached exterior lots.
 - (iii) Decrease the minimum front setback from 30 feet to 10 feet as measured from the proposed right-of-way of public streets. If a driveway is to be used to provide additional parking, the minimum setback from the back of the sidewalk will be enough not to block the sidewalk.
 - (iv) Decrease the minimum interior rear yard from 45 feet to 20 feet.
 - (v) Ability to allow single family lots to front on private streets. Any private streets used will not be gated.
 - (vi) Reserve the right to modify the aforementioned innovative provisions or seek other innovative development standards in the future pursuant to the applicable process set forth in the ordinance.
- Development Area B (NS District)
 - Allows up to 130,000 square feet of gross floor area of retail, eating/drinking/entertainment establishments, and personal services; up to 60,000 square feet of gross floor area of general and medical office uses; and, accessory uses such as accessory buildings, fences, walls, and lighting allowed in the district.
 - Allow up to two uses with accessory drive-through windows. However, only one eating/drinking/entertainment establishment with an accessory drive-through is allowed.
- Development Area C (NS District)
 - Allows up to 100,000 square feet of general and medical office uses or a nursing home consisting of dependent and independent units up to 230 units.
 - The allowed number of nursing home units in Development Area C may be increased by 100 units by transferring and converting residential dwelling units from the MX-1 in Area A.
- Building Design and Architecture
 - Maximum building height limited to four stories and 60 feet in the NS (neighborhood services) district (Areas B and C), and minimum height of 22 feet.
 - Designation of materials for principal buildings.
 - Buildings in Development Areas B and C, which are proposed to be NS (neighborhood service), will be designed so that building facades orient to the new or existing streets, will not have lengths of uninterrupted blank walls over 20 feet, will have extensive transparent glass, and will have prominent principal entrances.
- Transportation, Streetscape, and Parking
 - Site access provided via Albemarle Road, Rocky River Church Road and Old Iron Lane, in addition to other public street extensions and connections made from the site to adjoining properties.
 - Parking and maneuvering prohibited between the building and Street #1, #2, #3 and #5 in Development Areas B and C, except the building located at the corner of Rocky River Church

- Road and Albemarle Road may have parking and maneuvering between the building and Street #3.
- Eight intersection improvements associated with the development and development will be phased and linked to substantial completion of roadway improvements.
 - A sidewalk and crosswalk network along internal streets that links all principal buildings with one another.
 - Open Space/Environment
 - A series of passive and active open space areas throughout the residential community in Areas A, B and C.
 - A portion of the 100-foot Surface Water Improvement Management Buffer (SWIM buffer) will be dedicated to Mecklenburg County Parks and Recreation.
 - Storm water detention and water quality areas located along an interior public street will be landscaped to create an attractive street edge.
 - **Existing Zoning and Land Use**
 - The majority of the property is vacant. The remaining portions are developed with three single-family structures, and an eating/drinking/entertainment establishment (EDEE) approved under petition 2007-133.
 - There are multiple zoning classifications and land uses along this section of Albemarle Road. They include:
 - R-3 (single family residential) developed with rural residences or vacant land for the properties to the north of the site and east of I-485;
 - O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) which is undeveloped but zoned for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485; and
 - R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional) and B-1(CD) (neighborhood business, conditional) zoning with single family dwellings, multi-family residential, an eating/drinking/entertainment establishment and vacant property to the west and across Rocky River Church Road.
 - Mint Hill's jurisdiction is located to the south across Albemarle Road.
 - See "Rezoning Map" for existing zoning in the area.
 - **Rezoning History in Area**
 - Petition 2014-69 rezoned approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.
 - Petition 2007-133 rezoned 1.98 acres located on the north side Albemarle Road between I-485 and Rocky River Church Road to B-1(CD) to allow reuse of an existing one story 1,800 square building as a restaurant/office/retail use.
 - **Public Plans and Policies**
 - *Albemarle Road/I-485 Interchange Study* (2003) recommends single family land uses at between four and eight dwelling units per acre for portions of the subject property, and a mix of residential, office, and retail for a portion.
 - *General Development Policies-Environment*
 - **TRANSPORTATION CONSIDERATIONS**
 - This rezoning petition will generate a significant amount of traffic under the proposed uses. The petitioner has completed a traffic impact study, which has been reviewed by both CDOT and NCDOT. The rezoning petition includes the recommended off-site traffic mitigations from the traffic study, which includes various improvements along Albemarle Road, Rocky River Church Road, Camp Stewart Road, and at the intersection of Camp Stewart Road and Harrisburg Road. From a design perspective, the plan implements the recommended street network that has been planned for the east side of the I-485/Albemarle Road interchange.
 - **Vehicle Trip Generation:**
 - Current Zoning: 12,075 trips per day (based on a mix of residential, institutional and retail uses)
 - Proposed Zoning: 17,560 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.

- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 806 students, while the development allowed under the proposed zoning will produce 615 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students. Although there is no net increase in the number of students over the current zoning, the proposed development will increase the school utilization over current conditions. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Clear Creek Elementary from 127% to 177%
 - Northeast Middle from 84% to 99%
 - Rock River High from 98% to 109%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No comments received.
- **Engineering and Property Management:** See Outstanding Issues, note 3.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, note 4.

OUTSTANDING ISSUES

Site and Building Design

1. Add a note committing to a minimum of 40,000 square feet of open space in the neighborhood services (NS) portion of the site.
2. Add a note that commits to features that will be placed in the open space in the neighborhood services (NS) portion of the site.

Environment

3. Show tree save areas on the rezoning plan. Add note that site will comply with the requirements of the City of Charlotte Tree Ordinance.
4. Amend Note 12 to specify that dedication and conveyance of the 100-foot SWIM buffer shall occur prior to the issuance of the first certificate of occupancy, and that storm water detention/water quality facilities shall not be located within the dedication area.
5. Commit to maintain the creek that runs through the site.

REQUESTED TECHNICAL REVISIONS

1. Delete Note 10c related to signage if the area is to be treated as a planned unit development as noted in "General Provisions," Note c.
2. Delete the definition of gross floor area under Note 3.
3. Amend Notes 5f and 5g to add the following: "Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT."
4. Amend Note 6b to state "primary" entrance.
5. Add cell towers to the list of permitted uses.
6. Clarify the transfer notes for the continuing care retirement center units in note 3f under Permitted Uses.
7. Change all references to "multi-family" to "continuing care retirement center (CCRC)."

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

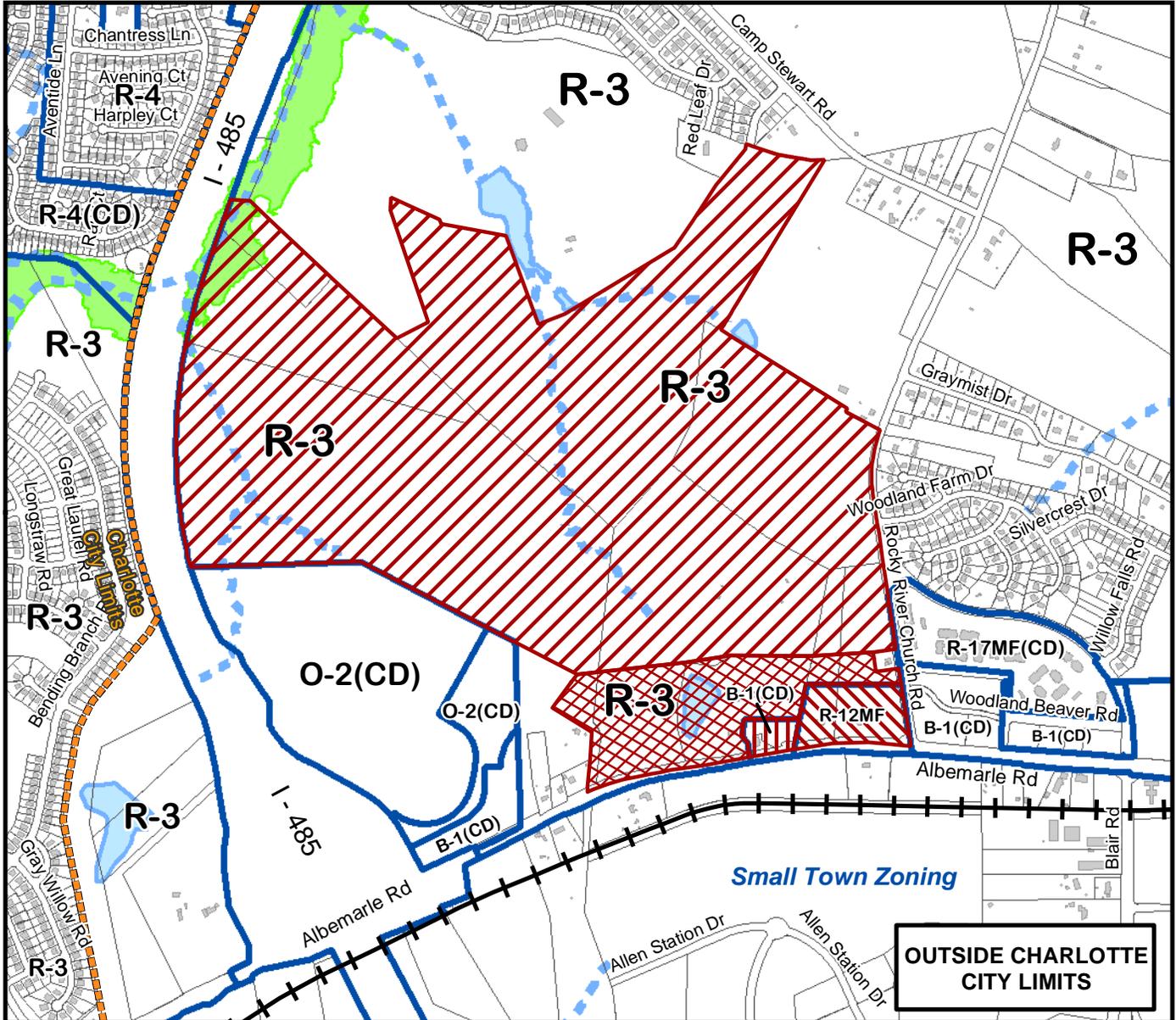
Petition #: **2015-101**

Petitioner: **Kolter Acquisitions, LLC**

Zoning Classification (Existing): **R-3, R-12MF, & B-1(CD)**
(Single Family, Residential; Multi-Family, Residential; and General Business, Conditional)

Zoning Classification (Requested): **NS 5-Year Vested Rights & MX-1(INNOV) 5-Year Vested Rights**
(Neighborhood Services, Five Year Vested Rights and Mixed Use, Innovative, Five Year Vested Rights)

Acreage & Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 6-29-2015.

0 400 800 1,600 2,400 3,200 Feet



Zoning Map #(s)

97

- Requested NS 5-Year Vested Rights from R-3
- Requested MX-1(INNOV) 5-Year Vested Rights from R-3
- Requested NS 5-Year Vested Rights from R-12MF
- Requested NS 5-Year Vested Rights from B-1(CD)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District

CRESSWIND REZONING PETITION NO. 2015-101

ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

SHEET INDEX:

RZ-1.0	COVER SHEET
RZ-2.0	TECHNICAL DATA SHEET
RZ-3.0	SCHEMATIC SITE PLAN
RZ-4.0	DEVELOPMENT STANDARDS
RZ-5.0	OPEN SPACE PLAN

LAND OWNERS

485 Investments LLC
6700 Fairview Road
Charlotte, NC 28210

Lee Security Partnership
6209 Windy Knoll Lane
Charlotte, NC 28227

Henry Oliver Rhodes, Sr.
Mary L. Rhodes c/o John Rhodes
13849 Beatties Ford Road
Huntersville, NC 28078

Jerry N. Helms Family Trust
11901 Albemarle Road
Charlotte, NC 28227

PETITIONER

Kolter Acquisitions, LLC
701 S. Olive Avenue, Suite 104
West Palm Beach, FL 33401
Contact: John Morgan
Phone #: 843.696.6907

**LANDSCAPE ARCHITECT/
CIVIL ENGINEER**

LandDesign, Inc.
223 North Graham St.
Charlotte, NC 28202
Contact: Mark Kime
Phone #: 704.333.0325

SURVEYOR

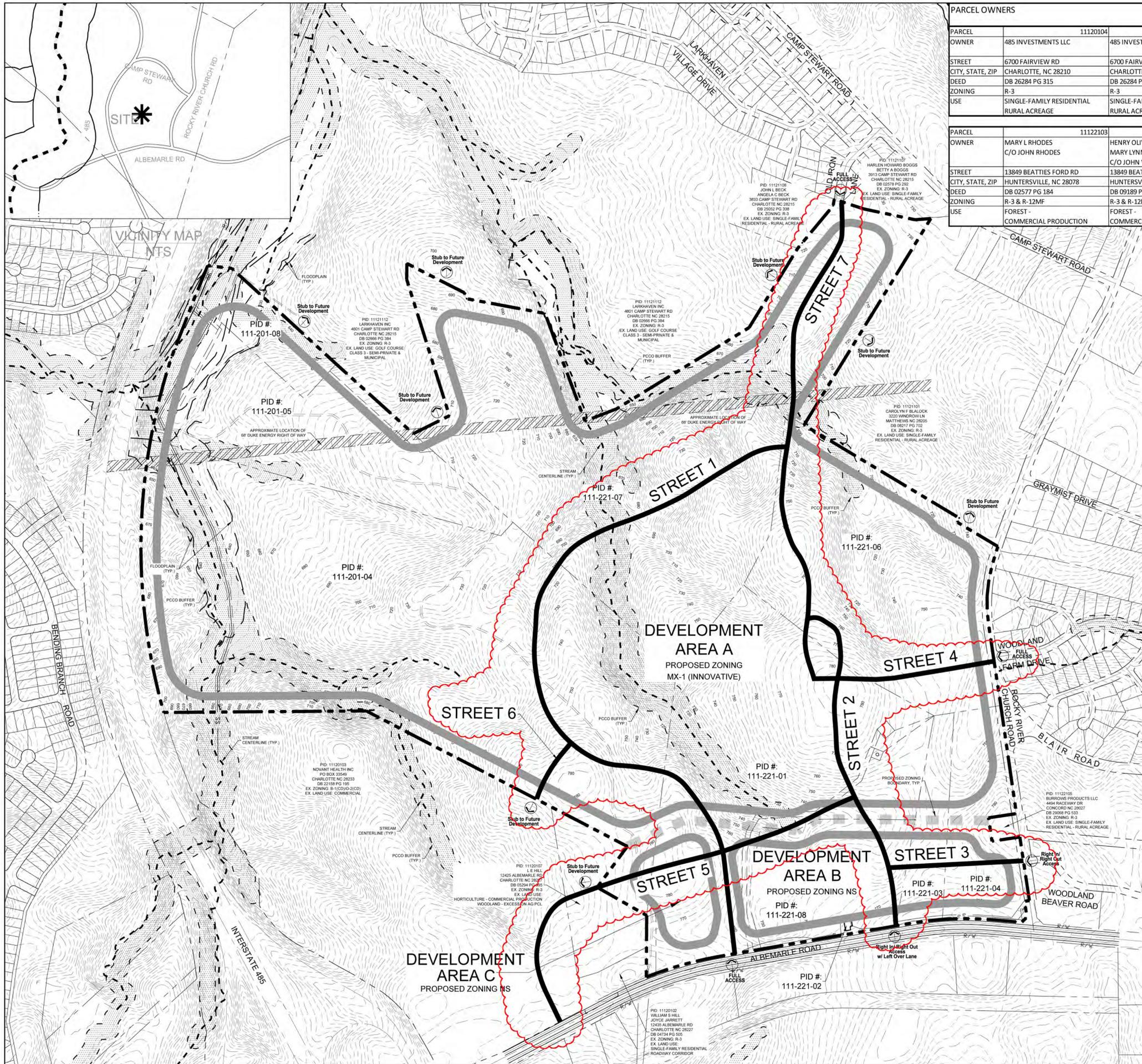
LDSI, INC
508 W. 5th Street, Suite 125
Charlotte, NC 28202
Contact: David Boyles
Phone #: 704.337.8329



**CRESSWIND
REZONING PETITION NO. 2015-101**
KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
COVER SHEET

REVISIONS:
09-21-15 REVISE PER STAFF COMMENTS
11-13-15 REVISE PER STAFF COMMENTS

DATE: JUNE 18, 2015
DESIGNED BY: KST
DRAWN BY: MEK
CHECKED BY: KST
SCALE: NTS
PROJECT #: 1014398
SHEET #:
RZ-1.0



PARCEL OWNERS

PARCEL	1112014	1112015	1112018	11122101	11122102
OWNER	485 INVESTMENTS LLC	485 INVESTMENTS LLC	485 INVESTMENTS LLC	LEE SECURITY PARTNERSHIP	JERRY N HELMS FAMILY TRUST
STREET	6700 FAIRVIEW RD	6700 FAIRVIEW RD	6700 FAIRVIEW RD	9117 CASTLE GARDEN LN	11901 ALBEMARLE RD
CITY, STATE, ZIP	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28210	CHARLOTTE, NC 28215	CHARLOTTE, NC 28227
DEED	DB 26284 PG 315	DB 26284 PG 315	DB 26284 PG 315	DB 08403 PG 147	DB 27950 PG 406
ZONING	R-3	R-3	R-3	R-3	B-1(CD)
USE	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	FOREST - COMMERCIAL PRODUCTION	COMMERCIAL

PARCEL	11122103	11122104	11122106	11122107	11122108
OWNER	MARY L RHODES C/O JOHN RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	HENRY OLIVER RHODES SR MARY LYNN WALKER RHODES C/O JOHN W RHODES	485 INVESTMENTS LLC	JERRY N HELMS FAMILY TRUST
STREET	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	13849 BEATTIES FORD RD	6700 FAIRVIEW RD	11901 ALBEMARLE RD
CITY, STATE, ZIP	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	HUNTERSVILLE, NC 28078	CHARLOTTE, NC 28210	CHARLOTTE, NC 28227
DEED	DB 02577 PG 184	DB 09189 PG 603	DB 09189 PG 606	DB 26284 PG 315	DB 27950 PG 406
ZONING	R-3 & R-12MF	R-3 & R-12MF	R-3	R-3	R-3 & B-1(CD)
USE	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	FOREST - COMMERCIAL PRODUCTION	GOLF COURSE CLASS 3 - SEMI-PRIVATE & MUNICIPAL	SINGLE-FAMILY RESIDENTIAL RURAL ACREAGE

DEVELOPMENT SUMMARY

PETITIONER: KOLTER ACQUISITIONS, LLC
 701 S. OLIVE AVE, SUITE 104
 WEST PALM BEACH, FL 33401
 CONTACT: JOHN MORGAN
 (843) 696-6907
 JDMORGAN@KOLTER.COM

ACREAGE: ± 371.00 ACRES

TAX PARCEL #S: 111-201-04, 05 AND 08; AND 111-221-01 THRU 04; AND 111-221-06 THRU 08.

EXISTING ZONING: R-3, R-12MF AND B-1(CD)

PROPOSED ZONING: MX-1 (INNOVATIVE) AND NS WITH FIVE (5) YEARS VESTED RIGHTS

EXISTING USES: VACANT LAND, SINGLE-FAMILY HOMES AND A RESTAURANT.

PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE NS ZONING DISTRICT ON THE PORTION OF THE SITE ZONED NS AND USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MX-1(INNOVATIVE) ZONING DISTRICT ON THE PORTION OF THE SITE ZONED MX-1 (INNOVATIVE) (AS MORE SPECIFICALLY DESCRIBED AND RESTRICTED BELOW IN SECTION 3).

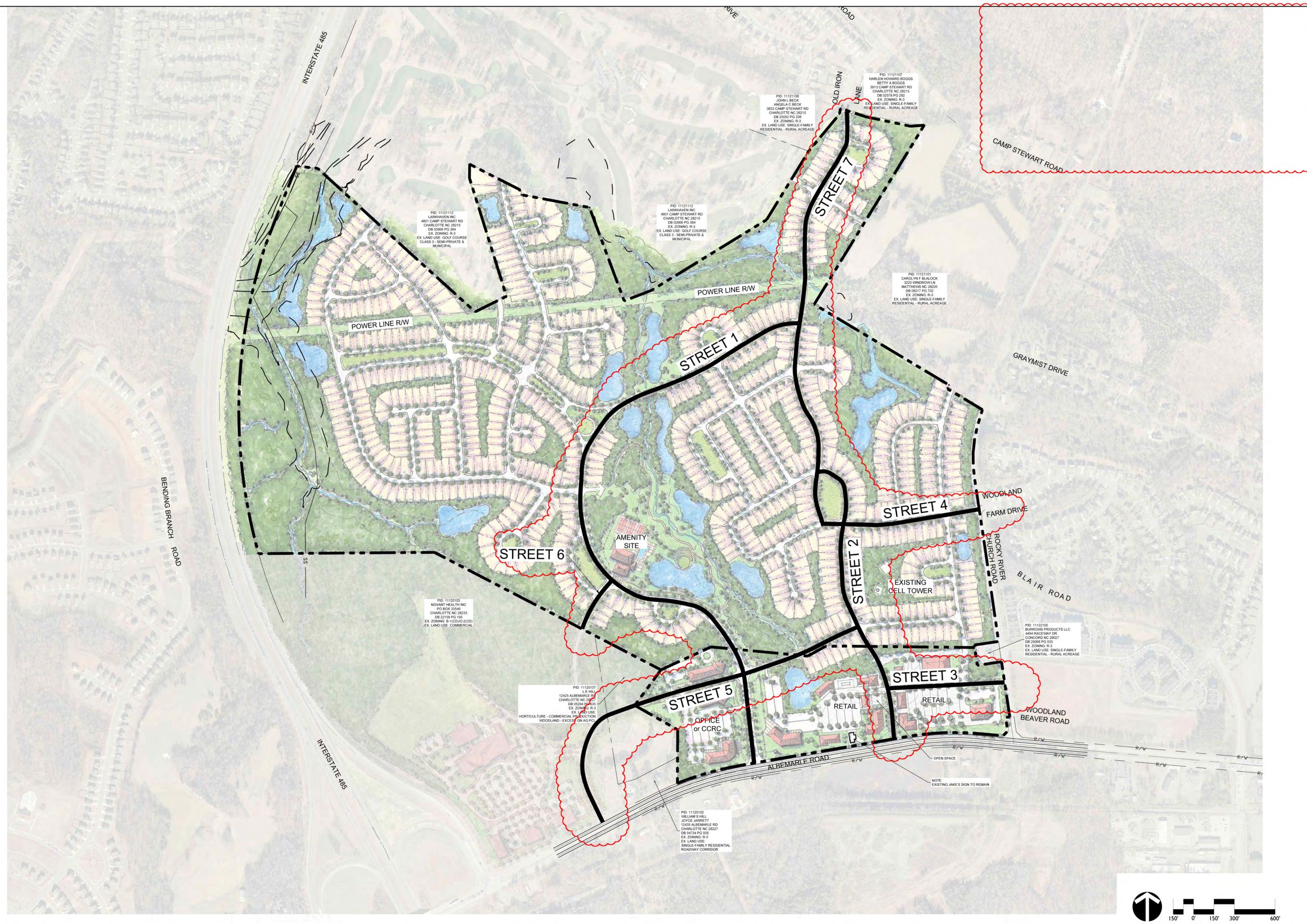
MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT: WITHIN THE NS ZONING DISTRICT UP TO: (I) 290,000 SQUARE FEET OF GROSS FLOOR AREA OF RETAIL, GENERAL AND MEDICAL OFFICE USES, EATING DRINKING ENTERTAINMENT ESTABLISHMENTS (EDEE), PERSONAL SERVICES, AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW IN SECTION 3); (II) A CONTINUING CARE RETIREMENT COMMUNITY (CCRC) WITH UP TO 230 UNITS (A CCRC IS A NURSING HOME MADE UP BOTH INDEPENDENT AND DEPENDENT LIVING FACILITIES); AND (III) 12 SINGLE-FAMILY HOMES WITHIN THE MX-1(INNOVATIVE) ZONING DISTRICT UP TO 850 AGE RESTRICTED (AS DEFINED BY THE DEPARTMENT OF HUD) DETACHED DWELLING UNITS, OF WHICH UP TO 150 DWELLING UNITS COULD BE DUPLEX TYPE UNITS (ONE-FAMILY ATTACHED FOR SALE) SUBJECT TO THE LIMITATIONS AND INNOVATIVE PROVISIONS DESCRIBED BELOW.

MAXIMUM BUILDING HEIGHT: IN THE AREA ZONED MX-1(INNOVATIVE), BUILDING HEIGHT AS SPECIFIED BY THE ORDINANCE WILL BE ALLOWED. IN THE AREA ZONED NS, BUILDING HEIGHTS WILL BE LIMITED TO A MAXIMUM OF FOUR (4) STORIES AND 60 FEET. BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE.

PARKING: AS REQUIRED BY THE ORDINANCE.

SITE LEGEND

- SITE ACCESS
- ZONING LINE
- DEVELOPMENT AREA



CRESSWIND
REZONING PETITION NO. 2015-101
 KOLTER ACQUISITIONS, LLC; MECKLENBURG COUNTY, NORTH CAROLINA
SCHEMATIC SITE PLAN





PASSIVE OPEN SPACE

- ENVIRON. AREAS/TREESAVE
- BUFFERS
- SLOPES
- GENERAL OPEN SPACE
- PONDS

MINIMUM: 15%

ACTIVE OPEN SPACE

- AMENITY AREAS
- POCKET PARKS
- TRAILS
- FIELDS
- HARDSCAPE
- AMENITIZED PONDS

MINIMUM: 8%



Previously
Approved
Site
Plan

DEVELOPMENT NOTES:

- Development of the site will be controlled by the standards depicted on this site plan and by the standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases.
- Lighting will comply with existing lighting code. Wall packs will not be permitted.
- Signage will be permitted in accordance with applicable Zoning standards.
- There are no S.W.I.M. buffers on site.
- Any jurisdictional wetlands or streams, if present, need to be protected or proper environmental permits obtained prior to their disturbance. The following agencies shall be contacted prior to construction regarding wetland and water quality permits if applicable:
Section 401 Permit NCDEHNR - Raleigh Office (919)733-1786
Section 404 Permit US Army Corps of Engineers (704)271-4854
- Petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.
- New impervious area will be less than or equal to 20,000 sf.
- Planters will be placed as depicted on the plan to prevent vehicle maneuvering/circulation in front of the building. The planters will be anchored in such a way to prevent them from being moved.
- The petitioner shall seek approval for an alternate buffer or a variance for the proposed 16' buffer shown.
- Proposed 6' sidewalk along Albemarle Road to be installed by the petitioner. This sidewalk may meander to minimize grades. A sidewalk easement will be recorded from 2' outside the sidewalk to the Right-of-Way.
- Maintain existing trees in the required buffer areas.

25' BUFFER (25% REDUCTION FOR FENCE OR BERM) SHALL BE PLANTED WITH 7 TREES AND 40 SHRUBS PER 100 FT. PER SECTION 12.302

Storm Water Quantity Control

The petitioner shall tie-in to the existing storm water system(s). The petitioner shall have the receiving drainage system(s) analyzed to ensure that it will not be taken out of standard due to the development. If it is found that development will cause the storm drainage system(s) to be taken out of standard, the petitioner shall provide alternate methods to prevent this from occurring.

Storm Water Quality Treatment - Source: BMP recommendation taken from "Post-Construction Ordinance Stakeholders' Group Final Report"

For projects with defined watersheds greater than 24% built-upon area, construct water quality best management practices (BMPs) to achieve 85% Total Suspended Solid (TSS) removal for the entire post-development runoff volume for the runoff generated from the first 1-inch of rainfall. BMPs must be designed and constructed in accordance with the N.C. Department of Environment and Natural Resources (NCDENR) Best Management Practices Manual, April 1999, Section 4.0 (Design Standards shall be met according to the City of Charlotte Best Management Practices Manual, when available). Use of Low Impact Development (LID) techniques is optional.

Volume and Peak Control - Source: Volume Control and Peak Control Downstream Analysis taken from "Post-Construction Ordinance Stakeholders' Group Final Report".

For projects with defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.

For residential projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms, or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency. "Residential" shall be defined as "A development containing dwelling units with open yards on at least two sides where land is sold with each dwelling unit."

For commercial projects with greater than 24% BUA, control the peak to match the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-yr, 6-hour storms.

For commercial projects with less than or equal to 24% BUA, but greater than one acre of disturbed area, control the peak to match the predevelopment runoff rates for the 2 and 10-yr, 6-hr storm.

Additional Notes:

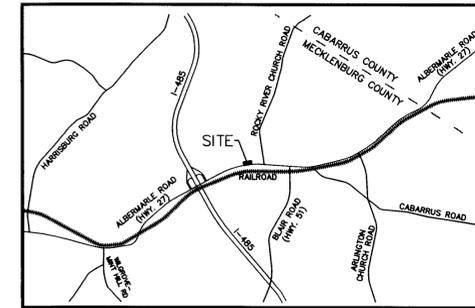
The following agencies must be contacted prior to construction regarding wetland and water quality permits:

Section 401 Permit NCDEHNR - Raleigh Office (919) 733-1786
Section 404 Permit US Army Corps of Engineers (704) 271-4854

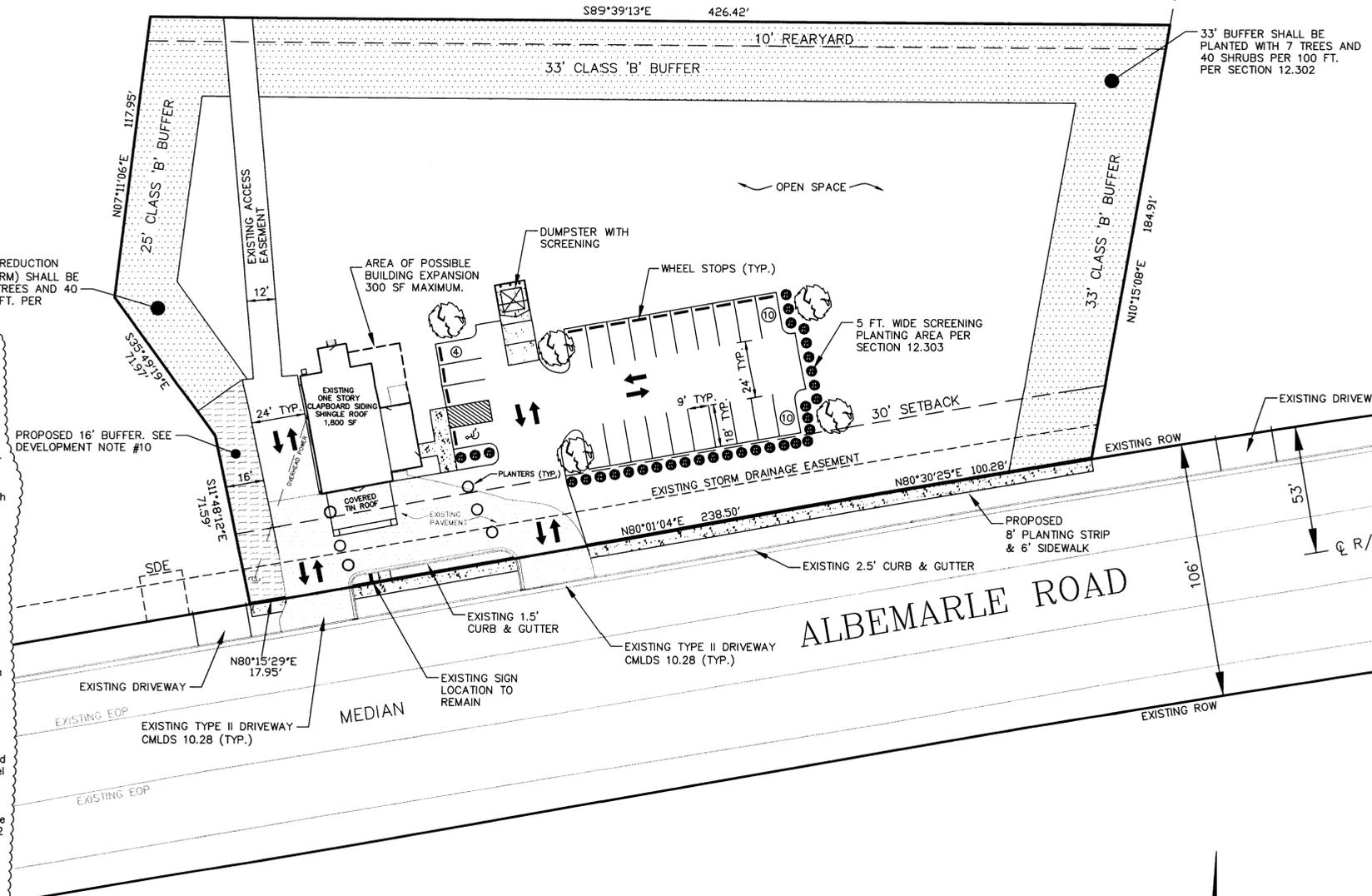
PROJECT INFORMATION

TOTAL SITE AREA - 1.98 ACRES
EXISTING ZONING - R-3
PROPOSED ZONING - B1(CD)
OPEN SPACE - 1.25 ACRES (63%)
PROPOSED USE - RESTAURANT/OFFICE/RETAIL (1800 SF)
PARKING - 24 SPACES REQUIRED
24 SPACES PROVIDED
TAX PARCEL #111-221-02, 111-221-08

NOW OR FORMERLY
MARGARET SUE LEMMOND HELMS
DB: 4819-001
PARCEL ID#: 111-221-08
ZONED: R3



NOW OR FORMERLY
HENRY O RHODES
& MARY L RHODES
DB: 2577-184
PARCEL ID#: 111-221-03
ZONED: R12-MF



NOW OR FORMERLY
WOODROW M ALLEN FAMILY
PROPERTIES LLC
DB: 11797-421
PARCEL ID#: 137-152-04
ZONED: R (MINT HILL)

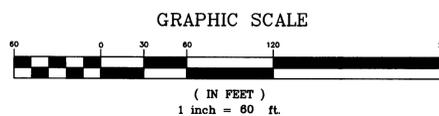
APPROVED BY
CITY COUNCIL
NOV 19 2007

NO.	DATE	DESCRIPTION	BY
3	11/19/07	ADDED STORMWATER NOTES PER CMSWS	MRV
2	11/16/07	REVISED NOTE #8 PER CDDT	MRV
1	10/23/07	PER CITY OF CHARLOTTE COMMENTS	MRV

SCHEMATIC SITE PLAN

HELMS PROPERTY
CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
FOR: JERRY N. HELMS
DATED: 10/01/07
SCALE: 1" = 30'

FOR PUBLIC HEARING
REZONING PETITION #2007-133



YARBROUGH-WILLIAMS & HOULE, INC.
Planning • Surveying • Engineering
730 Windsor Oak Court (28273) P.O. Box 7007 (28241)
Charlotte, North Carolina
704.556.1990 704.556.0505(fax)



Agenda Date: 12/14/2015

Agenda #: 21.File #: 15-2027 Type: Zoning Hearing

Rezoning Petition: 2015-123 by Bainbridge Communities Acquisition I, LLC

Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive. (Council District 3 - Mayfield)

Current Zoning: I-1 (light industrial) and TOD-M (transit oriented development-mixed use)
Proposed Zoning: TOD-RO (transit oriented development-residential, optional)

Staff Recommendation:

Staff recommends approval upon resolution of requested technical revisions and outstanding issues related to streetscape and building elevations.

Attachments:

Staff Analysis
Vicinity Map
Rezoning Map
Site Plan

REQUEST	Current Zoning: I-2 (general industrial) and TOD-M (transit oriented development - mixed-use) Proposed Zoning: TOD-RO (transit oriented development - residential, optional)
LOCATION	Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to redevelop an existing commercial building and truck parking lot to a new development with up to 210 multi-family dwelling units with accessory uses, located within ¼ mile of the LYNX light rail station at New Bern.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Charlotte Bottling, LLC & McRee Family Property-South Blvd, LLC Bainbridge Communities Acquisition I, LLC Jim Guyton/Design Resource Group
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION	<p>Staff recommends approval upon resolution of requested technical revisions and outstanding issues related to streetscape and building elevations.</p> <p><u>Plan Consistency</u> The petition is consistent with the <i>New Bern Transit Station Area Plan</i> recommendation for transit supportive development.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The petition will replace existing under-utilized land with new residential units, providing increased density in a transit corridor. • The site is within a ¼ mile walk distance of the New Bern LYNX station, thereby encouraging rapid transit use. • The development will activate South Boulevard and the Rail Trail with ground floor residential uses and storefront-type lobby/leasing and common areas with direct connections to the sidewalk and multi-use path. • The project meets or exceeds the TOD street wall requirements for enlivening the public realm through the use of clear glass windows and doors. • The site is approximately ¼ mile from both the South Boulevard Publix Supermarket and the developing Sedgefield Harris Teeter Supermarket, enabling residents to shop without having to use a car, thereby reducing vehicle miles driven. • The optional request for additional 10 feet of building height is supported because the nearest single family zoning district is at least 330 feet from the subject site's setback line. It is across the 60' pavement width of South Boulevard, a major thoroughfare, and further separated from South Boulevard by two B-2 commercially zoned parcels. The additional requested building height will have little to no impact on this single family neighborhood.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Demolition of an existing single story commercial building (built in 1950) and a surface truck parking lot.
 - Development of a multi-family building with up to 210 residential units.

- Five residential floors above two levels of podium structured parking with two separate vehicle entrances. The lower parking level is accessed from South Boulevard and the upper level from Poindexter Drive.
- An optional request to exceed the TOD permitted height plane by ten feet. The maximum building height is 84 feet. This height exceeds the TOD height plane by approximately seven feet near the corner of South and Poindexter. The permitted height increases as it moves further away from South Boulevard; therefore, this point represents the greatest deviation from the TOD-permitted building height.
- Existing eight-foot planting strip and eight-foot sidewalk on Poindexter Drive which was installed by the previous owner when it was developed under TOD standards.
- Existing 12-foot multi-use trail, seven-foot planting strip, decorative rail fence, and pedestrian lights on Rail Trail frontage, installed by the previous owner and by the City's SCIP (South Corridor Infrastructure) program.
- New streetscape improvements with recessed on-street parking along South Boulevard as per the adopted streetscape plan.
- Active ground floor uses (residential units and leasing/club/common areas) along the full length of the Rail Trail and South Boulevard sides of the building and along more than 50% of the Poindexter Drive side.
- Individual sidewalk connections from the ground floor residential units fronting the Rail Trail.
- Private fenced yard areas between the residential units and the Rail Trail.
- Tall floor-to-ceiling heights (17 to 18 feet) at ground floor on South Boulevard elevation to mimic retail uses.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with an existing industrial office and parking lot and is zoned I-2 (general industrial) and TOD-M (transit oriented development - mixed-use).
 - Most of the surrounding properties are zoned conventional and conditional TOD-M (transit oriented development - mixed-use) and TOD-MO (transit oriented development - mixed-use, optional), and MUDD-O (mixed use development, optional) and are developed with, or planned for, transit supportive uses, including multi-family and retail uses.
 - There is a property directly across South Boulevard with has retained B-2 (general business) zoning and is developed with automobile oriented commercial uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Since the construction of the LYNX Blue Line and the light rail station at New Bern Street, there have been a number of rezonings around the station to primarily conventional TOD-M (transit oriented development - mixed-use), as well as conditional and optional MUDD (mixed use development), to allow transit supportive development.
 - Recent rezonings close to the site include:
 - Petition 2015-102 to TOD-M (transit oriented development - mixed-use) by Lennar Multifamily Communities for the Pepsi Bottling site.
 - Petition 2014-064 to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) by Marsh Properties, LLC for a retail and multi-family portion of the Sedgfield neighborhood to allow a mixed use development.
- **Public Plans and Policies**
 - The *New Bern Transit Station Area Plan* (2008) recommends transit supportive - mixed uses for the subject site and surrounding properties. Appropriate uses include office, multi-family residential and retail uses designed to support walkability and transit use.
 - The petition supports the *General Development Policies-Environment* by providing transit-supportive development and by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
 - Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, CDOT supports intense development in close proximity to rail transit stations. Pedestrian and bicycle access to this site and to the light rail station are provided via continuous connectivity along the rail trail. The primary transportation goal for this site is to implement the area plan recommendations. This site achieves this goal by constructing the on-street parking, bike lane, planting strip and sidewalk along South Boulevard.
 - **Vehicle Trip Generation:**
 - Current Zoning: 60 trips per day (based on warehouse use)
 - Proposed Zoning: The proposed zoning allows for a variety of uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 186 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 186 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
 - Sedgefield Elementary from 86% to 112%,
 - Sedgefield Middle from 104% to 111%,
 - Myers Park High from 113% to 114%.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

OUTSTANDING ISSUESSite and Building Design

1. Modify the optional request for height and list the total proposed height in feet.
2. Modify door for proposed roll containers with a decorative window or decorative architectural element. Modify and relocate proposed rollout cart path alongside of the proposed driveway.
3. Replace planting strip with hardscape adjacent to on-street parking along South Boulevard.
4. Clarify and show if proposed wall or fence will be provided for residential units at ground level along South Boulevard.
5. Modify residential building elevation along South Boulevard to provide a storefront appearance to allow for potential future conversion to commercial or live-work.
6. Modify building elevation along Poindexter Drive to provide active uses, artwork, and/or opaque glazing to enhance proposed screened parking.
7. Stairway access doors facing Poindexter Drive should include clear glass windows.
8. Provide north facing building elevation and show how cars parked on all levels will be screened from view from the street and the transitway.
9. Ensure that all doors shown on the elevation drawings correspond with doors on the site plan, and vice versa.

REQUESTED TECHNICAL REVISIONS

1. Label 24-foot setback from future back of curb along South Boulevard.
2. Show and indicate that trees provided along South Boulevard will be placed in curbed planters.
3. Petitioner should remove the word "potential" from the proposed sidewalk connections from the ground floor units to the rail trail.

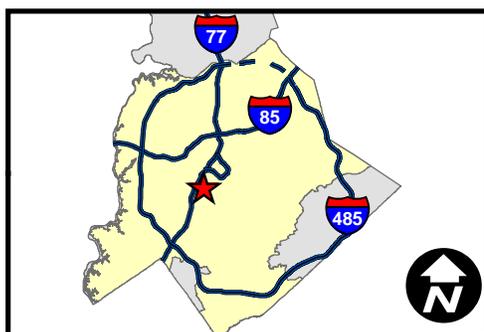
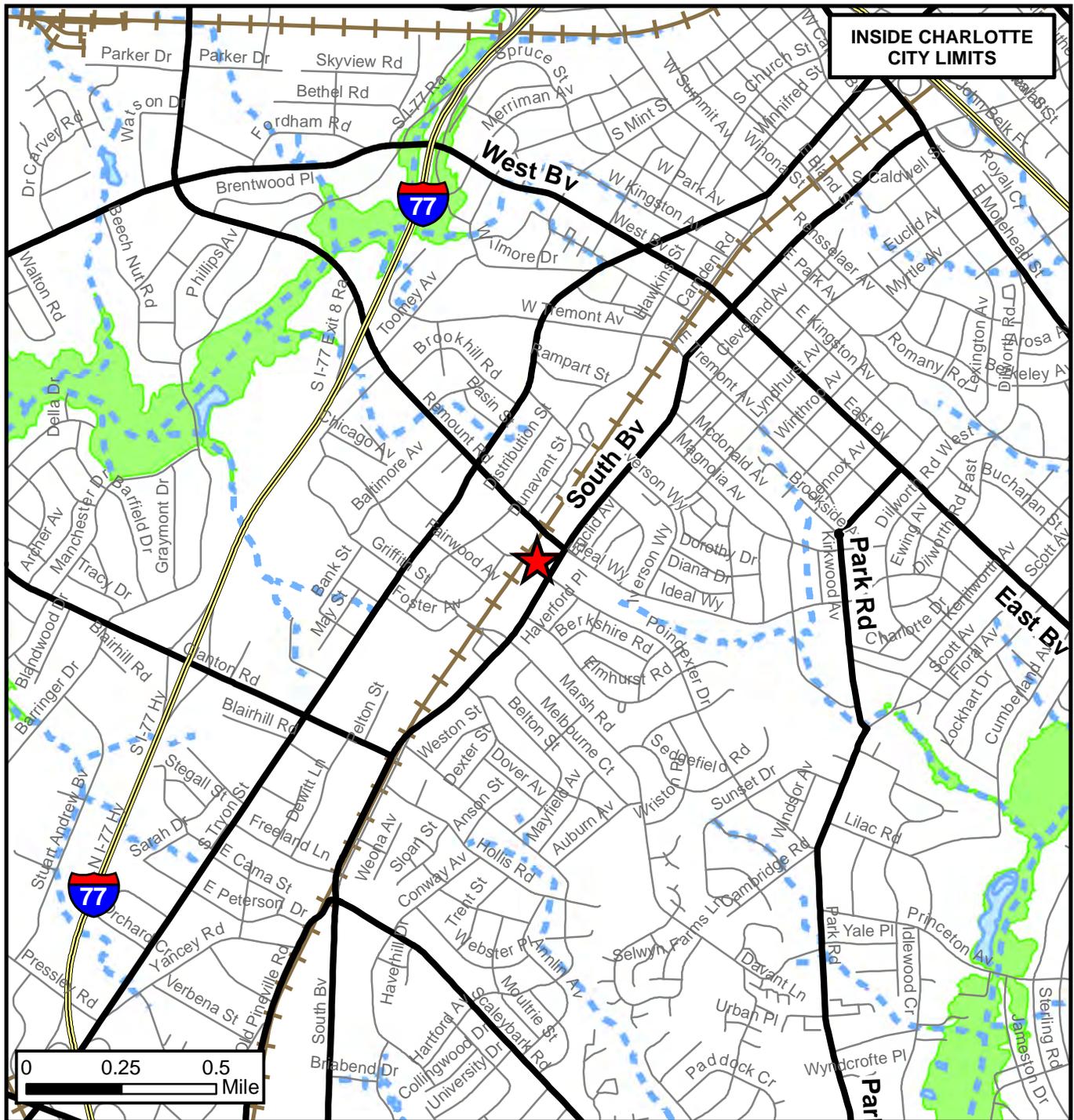
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review

- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326

Acreage & Location : Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive.



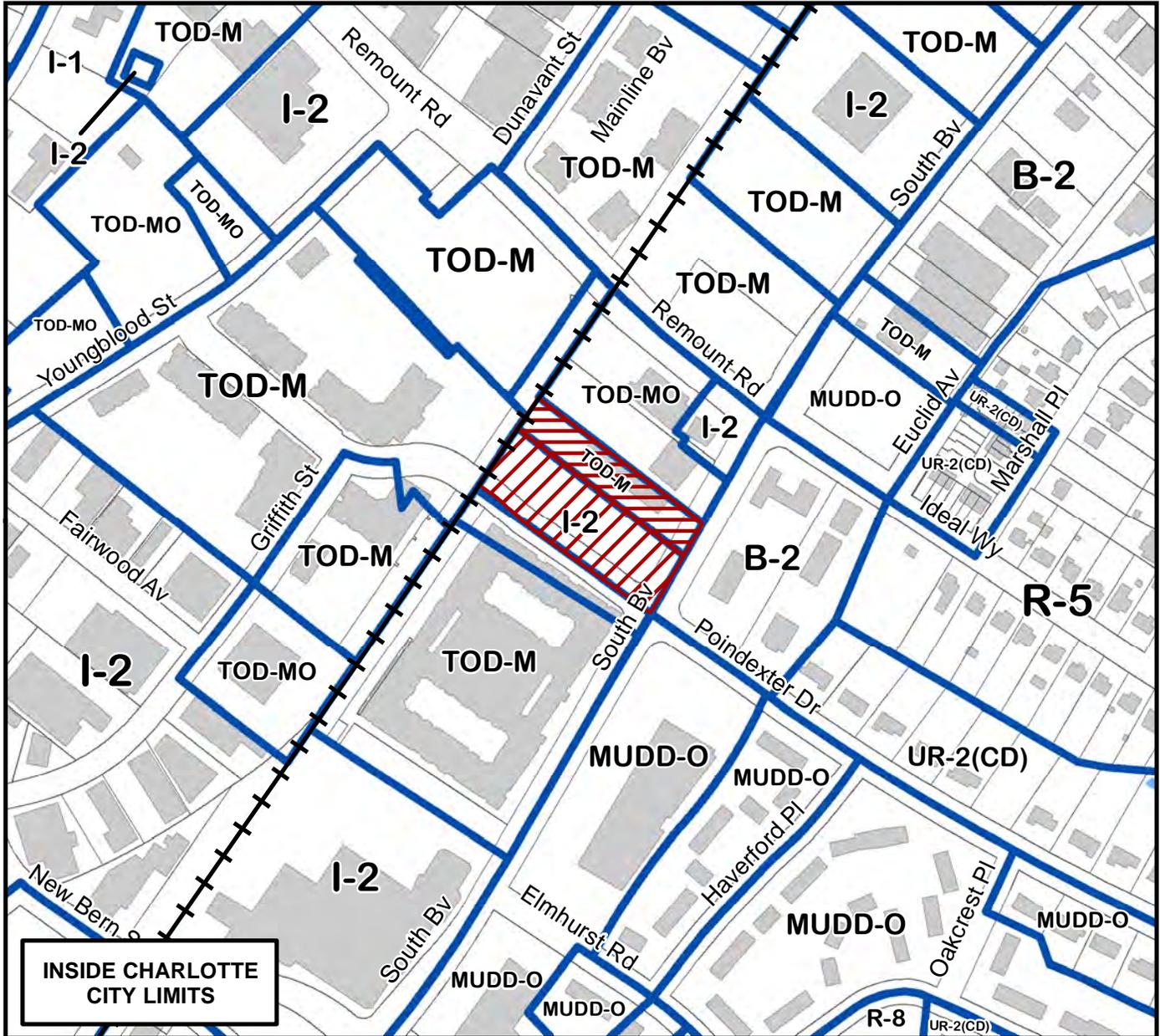
Petition #: **2015-123**

Petitioner: **Bainbridge Communities Acquisition I, LLC**

Zoning Classification (Existing): **I-2 & TOD-M**
(General Industrial and Transit Oriented Development, Mixed Use)

Zoning Classification (Requested): **TOD-RO**
(Transit Oriented Development, Residential, Optional)

Acreage & Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive.

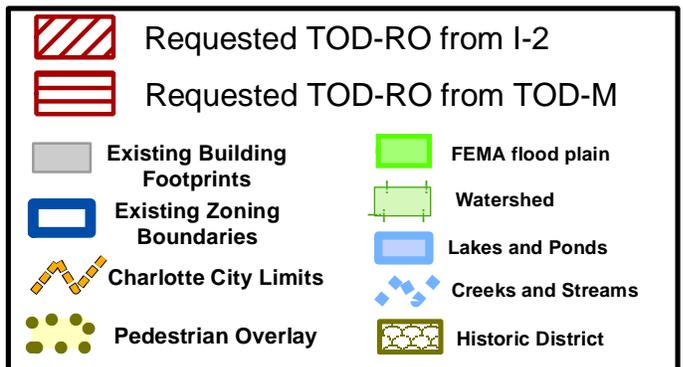


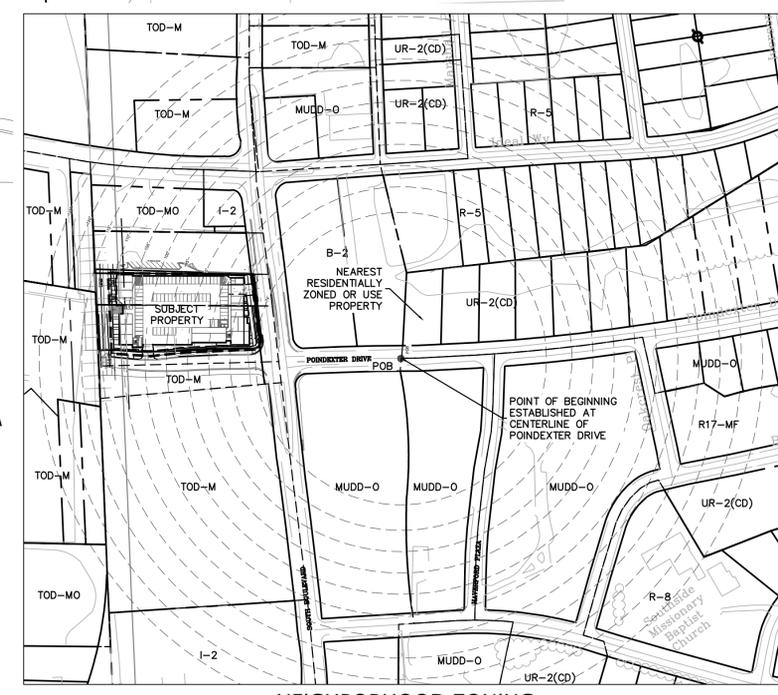
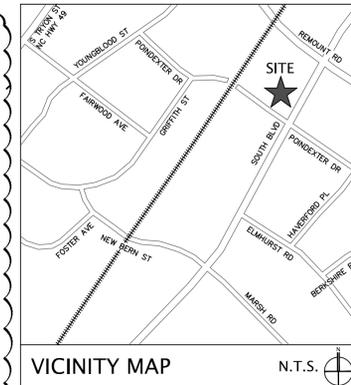
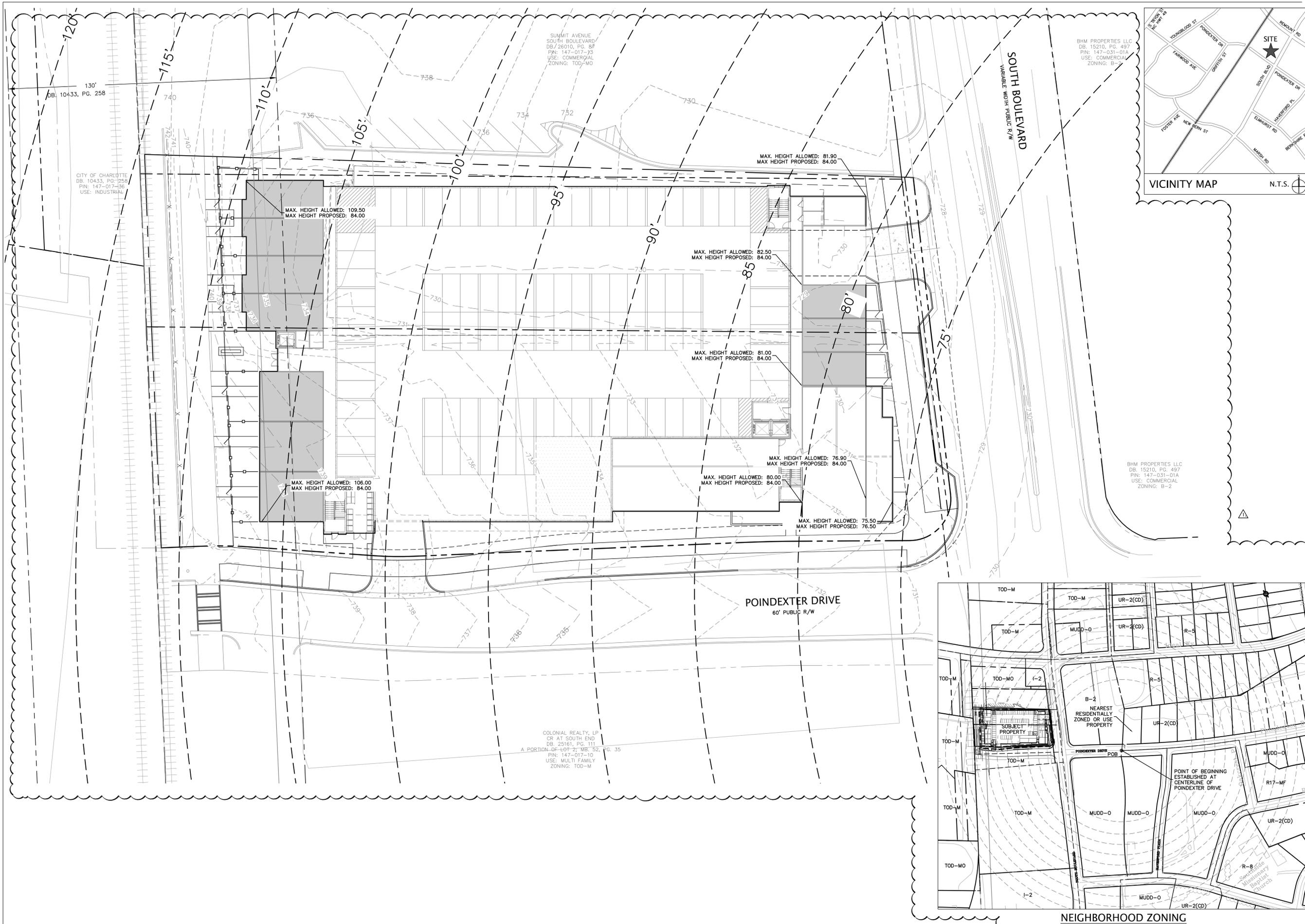
Map Produced by the Charlotte-Mecklenburg Planning Department, 10-21-2015.



Zoning Map #(s)

110

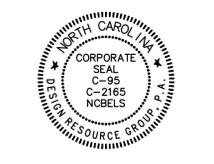




design resource group

- landscape architecture
- civil engineering
- urban design
- land planning
- traffic engineering
- transportation planning

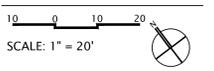
2459 wilkinson boulevard, suite 200
 charlotte, nc 28208
 p 704.343.0608 f 704.358.3093
 www.drgrp.com



PEPSI SOUTHEND
 CHARLOTTE, NORTH CAROLINA
BAINBRIDGE COMPANIES
 1616 EVANS RD., SUITE 104
 CARY, NC 27513
 919.462.1275

REZONING PETITION

FOR PUBLIC HEARING
 2015-123



PROJECT #: 365-012
 DRAWN BY: DK
 CHECKED BY: TH

HEIGHT STUDY

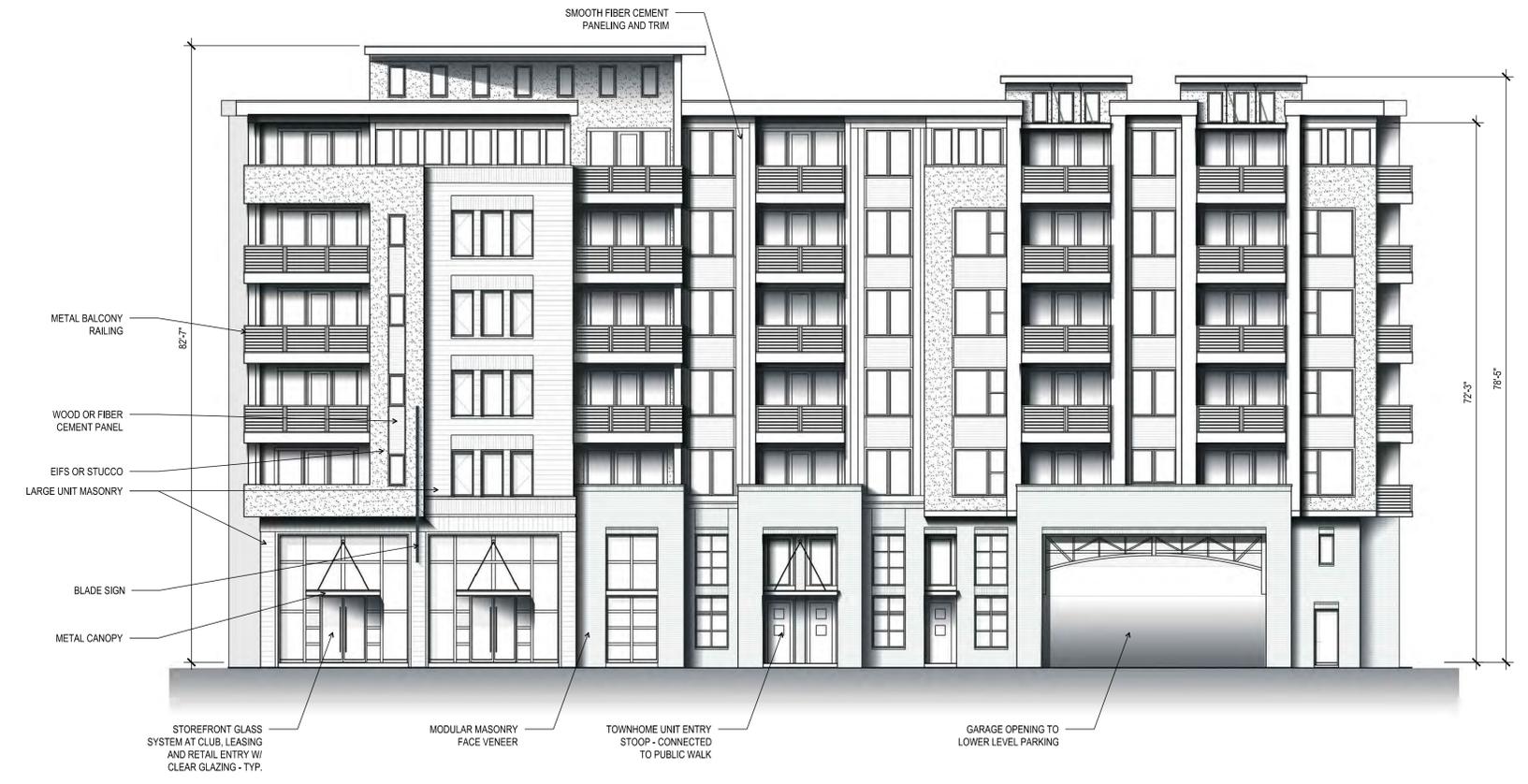
SEPTEMBER 8, 2015

REVISIONS:
 11.13.15 PER CITY REVIEW

RZ 2.0



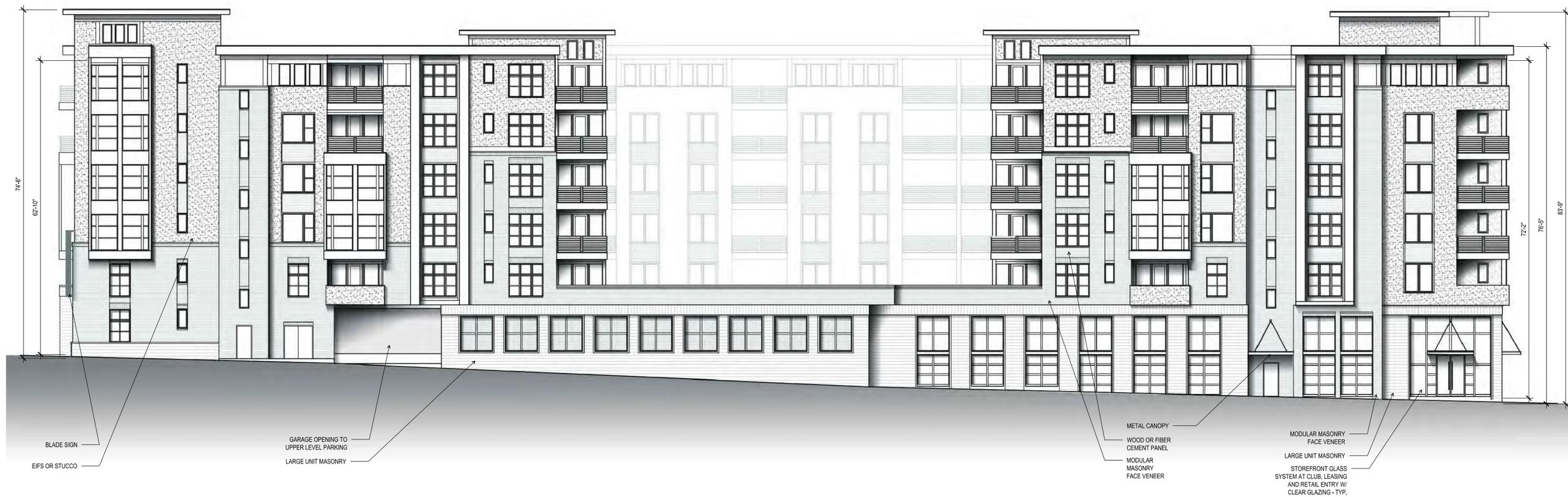
2 LIGHT RAIL ELEVATION
 A.I.D. 3/32" = 1'-0"



1 SOUTH BLVD ELEVATION
 A.I.D. 3/32" = 1'-0"

BAINBRIDGE SOUTHEND
 SOUTH BLVD & SULEYVARD
 CHARLOTTE, NORTH CAROLINA

PROJECT A-151
SOUTH BLVD. & LIGHT RAIL ELEVATIONS
 NOVEMBER 12, 2015
 REVISION 1 -
 REVISION 2 -
 REVISION 3 -
 REVISION 4 -



BAINBRIDGE SOUTHEND
 SOUTH BODULY VARD
 CHARLOTTE, NORTH CAROLINA

PROJECT A-1511

POINDEXER ELEVATION

NOVEMBER 12, 2015

- REVISION 1 -
- REVISION 2 -
- REVISION 3 -
- REVISION 4 -

POINDEXER DR. ELEVATION
 A2.0 3/32" = 1'-0"

A2.0



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 22.File #: 15-2032 Type: Zoning Hearing

Rezoning Petition: 2015-132 by Simonini Saratoga, LLC

Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road. (Council District 1 - Kinsey)

Current Zoning: R-4 (single-family residential) and B-1 (neighborhood business)

Proposed Zoning: UR-3(CD) (urban residential, conditional)

Staff Recommendation:

Staff recommends approval of this petition upon resolution of outstanding issues related to site design for the area between the building and the public sidewalk.

Attachments:

- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan

REQUEST	Current Zoning: R-4 (single family), and B-1 (neighborhood business) Proposed Zoning: UR-3(CD) (urban residential, conditional)
LOCATION	Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the development of vacant land in the Myers Park neighborhood for up to four single family attached dwelling units at density of 11.11 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Simonini Saratoga, LLC Simonini Saratoga, LLC Jeff Brown/Keith MacVean, Moore Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to site design for the area between the building and the public sidewalk.</p> <p><u>Plan Consistency</u> The proposed development is inconsistent with the <i>Central District Plan</i>, which recommends retail development for this site; however, the proposed residential density of 11.11 units per acre is supported by the <i>General Development Policies-Residential</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • Although the <i>Central District Plan</i> identifies this site for retail, it also envisions that a mix of uses including residential could be appropriate for this and surrounding sites, if designed to blend in with the adjacent single family residential, and to be pedestrian oriented. • The site is located between the Providence Road commercial corridor and single family housing in the Myers Park neighborhood. • The site will provide a moderate density residential transition from the Providence Road commercial area to the single family neighborhood. • The low scale and generous setbacks of the proposed units are compatible with the existing neighborhood. • The site has been designed to maintain the existing sidewalk and pedestrian activity along Huntley Place.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Allows up to four single family attached dwelling units at a maximum density of 11.11 dwelling units per acre.
 - Provides architectural renderings of the front elevations, notes indicating proposed building materials, and prohibits vinyl as an exterior building material except for windows, soffits and trim.
 - Proposed units will have, at a minimum, two-car garages.
 - Limits maximum building height to 40 feet and two stories.
 - Only two proposed driveways will be allowed for the four units.
 - Proposed 20-foot setback from the back of the existing sidewalk.
 - Request to maintain the existing 4.6-foot sidewalk and eight-foot planting strip.
- **Existing Zoning and Land Use**
 - The western portion of the site is zoned B-1 (neighborhood business) and is currently vacant. The eastern portion of the site is zoned R-4 (single-family) and occupied with several garden

plots.

- Adjacent properties, zoned B-1 and R-4, are developed with a 3,000 square foot auto repair shop constructed in 1955 and a single-family residence.
- The property south of the subject site is zoned MUDD-O and developed with two commercial structures a 50,000 square foot supermarket (Harris Teeter) and a 32,000 square foot strip mall with various retail and office uses.
- **Rezoning History in Area**
 - Rezoning petition 2011-029 rezoned approximately 3.90 acres located at the intersection of Providence Road and Queens Road, generally bounded by Huntley Place and Bolling Road, to MUDD-O (mixed use development, optional) in order to demolish an existing grocery store and replace it with a maximum 42,200-square foot commercial building.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) shows the proposed land use as retail.
 - The *Central District Plan* envisions that a mix of uses including retail, residential, and office in the vicinity of the site may be appropriate, if it is sensitively designed to blend in with adjacent single family, and is pedestrian oriented.
 - The *General Development Policies (GDP)-Residential* provides policy guidance for evaluating proposed residential densities greater than four units per acre. The site meets minimum *General Development Policies (GDP)* criteria for consideration of up to twelve dwelling units per acre as illustrated in the table below.

Assessment Criteria	Density Category – up to 12 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	3 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 13

- The petition supports the *General Development Policies-Environment* by redeveloping underutilized sites in a developed area, thereby minimizing further environmental impacts while accommodating growth.
- **TRANSPORTATION CONSIDERATIONS**
 - Since this site does not generate a significant amount of traffic, the primary transportation goals are to minimize the disruption of the Huntley Place sidewalk with several driveways. The site design includes shared driveways, which achieves this goal.
 - **Vehicle Trip Generation:**
 Current Zoning: 100 trips per day
 Proposed Zoning: 40 trips per day

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Eastover Elementary (at 100%), Alexander Middle (at 116%) or Myers Park High (at 113%)
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

- **Urban Forestry:** No issues.

OUTSTANDING ISSUES

Site and Building Design

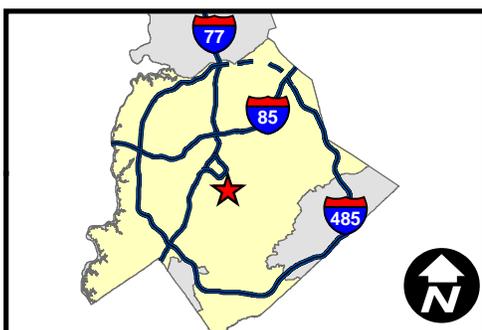
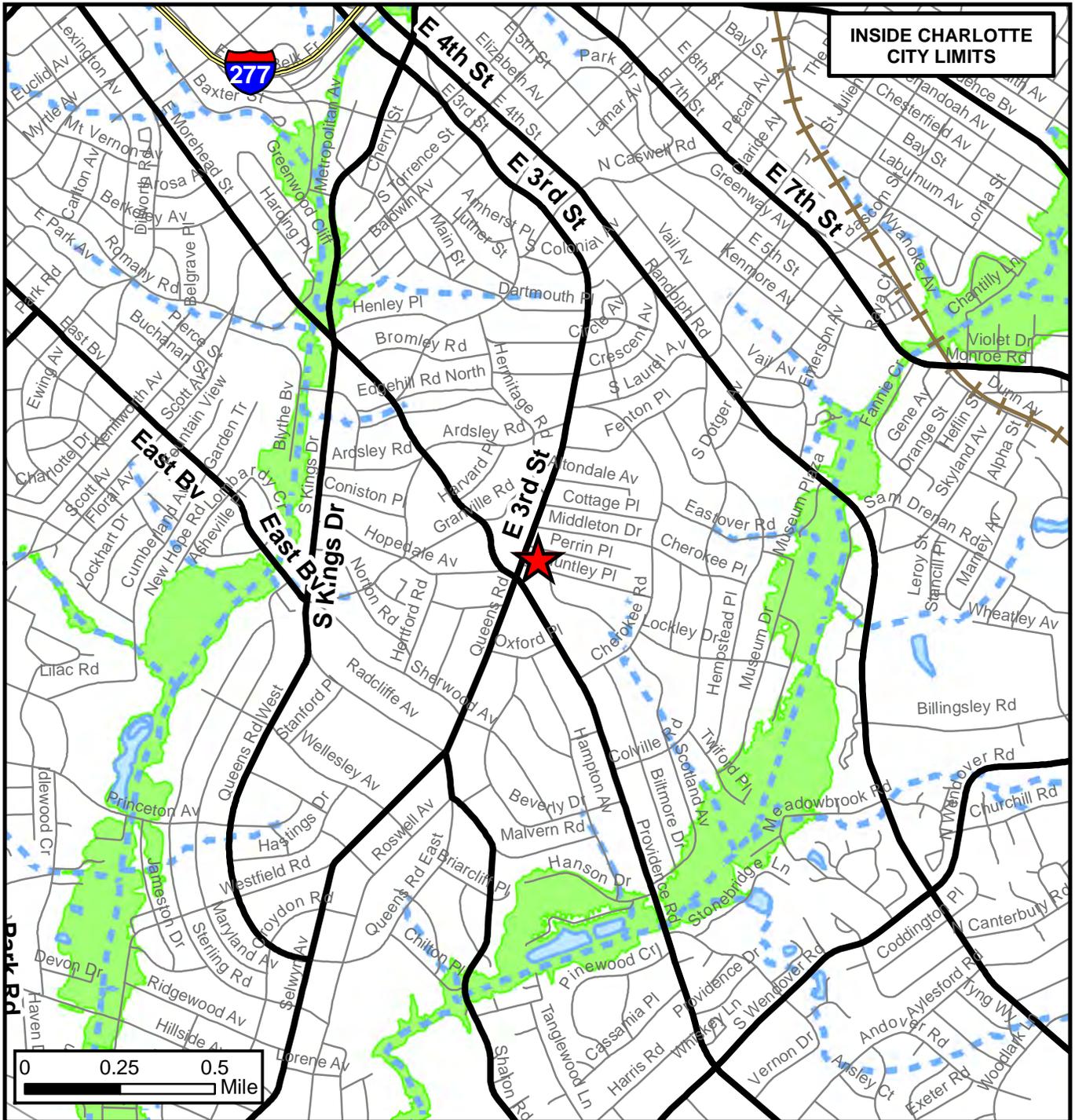
1. Provide masonry screen walls and landscaping near the back of the existing public sidewalk to help screen the front-loaded garages from the street to be compatible with the adjacent property located at 130 Huntley Place. The height, length, and placement of these walls should be coordinated with CDOT and Planning.
 2. Provide individual sidewalk connections from the front doors of all units to the public sidewalk on Huntley Place. A combined sidewalk for units #2 and #3 could be provided. This combined sidewalk at the center of the site could break up the central screen wall with an architectural feature, such as an archway, to provide a visual focal point for the street-facing edge of the project.
 3. Increase building setback from Huntley Place five to ten feet to allow for the screen walls and landscaping and provide better maneuverability in the driveway areas.
 4. Consider recessing the two center attached units to create a courtyard and provide more articulation along the street-facing building façade.
 5. Add a note under "Architectural Standards" that decorative garage doors will be provided and designed to provide the appearance of two separate garage doors.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326

Acresage & Location : Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road.



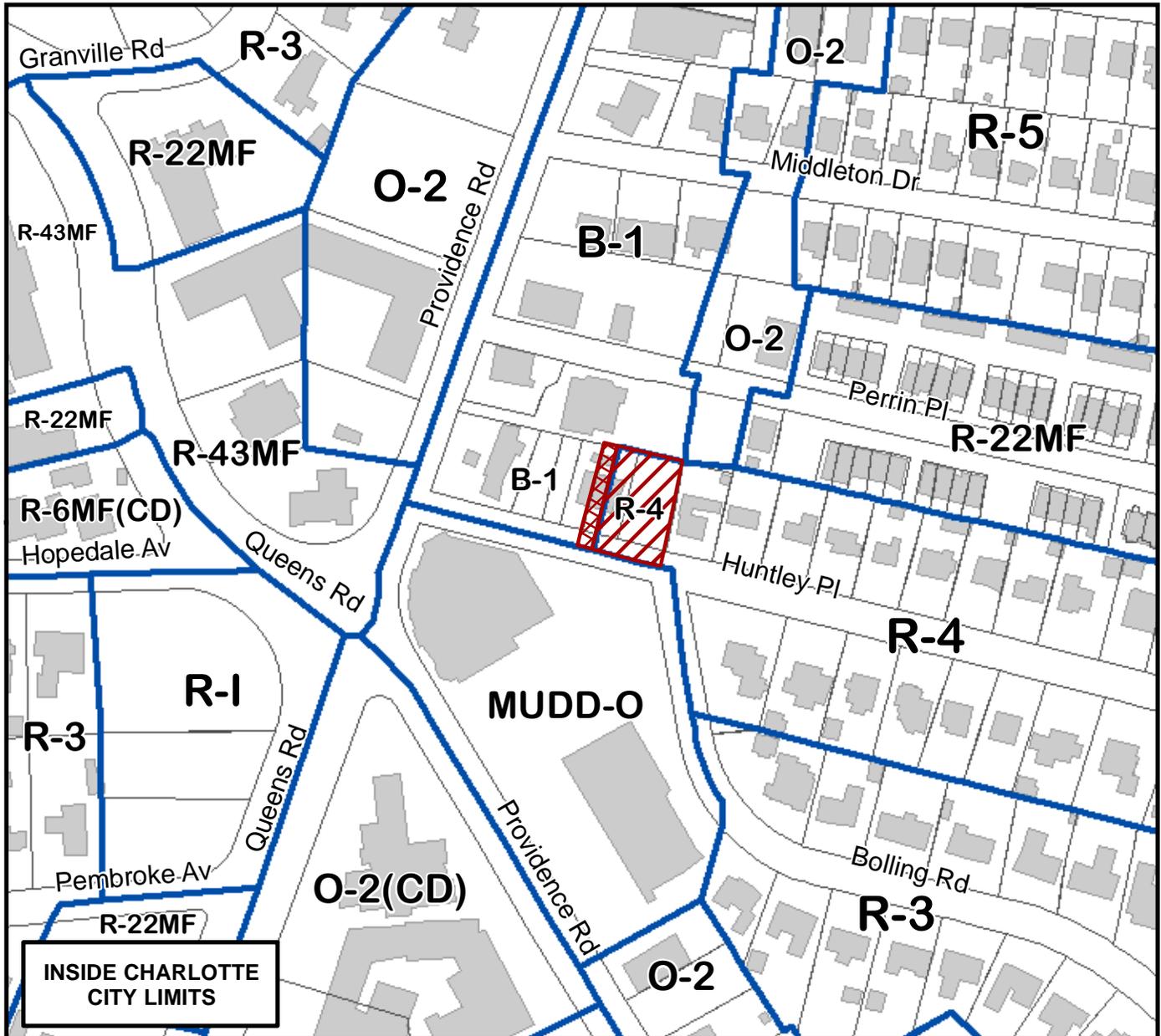
Petition #: **2015-132**

Petitioner: **Simonini Saratoga, LLC**

Zoning Classification (Existing): **R-4 & B-1**
(Single Family, Residential and Neighborhood Business)

Zoning Classification (Requested): **UR-3(CD)**
(Urban Residential, Conditional)

Acreage & Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road.

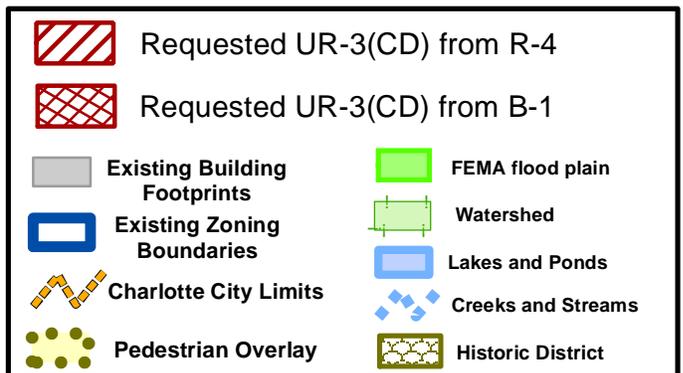


Map Produced by the Charlotte-Mecklenburg Planning Department, 12-8-2015.



Zoning Map #(s)

111



DEVELOPMENT STANDARDS: Rezoning Petition No. 2015-132

Site Development Data:

- Acreage ± .360 acres
- Tax Parcel #: 155-103-39 and portion of 155-103-38
- Existing Zoning: R-4, and B-1
- Proposed Zoning: UR-3(CD)
- Existing Uses: Vacant and a portion of an Office Building.
- Proposed Uses: Up to four (4) attached dwelling units together with accessory uses, as allowed in the UR-3 zoning district.
- Maximum Building Height: Not to exceed two (2) stories or 40 feet, building height will be measured as defined by the Ordinance.

1. General Provisions:

- a. **Site Location:** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Simonini Saratoga, LLC ("Petitioner") to accommodate the development of a four (4) attached dwelling units on approximately .360 acre site located on the north side of Huntley Place between Bolling Road and Providence Road (the "Site").
- b. **Zoning Districts/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the UR-3 zoning classification shall govern.
- c. **Graphics and Alterations:** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to graphics if they are:

- expressly permitted by the Rezoning Plan (it is understood that if a modification is expressly permitted by the Rezoning Plan it is deemed a minor modification for the purposes of these Development Standards); or,
- minor and don't materially change the overall design intent depicted on the Rezoning Plan; or
- modifications to move structures graphically depicted on the Rezoning Plan closer to adjacent properties in a residential district or abutting residential use but no closer than the "external building line" (in this case the external setbacks or buffer areas) indicated on the Rezoning Plan; or
- modifications to allow minor increases in the mass of the buildings that do not materially change the design intent depicted on or described in the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed per this amended process if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance. Each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory:** The total number of principal buildings to be developed on the Site shall not exceed one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to four (4) attached dwelling units together with accessory uses allowed in the UR-3 zoning district.
- b. Along Huntley Place the Petitioner will provide a minimum setback of 32 feet as measured from the back of the existing curb along Huntley Place.

3. Access and Transportation:

- a. Access to the Site will be from Huntley Place in the manner generally depicted on the Rezoning Plan. No more than two (2) driveways will be allowed to Huntley Place as generally depicted on the Rezoning Plan. The throat of the driveways will be designed and constructed to be no more 18 feet wide.
- b. The placement and configuration of the vehicular access points (driveways) are subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by CDOT in accordance with applicable published standards.

4. Architectural Standards:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding (such as hardi-plank), stucco, decorative block and/or wood. Vinyl as a building material may only be used on windows, soffits, garage doors and on handrails/railings.
- b. The attached illustrative building elevations are included to reflect an architectural style and a quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations provided that the design intent is preserved)
- c. Each attached unit will have a two car garage.
- d. Each unit will have 400 square feet of private open space as required by the Ordinance.
- e. The area of the proposed driveways located between the existing sidewalk and the face of the building will be designed and constructed with decorative concrete pavers.
- f. Garage doors facing Huntley Place will be designed to be decorative doors.

5. Streetscape, Buffers, Yards, and Landscaping:

- a. Along Huntley Place the existing 4.6 foot sidewalk and eight (8) foot planting strip will be preserved to maintain the existing character of the street and to allow the development to maintain the existing streetscape context along Huntley Place. The Petitioner is requesting approval to maintain this existing streetscape treatment as allowed by Section 9.407.(4)(c) of the Ordinance.
- b. Streets trees as required by the Tree Ordinance will be provided within the planting strip located along Huntley Place. A permit to remove any existing trees in the public street right-of-way is required. The Petitioner will contact the City Arborist to coordinate the installation and design of the proposed driveways with the existing street trees.
- c. The Site will comply with the Tree Ordinance, the location of tree save areas will be determined during the building permit process for the Site.

6. Amendments to the Rezoning Plan

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

7. Binding Effect of the Rezoning Application

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interests or assigns.

Tax # 155-103-37
Dan H. Queen and
Elaine W. Queen
DB 9258 Pg 281
Zoning: B-1

Tax # 155-103-38
Simonini Saratoga, LLC
DB 30028 Pg 653
Zoning: B-1
[Not Included in Rezoning Petition]

Tax # 155-103-35
McDonald Family No. 1 L.L.C.
DB 8810 Pg 654
Lot 1 MB 3 Pg 104
Zoning: B-1 & O-2

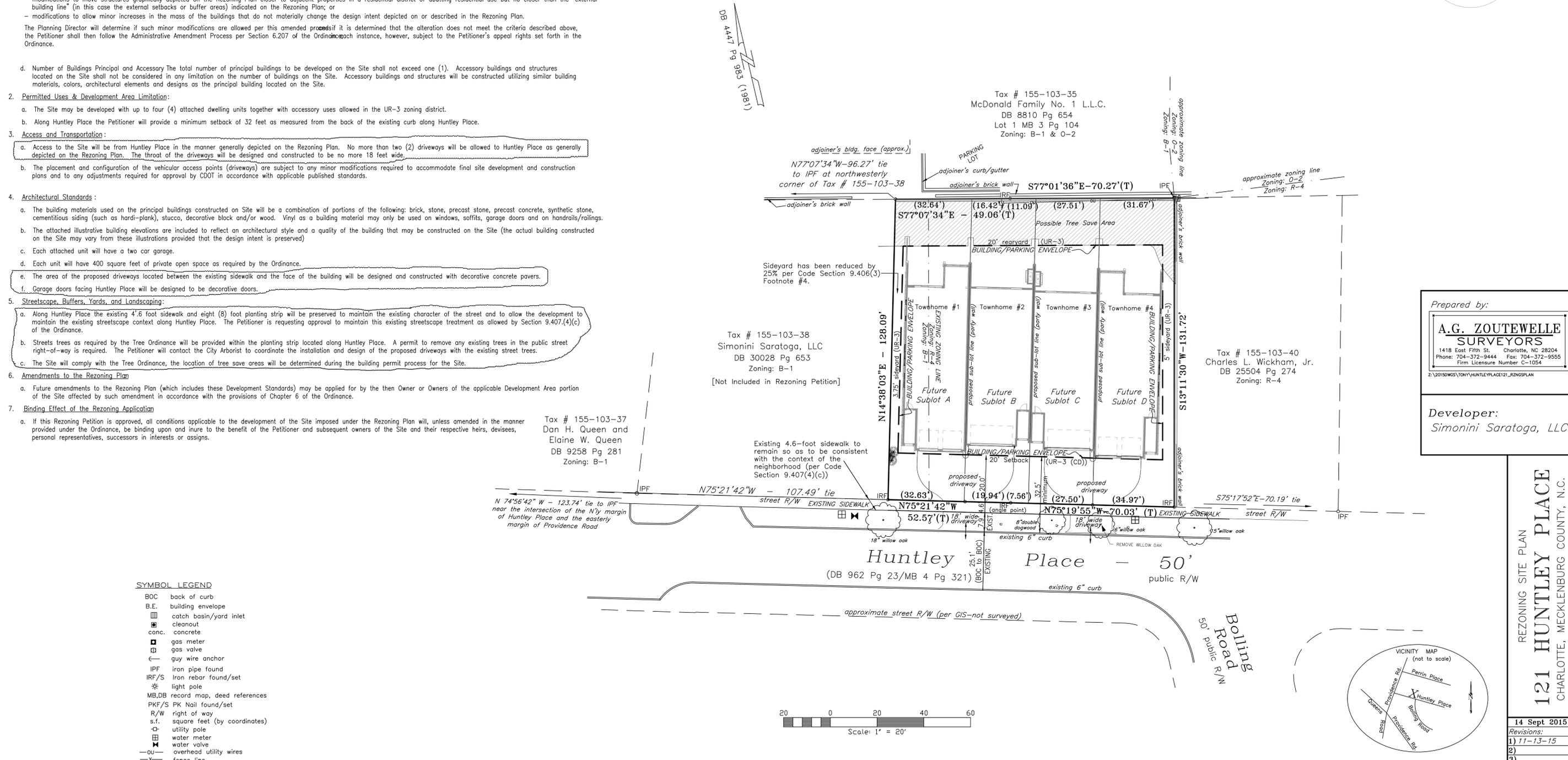
STATE OF NORTH CAROLINA, Mecklenburg County

I, Andrew G. Zoutewelle, do hereby certify to only Simonini Saratoga, LLC: that this survey is based upon my best knowledge, information and belief; that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in deed and map books as noted); that the boundaries not surveyed are indicated as dashed lines drawn from adjoining deed sources as shown hereon; that the ratio of precision or positional accuracy is 1:10,000; that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600). This map is not intended to meet G.S. 47-30 recording requirements.

PRELIMINARY - FOR ZONING STAFF REVIEW ONLY

Andrew G. Zoutewelle
Professional Land Surveyor
NC License No. L-3098

11-13-15



SYMBOL LEGEND

- BOC back of curb
- B.E. building envelope
- catch basin/yard inlet
- cleanout
- conc. concrete
- gas meter
- gas valve
- guy wire anchor
- IPF iron pipe found
- IRF/S iron rebar found/set
- light pole
- MB,DB record map, deed references
- PKF/S PK Nail found/set
- R/W right of way
- s.f. square feet (by coordinates)
- utility pole
- water meter
- water valve
- overhead utility wires
- fence line

Prepared by:
A.G. ZOUTEWELLE
SURVEYORS
1418 East Fifth St. Charlotte, NC 28204
Phone: 704-372-9444 Fax: 704-372-9555
Firm Licensure Number C-1054
Z:\2015\WG\TONY\HUNTLEYPLACE121_RZNGPLAN

Developer:
Simonini Saratoga, LLC

REZONING SITE PLAN
121 HUNTLEY PLACE
CHARLOTTE, MECKLENBURG COUNTY, N.C.

14 Sept 2015
Revisions:
1) 11-13-15
2)
3)

Rezoning Petition:
2015 - 132

Sheet
RZ-1



NOTE:
 DOUBLE OR SINGLE DOOR PER FINAL SITE CONDITIONS

2 FRONT
 A6 1/4" = 1'-0"

NOTE:
 THIS ELEVATION IS PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE (THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED).

PROJECT:



2170 HAWKINS STREET
 CHARLOTTE, N.C. 28203
 TROY S. SMITH
 704.641.2544
 DAVE SLOVIK
 704.560.9919

DATE: NOVEMBER 11, 2015

JOB NUMBER: 255 - 2015 - JTM

REVISIONS:

SHEET:

A6



City of Charlotte

Charlotte-Mecklenburg
Government Center
600 East 4th Street
Charlotte, NC 28202

Agenda Date: 12/14/2015

Agenda #: 23.File #: 15-2034 Type: Zoning Hearing

Rezoning Petition: 2015-134 by Charlotte Merlane FDS 713525

Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive. (Council District 1 - Kinsey)

Current Zoning: R-4 (single family residential)
Proposed Zoning: NS (neighborhood services)

Staff Recommendation:
Staff recommends denial of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan

REQUEST	Current Zoning: R-4 (single family residential) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow a vacant site to be developed for up to 13,000 square feet of office and retail uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various Charlotte Merlane FDS 713525 Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3

STAFF RECOMMENDATION	<p>Staff recommends denial of this petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Central District Plan</i> recommendation for residential development up to four dwelling units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject site is located at the intersection of West Sugar Creek Road and Merlane Drive and is located along a predominantly residential section of West Sugar Creek Road. • The remainder of the parcels along Merlane Drive are planned and zoned for single family residential and the proposed non-residential development does not integrate with or provide a transition to the residential area. • While there is an eating/drinking/entertainment establishment (EDEE) on the adjacent site on the corner of Wilson Lane and West Sugar Creek Road, the properties directly across West Sugar Creek Road and to the south are planned and zoned for residential. • The <i>Central District Plan</i> recommends that retail uses in this area be clustered near the I-85 interchange with West Sugar Creek Road. • Approval of this development will result in additional strip commercial along West Sugar Creek Road and will negatively impact the residential character of the immediate area.
---------------------------------	---

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Office, retail and neighborhood service uses at a maximum of 13,000 square feet.
- Drive-through service windows prohibited.
- Maximum of two buildings: One building for a retail store; the second building for office and/or retail.
- A 10-foot "Class C" buffer along the northern and southern property boundaries.
- Access via West Sugar Creek Road and Merlane Drive.
- A CATS concrete bench pad for a new bus stop to be constructed by the petitioner, at a location to be determined.
- Large expanses of wall exceeding 20 feet in length to be avoided though articulated facades.
- Primary building entrance to be a corner entrance oriented to West Sugar Creek Road.
- A minimum 25% of the building façade on West Sugar Creek Road to have transparent windows or doors with active uses visible from the street.
- Maximum building height of 30 feet.

- **Existing Zoning and Land Use**
 - The subject property is currently vacant. It is part of a larger tract extending west along Merlane Drive zoned R-4 (single family residential). To the south across Merlane Drive is the Sugar Creek Community Park, in R-4 (single family residential) zoning. To the east across West Sugar Creek Road are additional single family homes and land zoned R-4 (single family residential).
 - Abutting the subject to the north, at the corner of West Sugar Creek Road and Wilson Lane is an eating/drinking/entertainment establishment constructed in 1989 in B-1(CD) (neighborhood business, conditional), and additional single family homes extending westward along Wilson Lane.
 - Further northward from Wilson Lane in the immediate vicinity of an I-85 interchange are hotels, retail and warehouse uses in O-2 (office), B-1 (neighborhood business), and B-2(CD) (general business, conditional).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.
- **Public Plans and Policies**
 - The *Central District Plan (1993)* recommends residential development up to four units per acre for this site and the other properties on the north side of Merlane Drive.
- **TRANSPORTATION CONSIDERATIONS**
 - Since this site will not generate a significant amount of additional traffic, the primary transportation considerations are to provide safe access to the site and improve conditions for pedestrians. This site achieves the pedestrian goals by improving the planting strips and sidewalks along Sugar Creek Road. The access to the site will be safe and reasonable for the use and will provide for full movement access to Sugar Creek Road at Merlane Drive.
 - See Outstanding Issues, notes 5 and 6.
 - **Vehicle Trip Generation:**
 - Current Zoning: 100 trips
 - Proposed Zoning: 650 trips

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** See Outstanding Issues, note 4.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

OUTSTANDING ISSUESLand Use

1. The petition is inconsistent with the Central District Plan recommendation for residential development up to four dwelling units per acre.

Site and Building Design

2. Clarify notes under Architectural Standards to state that the primary building entrances on both Parcel 1 and Parcel 2 will be oriented to West Sugar Creek Road.
3. Add a note that minimum building height for both buildings will be 22 feet.

4. Add a note that primary building entrances for both buildings should front along Sugar Creek Road.

Transportation

5. Depict an eight-foot wide planting strip and six-foot wide sidewalk along the site's frontages on Merlane Drive and West Sugar Creek Road.
6. Dedicate in fee simple 50 feet of right-of-way as measured from the existing centerline of West Sugar Creek Road.

REQUESTED TECHNICAL REVISIONS

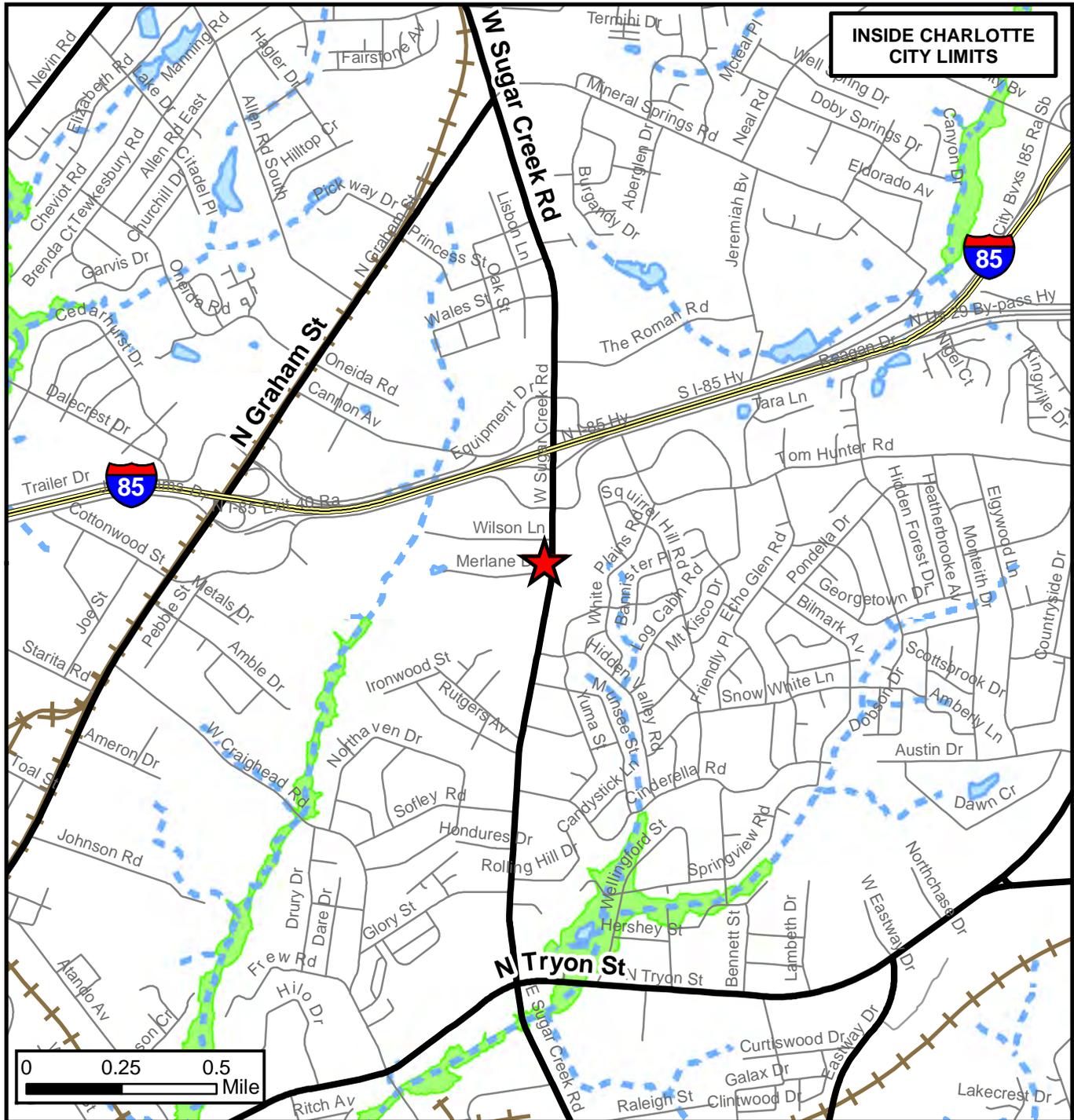
1. Align the maximum square footage listed under Permitted Uses and in the Development Data Summary as one lists 15,000 and the other 13,000 square feet.
 2. Specify boundaries of the ten-foot "Class C" buffer, and provide a buffer at the rear of the property abutting single family residential uses and zoning.
 3. Delete the "Alternate use for parcel 08707125" which shows the parcel being used for a public or private road.
 4. Add a minimum 30-foot wide tree save on the site plan.
-

Attachments Online at www.rezoning.org

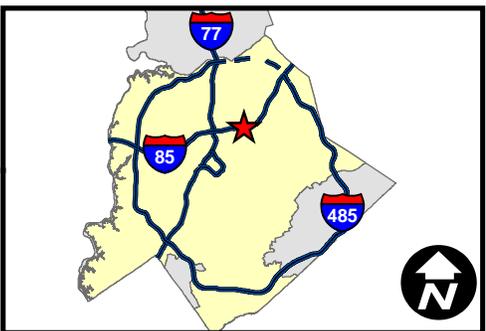
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Transportation Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327

Acresage & Location : Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2015-134

Major Roads	FEMA flood plain
Collector Roads	Watershed
Charlotte City Limits	Lakes and Ponds
	Creeks and Streams

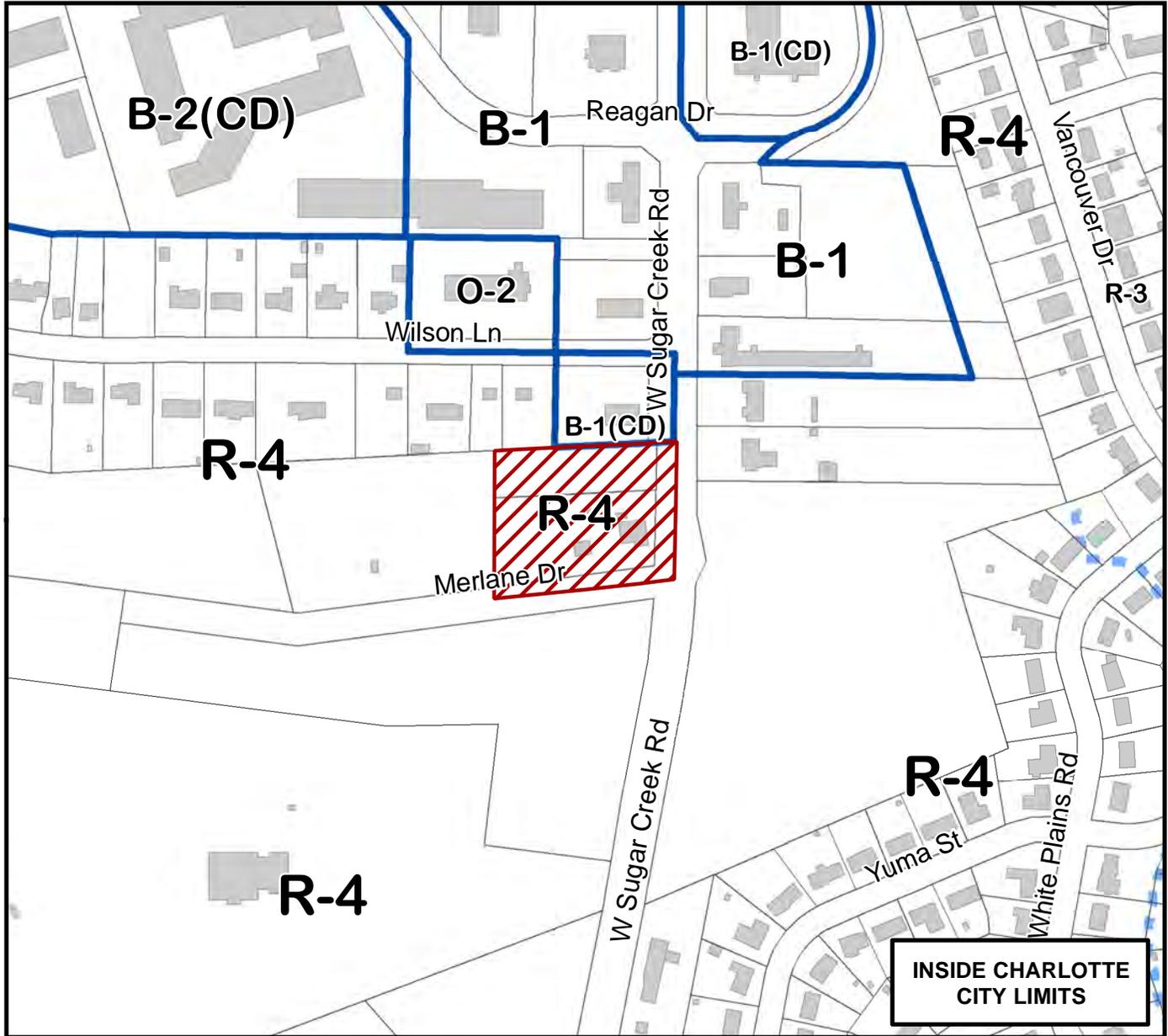
Petition #: **2015-134**

Petitioner: **Charlotte Merlane**

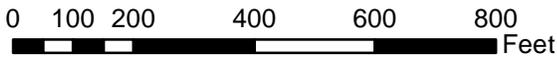
Zoning Classification (Existing): **R-4**
(Single Family, Residential)

Zoning Classification (Requested): **NS**
(Neighborhood Services)

Acreage & Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive.

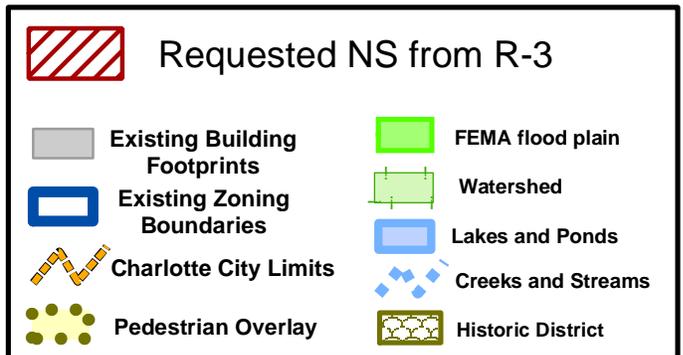


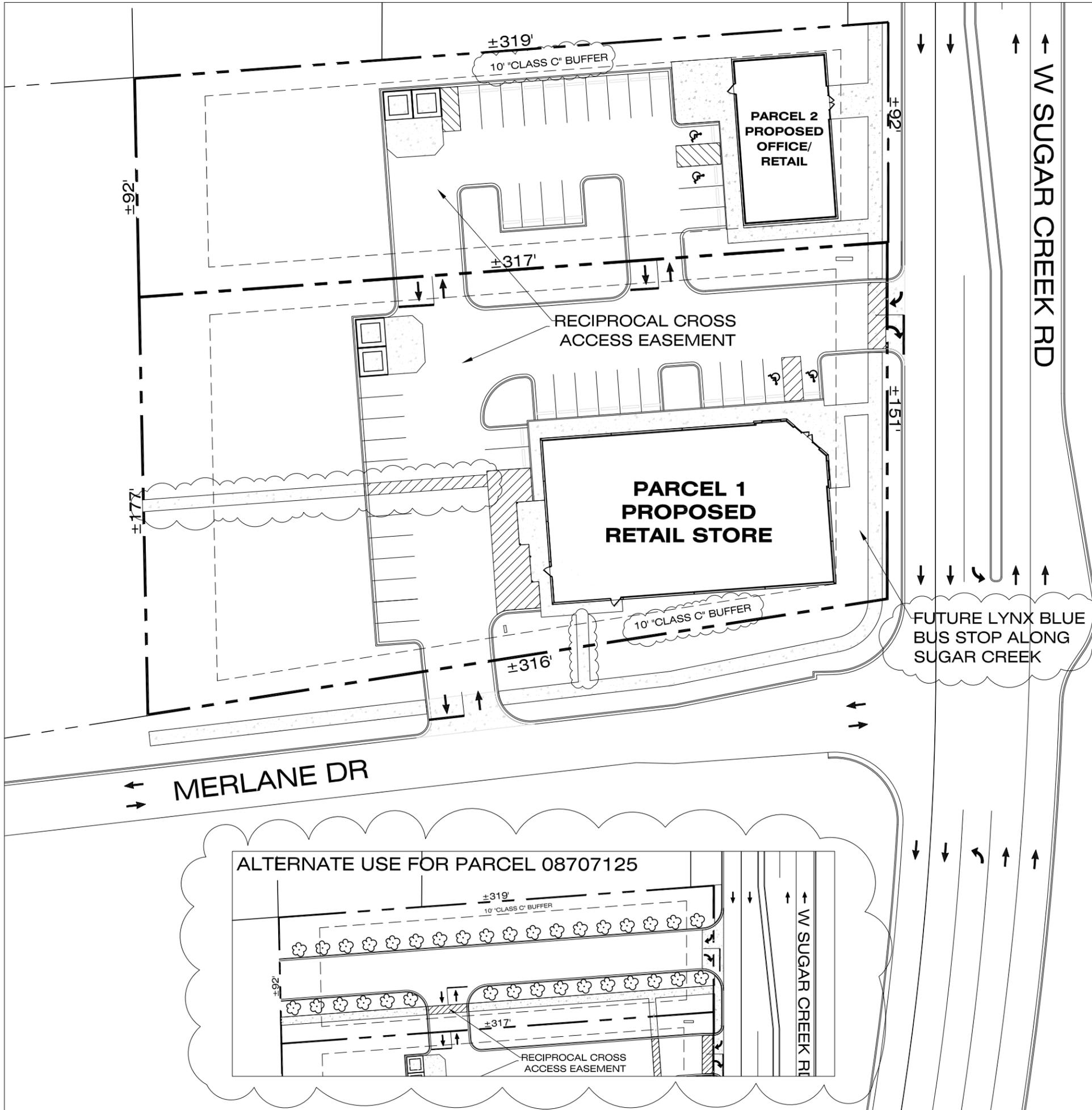
Map Produced by the Charlotte-Mecklenburg Planning Department, 10-2-2015.



Zoning Map #(s)

78





Conditional Development Standards

General Provisions.

- The exact configuration, placement, and size of individual site elements may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases as allowed under the provisions of Section 6.207 of the Zoning Ordinance.
- The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances that may be applicable to the site.
- Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners," shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assignees of the owner or owners of the Site who may be involved in its development from time to time.

Purpose
To develop a small center to accommodate neighborhood services and retail uses.

Permitted Uses
Uses allowed on the property included in this Petition are those uses that are permitted in the NS district except as may be further limited by the specific provisions of this site plan. Development on the site will not exceed a total of 15,000 square feet of floor area and accessory no drive through service windows will be permitted.

Transportation

- The site will utilize driveways that connect to Sugar Creek Rd. and to Merlane Drive as generally depicted on the site plan.
- Parking areas are generally depicted on the concept plan for the site.
- The Petitioner will work with CATS during the development review and permitting process to determine a mutually agreeable location for a concrete bench pad for a new bus stop to be constructed by the Petitioner. Such construction will occur at the time that sidewalk along the street where the pad is to be located is constructed.
- The Petitioner reserves the right, in conjunction with the development of properties to the rear of the site, to use parcel 08707125 to provide public or private street access to those properties to the rear of the site as generally depicted on the site plan as "Alternate Use".

Architectural Standards
The development of the site will be governed by the district regulations of the Zoning Ordinance for the NS. Large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as precast masonry and other masonry products, cementitious board, stone, different colors of paint, glass windows, water table, and/or soldier course on all 4 sides of the building. The primary building entrance will be a corner entrance that is oriented to Sugar Creek Rd. as generally depicted on the site plan. 25% of the building facade on sugar Creek rd. shall have transparent windows or doors with active used visible from the street. The measurement of the facade will include the corner elevation. The building height will be limited to 30'.

Streetscape and Landscaping
Streetscape improvements will be installed as the various portions of the site are developed.

Environmental Features
No water supply well, including irrigation wells and open loop geothermal wells will be constructed on the properties.

Parks, Greenways, and Open Space
Reserved

Fire Protection
Reserved

Signage
Reserved

Lighting

- Freestanding lighting on the site will be limited to 25' in total height and will utilize full cut-off luminaires and no "wall pak" type lighting will be utilized, except that architectural lighting on the exterior of buildings will be permitted

Phasing
Reserved

Initial submission 9/28/15, 1.0
Revised per staff comments 11/13/15, 1.1



CHARLOTTE, NC:
W SUGAR CREEK RD
& MERLANE DR

SITE PLAN #

Site Data Summary

Area Summary: Parcel 1 - 51,041 sf (1.17 ACRES)
Parcel 2 - 29,267 sf (0.67 ACRES)

Parcel ID: a portion of 08707124 & 08707125

Existing Zoning: R-4
Proposed Zoning: NS

Proposed Use:
Those uses that are permitted in the NS district except as may be further limited by the specific provisions of this site plan

Number of Residential Units by Housing Type: N/A

Residential Density: N/A

Square footage of Non-Residential Uses by Type (retail, office, industrial, etc.):
Total - Office/Retail = 13,000 SF

Maximum Building Heights: 30'

Parking Summary:
In accordance with ordinance provisions

Tree Save Calculations:
In accordance with ordinance provisions

Site Signage:
In accordance with ordinance provisions

Building Setbacks:
In accordance with ordinance provisions

Landscape Requirements / Notes:
In accordance with ordinance provisions

Date Prepared: 10/31/2014	Drawn By: SK
Rev #1 09/18/2015	MM
Rev #2 11/03/2015	MM
Rev #3 11/12/2015	MM

Prepared For:



CORPORATE OFFICE:
106 FOSTER AVE
CHARLOTTE, NC 28203
PITTSBURGH OFFICE:
5500 BROOKTREE RD; SUITE 303
WEXFORD, PA 15090