

Mayor Daniel Clodfelter **Mayor Pro-Tem Michael D. Barnes**
Al Austin **John Autry**
Ed Driggs **Claire Fallon**
David Howard **Patsy Kinsey**
Vi Alexander Lyles **LaWana Mayfield**
Greg Phipps **Kenny Smith**

CITY COUNCIL ZONING AGENDA

Monday, October 20, 2014

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Meeting
Meeting Chamber

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

DINNER MEETING AGENDA

Monday, October 20, 2014

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

Item #	Petition #	Petitioner/Description	Update
3	2014-003	George M. Macon - southeast corner at the intersection of Ardrey Kell Road and Marvin Road	Decision – Defer to November Protest Petition Insufficient
4	2014-031	Wilkinson Partners, LLC - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive	Decision – Defer to November Protest Petition Sufficient
6	2014-064	Marsh Properties, LLC - east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road	Decision – Defer to November
11	2014-084	7TH Street Progression Partners, LLC - north side of East 7 th Street between Clement Avenue and Pecan Avenue	Decision - Sufficient protest – Defer to October 27 when a full Council will be present Sufficient Protest petition
21	2014-075	Crossroads Realty Group, LLC - southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive	Hearing - Petitioner requesting a deferral to November 17, 2014
30	2014-095	QuikTrip Corporation - north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road	Hearing - Petitioner requesting a deferral to November 17, 2014
32	2014-001Sub	Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance	Hearing - Petitioner requesting a deferral to November 17, 2014

MISCELLANIOUS REQUESTS AND INFORMATION

Item #	Petition #	Petitioner/Description	Update
11	2014-084	7TH Street Progression Partners, LLC - north side of East 7 th Street between Clement Avenue and Pecan Avenue	Decision - Council will have to vote whether or not to send back to Zoning Committee due to the change referenced on page 11
16	2013-094	Halvorsen Development Corporation - west side of Prosperity Church Road across from Ridge Road	Hearing - Sufficient protest petition
17	2014-043	Mark Patterson - west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane	Hearing – Sufficient protest petition
24	2014-085	New Carolina Income Properties, LLC - northeast corner at the intersection of East Tremont Avenue and Euclid Avenue	Hearing - Protest Petition TBD
28	2014-092	Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road	Hearing - Protest Petition TBD

2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

4. Area Plan Status and Text Amendment Update – Ed McKinney

ACRONYMS

Zoning District Acronyms

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district (old district)
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **HW** – hazardous waste
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-M** – transit oriented development – mixed use
- **TOD-R** – transit oriented development – residential
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential – commercial

Zoning Overlay District Acronyms

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **LNW** – Lake Norman watershed overlay
- **LNWCA** – Lake Norman watershed –overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed– overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** - manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

Miscellaneous Zoning Acronyms

- **CD** – conditional district
- **INNOV** – innovative standards
- **SPA** – site plan amendment
- **O** – optional provisions

Miscellaneous Other Acronyms

- **CAG** – citizen advisory group
- **CDOT** – Charlotte Department of Transportation
- **FEMA** – Federal Emergency Management Agency
- **LED** – light emitting diode
- **NCDOT** – North Carolina Department of Transportation
- **PCCO** – Post Construction Control Ordinance

HISTORIC LANDMARKS

RESOLUTIONS

	<p>1. A Resolution of the City Council of the City of Charlotte calling for a Public Hearing to be held by the City Council on the question of adopting an ordinance for the Historic Landmark known as the "James A. Blakeney House" to de-designate 7.829 acres of land in tax parcel 22922212, and de-designate 2.244 acres of land in tax parcel 22908334 as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.</p> <p>Attachment 1</p>
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ZONING DECISIONS

	<p>2. Petition No. 2013-075 (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use).</p> <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 proposed use is suitable for the area. <p>Therefore, the Zoning Committee found this petition 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"> • The property is located within a ¼ mile walk of the Bland Street Transit Station and Carson Boulevard Transit Station; and, • There have been multiple rezoning to allow transit oriented development within the area. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 2</p>
<p>Deferral (to November)</p> <p>Protest Petition Insufficient</p>	<p>3. Petition No. 2014-003 (Council District 7 - Driggs) by George M. Macon for a change in zoning for approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) and MX-2 (mixed use) to O-1(CD) (office, conditional).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 3</p>

<p>Deferral (to November)</p> <p>Protest Petition Sufficient</p>	<p>4. Petition No. 2014-031 (outside city limits) by Wilkison Partners, LLC for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 4</p>
	<p>5. Petition No. 2014-058 (Council District 3 - Mayfield) by Switzenbaum & Associates for a change in zoning for approximately 30.93 acres located on the west side of W. Tyvola Road south of S. Tryon Street from BP(CD) (business park, conditional) to R-12MF(CD) (multi-family residential, conditional).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Southwest District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The area plan recommends business park uses; and, • The General Development Policies recommend six dwelling units per acre. <p>However, the Zoning Committee found this petition 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"> • The proposed use is compatible with the surrounding single family residential and multi-family residential developments; and, • The proposed density is consistent with other multi-family residential developments in the area. <p>The Zoning Committee voted 4-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The site plan has been revised to show a Class "C" buffer along property lines abutting the R-4 zoned parcel. 2. The widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road are now noted on the site plan. 3. Under the Architectural Standards development note, the following language has been removed from the second sentence: "Although the designs for the building have not been completed..." 4. The petitioner has added language under Parks, Greenways, and Open Space heading, committing to the following improvements: <ol style="list-style-type: none"> a. Development of both active and passive recreation facilities including a walking/amenity trail with locations for individual exercise activities. b. Walking/amenity trail will have approximately 1,200 linear feet, with trail to be comprised of wood chips or similar surface, and at least four outdoor exercise stations at intervals along the trail. c. Provision of outdoor seating/conversation areas associated with each building. d. Provision of active recreation amenities, including a pool, meeting spaces, and outdoor cooking facilities. 5. The site plan has been revised to show the correct zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which is zoned R-12MF (CD). 6. Addressed CDOT and Engineering and Property Management comments: <ol style="list-style-type: none"> a. Addressed CDOT comment pertaining to relocation of the proposed westernmost driveway, and its conversion from exit only to both an ingress and egress driveway. b. CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive. <i>Staff has rescinded this request as it will be contingent upon adequate sight distance at permitting.</i> c. Addressed CDOT comment pertaining to the provision of a left-turn lane at the westernmost driveway.

<p>2014-058 cont.</p>	<p>d. Addressed Engineering and Property Management comment by providing a wetland letter.</p> <p>7. The following Architectural Standards notes have been added to the site plan:</p> <ol style="list-style-type: none"> a. At least 30% of the portions of the building exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products. b. The principal roof pitch will be no less than 5:12. c. Balcony railings, if included, will be of durable material and will not be painted pressure treated lumber. d. Roofing materials will be architectural fiberglass composite shingles and roof vents and features will be painted to match the roof color. e. Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public street or private street. f. Building heights will be limited to four stories. g. Buildings will be designed with façade articulation to break up wall mass and to create variety in the character of the façade. h. Main windows will be arranged to avoid large masses of glass and will be designed so as to be taller than they are wide. This will not apply to minor windows such as for bathrooms, stairways and architectural accent. i. All building entrances will be connected to the on-site sidewalk network subject to grade and ADA standards. j. On site directional signage will be designed to reflect the architectural character and materials of the principal buildings. k. Building facades will incorporate vertical elements and material changes to break up the mass of the building walls. <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
<p>Deferral (To November)</p>	<p>6. Petition No. 2014-064 (Council District 1 - Kinsey) by Marsh Properties, LLC for a change in zoning for approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road from B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) with five-year vested rights.</p> <p>The Zoning Committee voted 5-0 to DEFER this petition to their October 29, 2014 meeting.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2014-072 by Tony A. Feimster for a Text Amendment to the City of Charlotte Zoning Ordinance to allow cultural facilities as a use allowed by right in I-1 (light industrial), I-2 (general industrial), and U-I (urban industrial) districts.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It broadens the range of choices for entertainment and employment. <p>Therefore the Zoning Committee found this text amendment 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"> • Cultural facilities are allowed in a wide range of non-residential zoning district. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>

	<p>8. Petition No. 2014-076 (Council District 2 - Austin) by Northlake Health Investors, LLC for a change in zoning for approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>The Zoning Committee found this petition to be consistent with the <i>Northlake Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The site was formerly used as a nursing home. <p>Therefore, the Zoning Committee found this petition 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"> • The site is compatible with the adjacent multi-family residential and the adjoining child care facility; and • The use will provide a valuable community resource for the elderly and disabled. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended the Development Data and Note 2.a. to specifically prohibit jails, prisons, stadiums and arenas. 2. Amended Note 4.a. to indicate a singular principal building. The note should read: "The building materials used on the principal building..." 3. Removed the word "one-story" from the label on the building on Sheet 1. 4. Noted on the site plan that the existing building is to be demolished 5. Specified the width of the existing sidewalk and planting strip to remain. 6. Revised the text from Note 1.e. as follows: "Changes to the Rezoning Plan not permitted by the Rezoning Plan will be reviewed and approved as allowed by Section 6.207 of the Ordinance." 7. Clarified in the "Site Development Data" that the use is limited to 50 beds as noted in Note 2.a. 8. Added the following to the last sentence in Note 3.e.: "... and Planning in accordance with Section 6.207." <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>
	<p>9. Petition No. 2014-082 (Outside City Limits) by Brookwood Capital Partners for a change in zoning for approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard from R-3(LWPA) (single family residential, Lake Wylie protected area), I-1(LWPA) (light industrial, Lake Wylie protected area) and I-2(LWPA) (general industrial, Lake Wylie protected area) to I-2(CD)(LWPA) (general industrial, conditional, Lake Wylie protected area).</p> <p>The Zoning Committee found this petition to be inconsistent with the <i>Dixie Berryhill Strategic 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 uses supporting rapid transit along this corridor. <p>However, the Zoning Committee found this petition 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"> • The conditions in the area have changed since the plan was approved in that there are currently no plans for rapid transit along this corridor; and, • The proposed use is consistent with the surrounding land uses many of which are industrial.

<p>2014-082 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added language to state that design of this water quality area will not include a detention basin, but may include one or more recognized BMP's including a rain garden, grassed swales, extended detention wetlands, and/or other recognized BMPs that can be designed to be integrated into and maintained as part of the landscaping for the site. 2. Labeled the center line for Wilkinson Boulevard on Sheet Z-2.0 of the site plan. 3. Revised the site plan to show the proper illustration of the reservation of the required right-of-way and the setback along Wilkinson Boulevard. 4. Addressed CDOT comments: <ol style="list-style-type: none"> a. Petitioner has revised site plan to depict 75-foot maximum right-of-way from the centerline of the existing right-of-way (Wilkinson Boulevard). b. Note G was modified to state: "The exact driveway locations will be determined at the time of permitting." 5. Staff has rescinded the request to amend the Storm Water note as the subject language is necessary to help ensure the water quality area proposed along the Wilkinson Boulevard frontage will be subject to appropriate landscape design and treatment. 6. Addressed City Engineering comments: <ol style="list-style-type: none"> a. Petitioner provided a wetland letter. b. Add the following note to the site plan: "This Site will comply with the Charlotte Tree Ordinance. Tree save is required." Staff has rescinded this comment, as this is an ordinance requirement. In addition, the site plan commits to exceeding what is required per ordinance. 8. The petitioner has added language to Transportation Note D that states if NCDOT does not allow the sidewalk and planting strip at the edge of the right-of-way, then the sidewalk will be located on the petitioner's property. 9. The petitioner amended Transportation Note F to state that: "The petitioner will provide and construct a concrete bench pad for a new bus stop along Wilkinson Boulevard. The petitioner will work with CATS to determine a mutually agreeable location for a transit pad during the development review and permitting process." 10. CDOT rescinded the request to restrict the easternmost driveway to "trucks only" and the westernmost driveway to passenger vehicles only, as this item will be addressed through the driveway permit process. <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
	<p>10. Petition No. 2014-083 (Council District 7 - Driggs) by Childress Klein Properties for a change in zoning for approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</p> <p>The Zoning Committee found this petition to be consistent 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 proposed changes in the site plan are minor in nature. <p>Therefore, the Zoning Committee found this petition 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"> • The changes allow previously approved garages to be transformed into garages with carriage houses; and, • The number of residential units is not increased.

<p>2014-083 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The height of the proposed carriage units has been placed on the site plan. 2. A note and elevations have been placed on the site plan detailing the options for the garage and carriage units. <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
<p>Council will have to vote whether or not to send back to the Zoning Committee.</p> <p>Sufficient Protest Petition</p> <p>Deferral (To October 27)</p>	<p>11. Petition No. 2014-084 (Council District 1 - Kinsey) by 7TH Street Progression Partners, LLC for a change in zoning for approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).</p> <p>Note: The City Council must determine by a ¾ vote if the following changes to the site plan after the Zoning Committee vote, are substantial and if the petition should be referred back to the Zoning Committee for review:</p> <ol style="list-style-type: none"> 1. Relocation of the planting island located adjacent to the entry drive as it previously encroached onto the adjacent property. 2. Addition of a note that the final design of the parking island and circulation will be determined and approved by Planning and CDOT staff through the administrative review process. <p>The Zoning Committee found this petition to be consistent with the <i>Elizabeth Area Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The single use multi-family development is a well suited land use for the area. <p>Therefore, the Zoning Committee found this petition 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"> • The site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and, • The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to 3 feet into the 21-foot zoning setback). 2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site's frontage on East 7th Street. The new language further states that the improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained. 3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of 10 feet from grade. 4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan. 5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0. 6. Petitioner has moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.

2014-084
cont.

7. Addressed Urban Forestry's comments by adding Environmental Features Note D that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.
8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.
9. Note C from the "General Provisions" has been removed from the site plan.
10. The number of proposed units has been reduced from 95 to 91.
11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.
12. Sheet RZ-2.0 has been revised to show planting area in from of 8-foot screen wall along portions of property lines.
13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.
14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations and potential tree in grate.
15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7th Street.
16. Sheet RZ-2.0 has been revised to show a 25 foot deed restriction setback along East 7th Street.
17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21 foot Zoning Setback and 25-foot Deed Restriction Setback, and reference to development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.
18. Sheet RZ-2.1 has been modified to identify "3 story portion of building with maximum 40 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
19. Sheet RZ-2.1 has been modified to identify "4 story portion of building with maximum 52 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.
20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.
21. A note has been added to Sheet RZ2.20 that states certain designated windows will have translucent glass in window units (50%).
22. New Sheet RZ-2.3 labeled "Schematic Required Planting Plan" identifies proposed plantings to screen new building from adjacent residential development.
23. New General Provisions Note C provides language regarding the zoning setback along 7th Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.
24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
 - a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has been revised to remove "courtyards and "courtyard walls," and add that "patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback."
 - b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
 - c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to "dining." Language now proposes "an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street. The new language further states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
 - d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
 - e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide portion of the sidewalk located along the Site's frontage on East 7th Street within the Zoning Setback.
25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.

2014-084
cont.

26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.
27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.
28. Architectural Standards Note B has been modified to reference the 4 story components of the building and the site adjacent to the relevant portion of the building.
29. Petitioner has added new Architectural Standards notes regarding the following:
 - a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at 90 degree angle at the option of the Petitioner.
 - b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
 - c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
 - d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
 - e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior building materials for the building to be constructed on the site.
 - f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building, with clear windows being allowed on all other portions of the proposed building.
 - g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
 - h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7th Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.
30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:
 - a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21 foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.
 - b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line.
 - c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
 - d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities and minimum height at the time of installation of the trees and shrubs.
 - e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. Note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25 foot alley, the petitioner will not be required to install any trees, shrubs and landscape materials within the 25 foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25 foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
 - f. New Note H states petitioner will maintain, at its cost and expense, the perimeter landscaped areas (including landscaping in the alley).

<p>2014-084 cont.</p>	<p>g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping to be installed on the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.</p> <p>h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage.</p> <p>31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.</p> <p>32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) 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.</p> <p>33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.</p> <p>34. Added new heading Construction Activities with following notes:</p> <p>a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.</p> <p>b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.</p> <p>35. Added new heading Trash and Recycling Removal with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and 6 p.m.</p> <p>36. Removed all references to deed restrictions and waivers on all sheets of the site plan.</p> <p>37. Removed "deed restriction setback" on all applicable sheets of the site plan.</p> <p>38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.</p> <p>39. Clouded all new notes and revised notes.</p> <p>40. Provided details of the proposed seat wall.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>
	<p>12. <u>Petition No.2014-086</u> (Council District 4 - Phipps) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive from INST (institutional) and I-2(CD) (general industrial, conditional) to TOD-M (transit oriented development - mixed-use).</p> <p>The Zoning Committee found this petition 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 proposed use is suitable for the area. <p>Therefore, the Zoning Committee found this petition 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"> • The site is located within ¼ mile walk distance of the future McCullough Transit Station location; • The property is located in a priority area for transit oriented development; and, • This rezoning will ensure any development on the site is transit oriented.

<p>2014-086 cont.</p>	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2014-087 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>North Carolina General Statutes</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Cities are required to comply with North Carolina General Statues. <p>Therefore, the Zoning Committee found this text amendment 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"> • It makes the written regulations in the ordinance consistent with recently updated state legislation. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition as amended.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2014-088 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.</p> <p>The Zoning Committee found this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Working experience has shown that the these items need to clarified and/or adjusted. <p>Therefore, the Zoning Committee found this text amendment 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"> • It clarifies and simplifies practices relating to locating setbacks; and, • Preserves and enhances existing neighborhoods. <p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 14</p>

15. [Petition No. 2014-094](#) (Council District –1-Kinsey) by Eastway II Holdings LLC for a change in zoning for approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive from B-1SCD (shopping center) and B-D(CD) (distributive business) to B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment).

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

- A portion of the property was previously rezoned, and
- The remaining portion of the property is recommended for retail land uses.

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

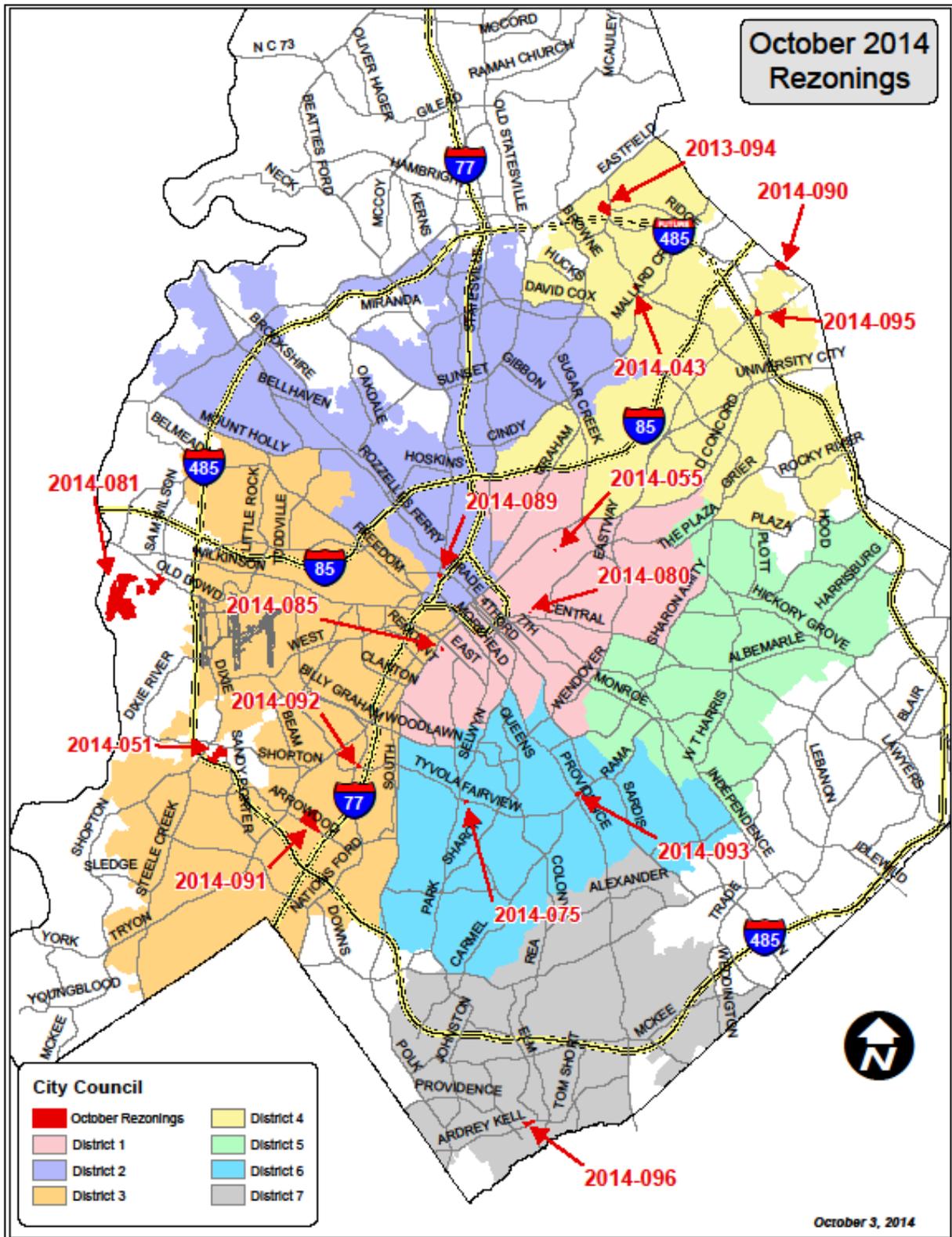
- The use will help maintain and active retail center.

The Zoning Committee voted 5-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Amended proposed zoning to reflect B-D(CD) and B-D(CD) SPA.

Staff recommends approval of this petition.

[Attachment 15](#)



ZONING HEARINGS

Protest Petition Sufficient	<p>16. Petition No. 2013-094 (Council District 4 – Phipps) by Halvorsen Development for a change in zoning for approximately 33.85 acres located on the west side of Prosperity Church Road across from Ridge Road from CC (commercial center) and R-3 (single family residential) to CC (commercial center) and CC SPA (commercial center site plan amendment), with five-year vested rights.</p> <p>Staff recommends approval of this petition upon the resolution of the outstanding issues.</p> <p>Attachment 16</p>
Protest Petition Sufficient	<p>17. Petition No. 2014-043 (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. Petition No. 2014-051 (outside city limits) by Eastgroup Properties, LP for a change in zoning for approximately 48 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485 from R-3 (single family residential), I-2 (general industrial), and I-2(CD) (general industrial, conditional) to I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
	<p>19. Petition No. 2014-055 (Council District 1- Kinsey) by Andrew Klenk for a change in zoning for approximately 0.23 acres located on the east side of North Davidson Street between 33rd Street and East 34th Street from R-5 (single family residential) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of the petition upon resolution of outstanding issues.</p> <p>Attachment 19</p>
	<p>20. Petition No. 2014-073 (Council District 6 - Smith) by Brazwells Premium Pub for a Text Amendment to the City of Charlotte Zoning Ordinance to allow outdoor dining in the setback or yards in a variety of zoning districts as an accessory use when associated with an eating, drinking and entertainment establishment, with prescribed conditions.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p>
Deferral (to November)	<p>21. Petition No. 2014-075 (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional).</p> <p>Attachment 21</p>
	<p>22. Petition No. 2014-080 (Council District 1 - Kinsey) by Campus Works/Mallie Colavita for a change in zoning for approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad from I-2 (general industrial) to B-2(PED) (general business, pedestrian overlay).</p>

<p>2014-080 cont.</p>	<p>Staff recommends approval of this petition.</p> <p>Attachment 22</p>
	<p>23. Petition No. 2014-081 (Outside City Limits) by Provident Land Services for a change in zoning for approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area from MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) TO MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 23</p>
<p>Protest Petition TBD</p>	<p>24. Petition No. 2014-085 (Council District 1 – Kinsey) by New Carolina Income Properties, LLC for a change in zoning for approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue from UR-2(CD) HD (urban residential, conditional, historic district overlay) to TOD-RO HD (transit oriented development - residential, optional, historic district overlay).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 24</p>
	<p>25. Petition No. 2014-89 (Council District 2 – Austin) by Hopper Communities for a change in zoning for approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue from R-8MF(HD) (multi-family residential, historic district overlay) and R-22MF(HD)(PED) (multi-family residential, historic district overlay, pedestrian overlay) to UR-2(CD)(HD) (urban residential, historic district overlay) and UR-2(CD)(HD)(PED) (urban residential, historic district overlay, pedestrian overlay).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 25</p>
	<p>26. Petition No. 2014-090 (Outside the City Limits) by HSREI, LLC for a change in zoning for approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road from R-3 (single family residential) and I-1(CD) (light industrial, conditional) to I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 26</p>
	<p>27. Petition No. 2014-091 (Council District 3 - Mayfield) by Time Warner Cable for a change in zoning for approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard from B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) to O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 27</p>

<p>Protest Petition TBD</p>	<p>28. <u>Petition No. 2014-092</u> (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).</p> <p>Staff recommends denial of this petition.</p> <p>Attachment 28</p>
	<p>29. <u>Petition No. 2014-093</u> (Council District 6 - Smith) by Merrifield Patrick Vermillion, LLC for a change in zoning for approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road from O-15(CD) (office, conditional) to MUDD-O (mixed use development, optional).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 29</p>
<p>Deferral (to November)</p>	<p>30. <u>Petition No. 2014-095</u> (Council District 4 - Phipps) by QuikTrip Corporation for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional).</p> <p>Attachment 30</p>
	<p>31. <u>Petition No. 2014-096</u> (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services).</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 31</p>
<p>Deferral (to November)</p>	<p>32. <u>Petition No. 2014-001 SUB</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to:</p> <ol style="list-style-type: none"> 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations. <p>Attachment 32</p>

	<p>33. <u>Petition No. 2014-071</u> by Charlotte-Mecklenburg Planning Department & Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ol style="list-style-type: none"> 1) add new definitions for “animal care and control division”, “animal care and control fosterer”, “animal rescue group” and “animal rescue group fosterer”; 2) modify the definitions for “commercial kennel” and “private kennel”; 3) modify the prohibited customary home occupation list; and 4) modify the prescribed conditions for private kennels. <p>Staff recommends approval of this petition.</p> <p>Attachment 33</p>
	<p>34. <u>Petition No. 2014-098</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to clarify the height limitations for permitted structures in various districts.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 34</p>
	<p>35. <u>Petition No. 2014-099</u> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to allow parking lot reconfiguration in the UMUD (Uptown Mixed Use) district under limited circumstances.</p> <p>Staff is recommends approval of this petition.</p> <p>Attachment 35</p>

Insert

Tab

Item 1

Request For Council Action

Action Requested: Consideration of an Ordinance **de-designating** portions of the land associated with the Historic Landmark known as the **James A. Blakeney House**. The portions of the land to be de-designated are limited to 7.829 acres of land in tax parcel 22922212, and 2.244 acres of land in tax parcel 22908334.

Responsible Department: Charlotte-Mecklenburg Historic Landmarks Commission

Background: Through the Certificate of Appropriateness process, residential development has been approved for the subjects portions of the property, while leaving a wide “historic buffer” along Blakeney-Heath Road.

Explanation of Request: The Historic Landmarks Commission may recommend that the Charlotte City Council adopt an ordinance to designate or de-designate an historic landmark.

Deferrable Taxes: Tax parcel 22908334 currently receives a tax deferral of \$985 for the City of Charlotte, and \$1,715 for Mecklenburg County. Adopting an ordinance to de-designate a portion of the property would **reduce** the amount of deferred tax to \$394 for the City of Charlotte, and \$686 for Mecklenburg County. Tax parcel 22922212 does not currently receive a tax deferral.

Bibliography: “Survey and Research Report on the James A. Blakeney House” (1986).

Date Submitted: October 6, 2014

Agenda Date Requested: October 20, 2014

Consequences if Agenda Date is delayed or Action is deferred: Could delay the approved development of the property. Could delay the reduction of the current deferred taxes for the City of Charlotte and Mecklenburg County.

Contact Person: Stewart Gray, Preservation Planner (704) 376-9115

Request For Council Action

Authorized by: Dr. Dan L. Morrill, Consulting Director

- List of Attachments:**
1. Descriptive Cover Sheet
 2. Draft of Ordinance with attached maps
 3. Addendum to the Survey and Research Report for The James A. Blakeney House
 4. Survey and Research Report on the James A. Blakeney House (1986)
 5. Letter from the State Historic Preservation Office

Ordinance – James A. Blakeney House

Ordinance to de-designate portions of the land associated with the Historic Landmark known as the “James A. Blakeney House.” The portions of the land to be de-designated are limited to 7.829 acres of land in tax parcel 22922212 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina), and 2.244 acres of land in tax parcel 22908334 (listed as of October 1, 2014 in the Mecklenburg County Tax Office, Charlotte, North Carolina) as shown on the attached plans. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc. The property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 20th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 13th day of October, 2014, on the question of de-designating a portion of the land associated with the historic landmark known as the “James A. Blakeney House”; and

WHEREAS, on November 17, 1986, the Mecklenburg County Board of Commissioners adopted an ordinance designating the property known as the “James A. Blakeney House” as a Historic Landmark; and

WHEREAS, the property known as the “James A. Blakeney House” was annexed by the City of Charlotte on June 30, 1999, and the City of Charlotte now has historic landmarks jurisdiction over the property pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has determined that to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334 is appropriate because portions of the property have been approved for new development under the Certificate of Appropriateness process.

WHEREAS, Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the James A. Blakeney House possesses special significance in terms of its history, and/or cultural importance; and

WHEREAS, the property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Meritage Homes of the Carolinas Inc., and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina, and is owned by Classica Homes LLC. .

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That portions of the land associated with the Historic Landmarks knows as the “James A. Blakeney House,” (limited to 7.829 acres of land in tax parcel 22922212, and 2.244 acres of land in tax parcel 22908334 as shown on the attached plans, and listed as of October 1, 2014, in

the Mecklenburg County Tax Office, Charlotte, North Carolina) be de-designated pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The property associated with tax parcel 22922212 is located at 9215 Blakeney-Heath Road in Charlotte, North Carolina, and the property associated with tax parcel 22908334 is located at 9401 Blakeney-Heath Road in Charlotte, North Carolina. Features of the property are more completely described in the “Survey and Research Report on the James A. Blakeney House” (1986).

2. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow The Secretary of the Interior’s Standards for Rehabilitation and

Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

4. That the owners of the historic landmark known as the “James A. Blakeney House” be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

5. That which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the ____ day of _____, 20____, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

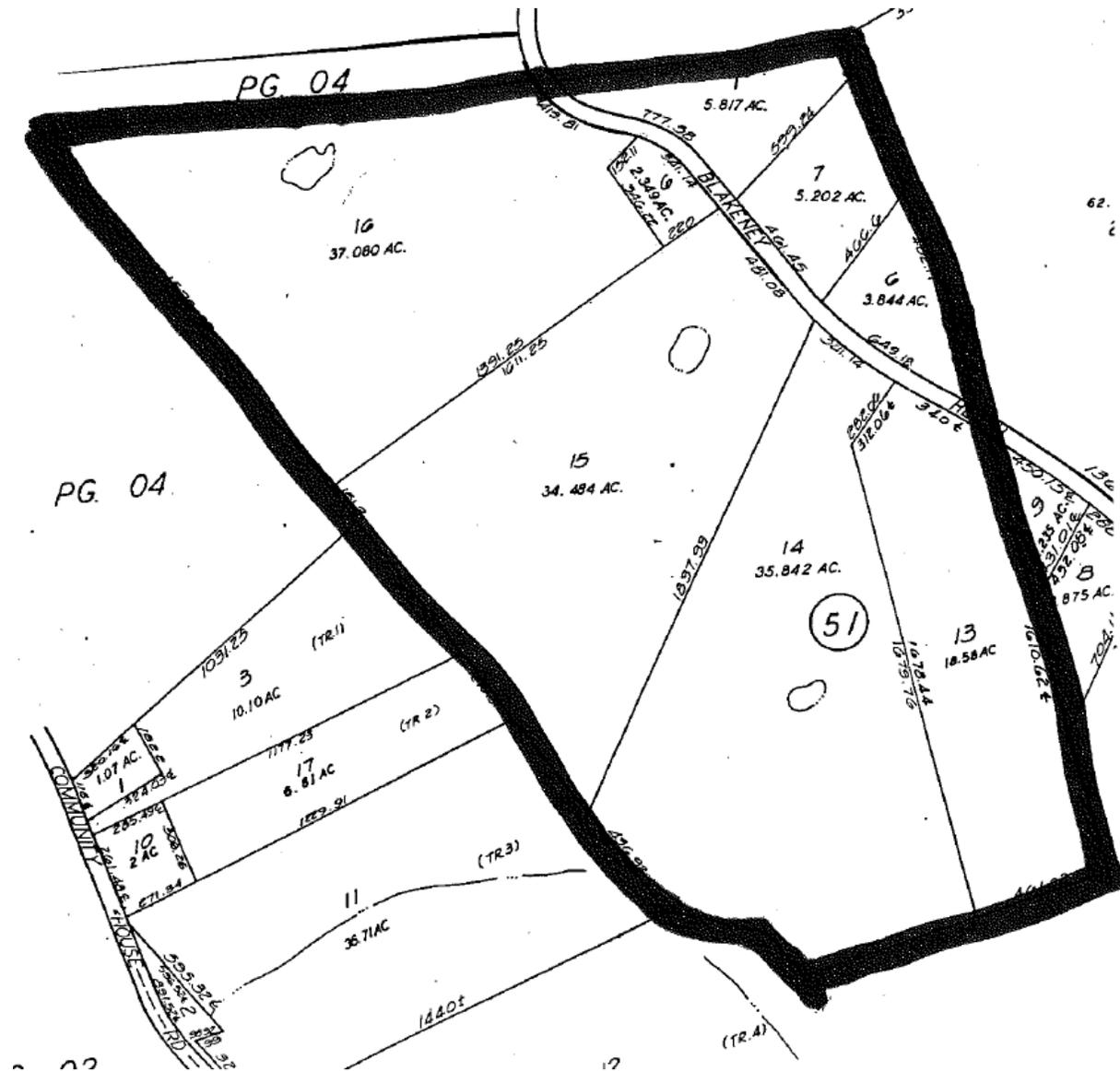
Clerk to City Council

Approved as to form:

Senior Assistant City Attorney

Addendum to the Survey and Research Report for The James A. Blakeney House

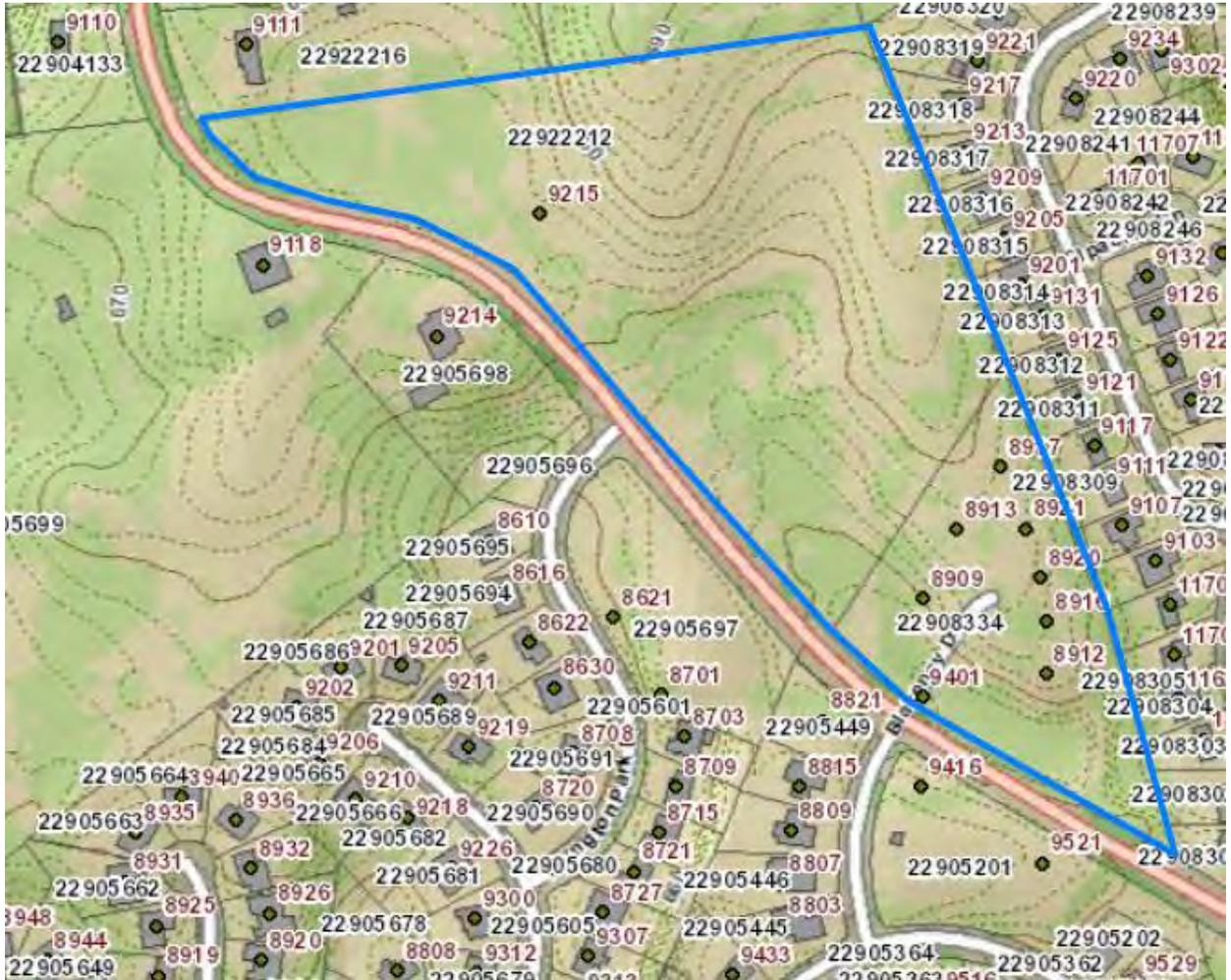
The James A. Blakeney House was once the center of a significant, 232 acres farming operation. When the property was designated as a local historic landmark in 1986, the house was surrounded by approximately 143 acres of undeveloped property. The map below shows the property as it was configured in 1986, consisting of open fields, woods, and the James A. Blakeney House located in the 2.349 acre parcel adjacent to the road.



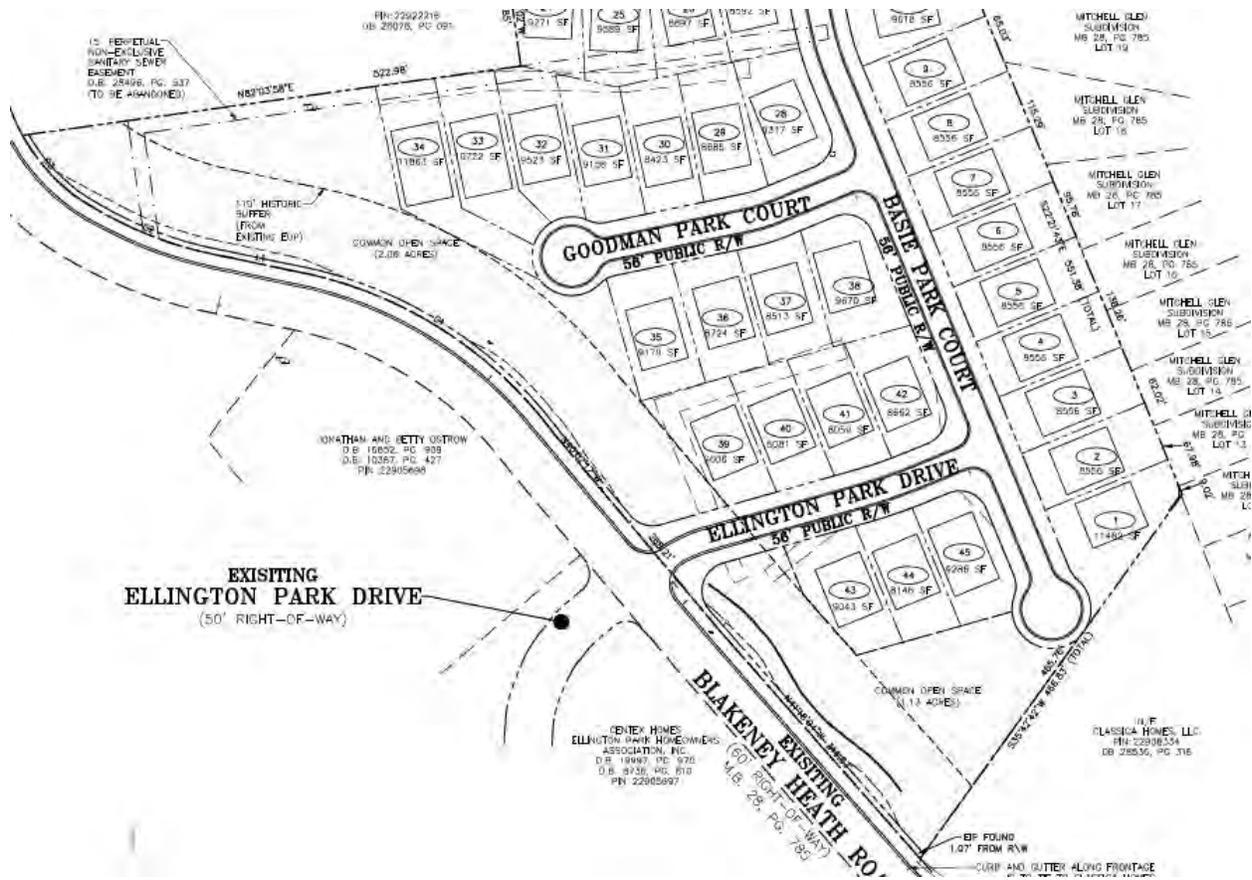
Through the Commission’s design review process, much of the property was developed for housing. The map below shows the property as it exists today.



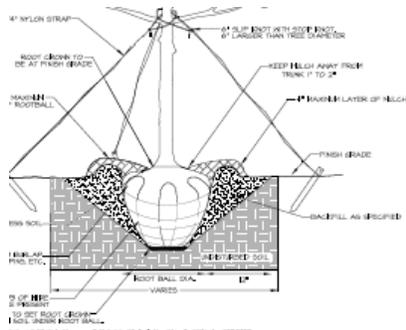
All of the property to the east of Blakeney-Heath Road (tax parcels 22922212 and 22908334) has recently been approved for residential development, and certificates of appropriateness have been issued for the proposed projects.



The following two maps show the approved development plans for all of the designated property to the east of Blakeney-Heath Road. The plans show that portions of the land along Blakeney-Heath Road will be left as a buffer, with landscaping that should both screen the new development and be compatible with the historic character and setting of the James A. Blakeney House. Of the roughly 14.8 acres that will be affected, approximately 4.8 will be left as open space in the buffer.



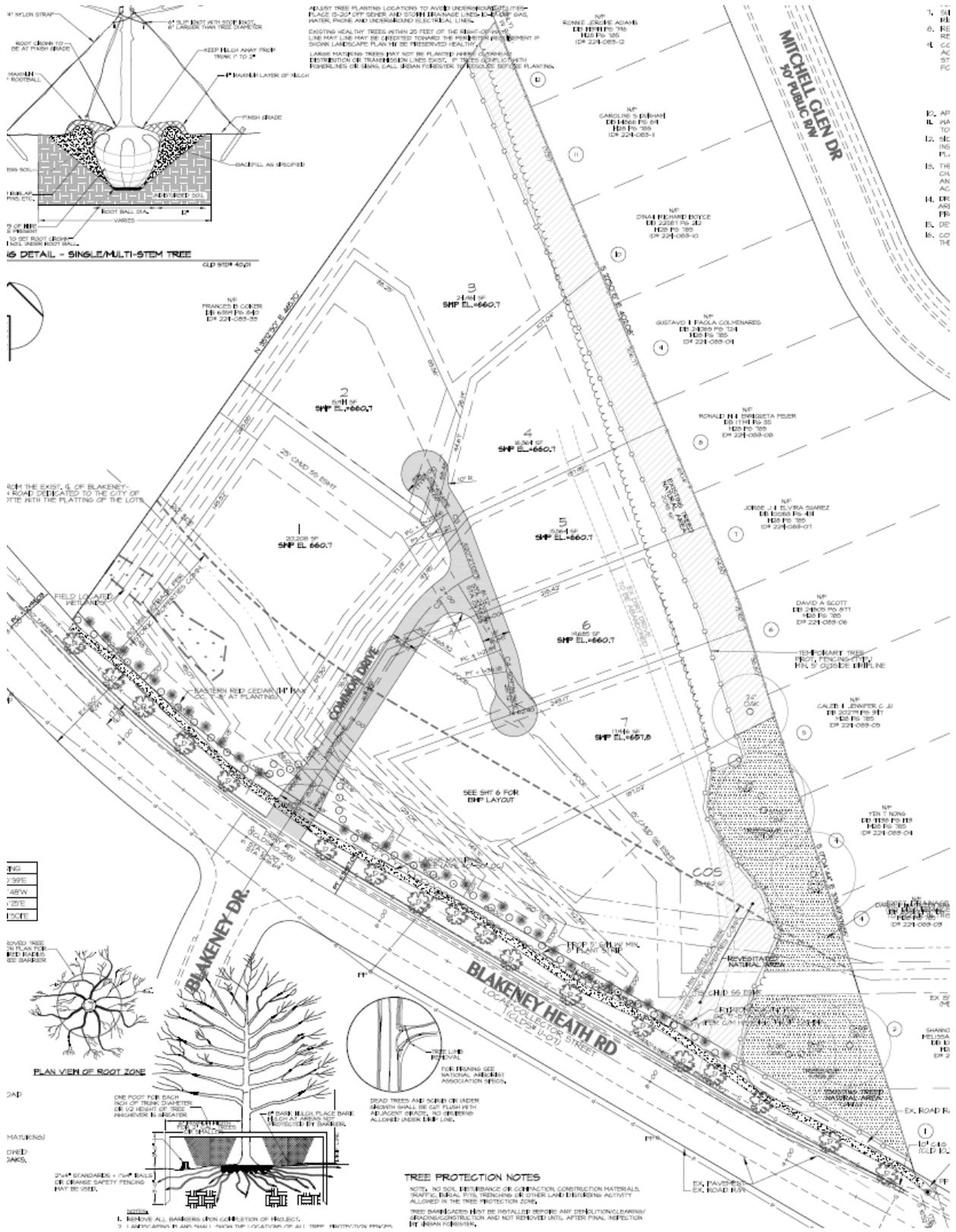
Tax parcel 22922212.



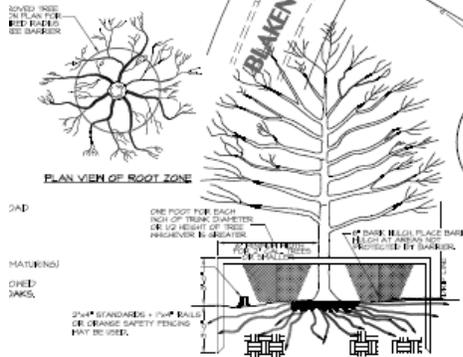
16 DETAIL - SINGLE/MULTI-STEM TREE
 CLP 918 45G1



FOR THE EXIST. G. OF BLAKENEY ROAD DEDICATED TO THE CITY OF THE WITH THE PLATTING OF THE LOTS



1" DB
2" DB
4" DB
6" DB
10" DB



TREE PROTECTION NOTES
 NOTES: NO SOIL, DETERIORATION OF CONSTRUCTION, CONSTRUCTION MATERIALS, TRAFFIC, BURIAL PITS, TRENCHES OR OTHER LAND DISTURBING ACTIVITY ALLOWED IN THE TREE PROTECTION ZONE.
 TREE BARRIERS MUST BE INSTALLED BEFORE ANY DEMOLITION/CLEARING/GRADING/CONSTRUCTION AND NOT REMOVED UNTIL AFTER FINAL INSPECTION BY USDA FORESTER.

Tax parcel 22908334.

Considering the significant changes being proposed for tax parcels 22922212 and 22908334, the Charlotte-Mecklenburg Historic Landmarks Commission has voted to recommend that the ordinance for the James A. Blakeney House be amended to de-designate 7.829 acres of land in tax parcel 22922212, and to de-designate 2.244 acres of land in tax parcel 22908334. Leaving the approximately 4.8 acres of land shown as open space and buffer in these two tax parcels as part of the James A. Blakeney House designated landmark.

Stewart Gray
Preservation Planner
Charlotte-Mecklenburg Historic Landmarks Commission

May 8, 2014

The James A. Blakeney House



1. Name and location of the property: The property known as the James A. Blakeney House is located on the Blakeney Heath Road in the Providence Community of Mecklenburg County, North Carolina.

2. Name, address, and telephone number of the present owner of the property: The owner of the property is:

Willie Blakeney Life Estate et al.
2025 East Eight St.
Charlotte, NC 28204

The present occupant of the property is:

Margaret Blakeney Bullock
Telephone: 704/542-3705

3. Representative photographs of the property: This property contains representative photographs of the property.

4. Current Deed Book Reference to the property: The most recent deed to this property is recorded in Mecklenburg County Deed Book 4641, Page 948, The Tax Parcel Number of the property is 229-051-06.

5. A brief historical sketch of the property: This report contains a brief historical sketch of the property prepared by Dr. William H. Huffman.

6. A brief architectural description of the property: This report contains a brief architectural description of the Property prepared by Dr. Dan L. Morrill.

7. Documentation of why and in what ways the property meets the criteria for designation set forth in NCGS 160A-399.4:

a. Special significance in terms of its history , architecture, and/or cultural importance: The Commission judges that the property known as the James A. Blakeney House does possess special significance in terms of Charlotte-Mecklenburg. the Commission bases its judgment on the following considerations: 1) the James A. Blakeney House it a well-preserved example of a type of farmhouse erected by prosperous farmers in Mecklenburg County in the late nineteenth and early twentieth centuries; 2) the James A. Blakeney House and outbuildings constitute a rare combination of agriculturally-related edifices in a section of Mecklenburg County which is experiencing rapid suburbanization and 3) the James A. Blakeney farm might contain important historic and pre-historic archaeological artifacts.

b. Integrity of design, setting, workmanship, materials, feeling, and/or association: The Commission contends that the architectural description included in this report demonstrates that the property known as the James A. Blakeney House meets this criterion.

8. Ad Valorem Tax Appraisal: The Commission is aware that designation would allow the owner to apply for an automatic deferral of 50% of the Ad Valorem taxes on all or any portion of the property which becomes "historic property." The current appraised value of the house is \$11,740. The current appraised value of the 109.75 acres of land is \$26,610. The total appraised value of the property is \$38,350.

Date of Preparation of this Report: February 5, 1986

Prepared by: Dr. Dan L. Morrill
Charlotte-Mecklenburg Historic Properties Commission
1225 S. Caldwell St. Box D
Charlotte , NC 28203

Telephone: 704/376-9115

Historical Overview

*by Dr. William H. Huffman
January, 1986*

The James A. Blakeney House in southern Mecklenburg County is an endangered species. This once model farm that was toured by schoolchildren is now in danger of disappearing along with many others in rural Mecklenburg County, victims of ever-spreading suburban development. Built about 1905-06, the house still retains a fundamental soundness in addition to its rural charm that evokes the sense of the pace of turn-of-the century farm life.

About 1890, a precedent-setting occasion took place at [Providence Presbyterian Church](#): the minister, Roger Martin, officiated at the wedding of his daughter, Margaret Tomlin Martin (1864-1917) and James Albert Blakeney (1856-1928). It was the first wedding ceremony performed in the church; previously, couples were married at home. The preacher, a Richmond, Va. native, served Providence from 1888 to 1892, when he took the pastorate at Mallard Creek, a post he held until his death in 1900.¹

James A. Blakeney's father, Reese Blakeney, a South Carolina native, had gone into the Confederate service during the Civil War, and had not returned at war's end, his fate unknown. His mother, born Caroline Kirkley, subsequently married J. P. Doster, and about 1883 they settled near the present Blakeney House to farm in southern Mecklenburg County.² James Blakeney and his stepfather farmed together on the latter's land for several years, and in 1887 Blakeney bought just over 39 acres of his own, and built a log cabin to live in.³ It was here that the newlyweds set up housekeeping about 1890.

About 1897, the Dosters moved to Hickory N.C., and James bought about half of their holdings, a 60-acre tract (he bought their remaining 76 acres in 1911) near his own.⁴ On this larger property, he built a one-story residence for his growing family on the site of the present house which sat next to the road that bisected his farm. The farm prospered and the family continued to grow. but it was a fire a few years after the turn of the century that made a new house necessary, and so the one we see today was put up about 1905 or 1906.⁵

By 1910, the Blakeney's were farming about 232 acres and had brought eight children into the world (seven daughters and one son), six of whom survived to adulthood.⁶ Unfortunately, about 1913 James Blakeney suffered a stroke, and management of the farm was undertaken by Dr. Alexander Martin, Margaret's brother, who came up once a week from Rock Hill, S. C., where he was pastor of the Oakland Avenue Presbyterian Church for many years.⁷

When he came of age, James A. Blakeney, Jr. (1901-1973) took over management of the farm, and about 1930 married Wilma Alma Blount (1906-) of Roper, N.C., a descendant of Capt. James Blount, who died in North Carolina in 1686.⁸ During their long tenure on the farm, James A. Jr. and Willie Blakeney raised three children, Margaret, Frances and James III. And it was also during this time that schoolchildren used to tour the farm to see, among many other wonders, old wagons and farm implements now found only in museums.⁹

Following the death of James A. Jr. and Willie Blakeney's move to a nursing home, the house suffered some neglect, but since 1983 it has been reoccupied by Margaret Blakeney Bullock, who has undertaken careful interior restoration of the fine farmhouse, and intends to continue the efforts to completion.

The James A. Blakeney House is a splendid representative of a vitally important part of our cultural heritage, and these days, an ever rarer one. Its preservation would insure that we would always retain a strong sense of our own development; what we are, and who we are.

Notes

¹ Louise Barber Matthews, *A History of Providence Presbyterian Church* (Matthews, NC: Providence Presbyterian Church, 1967), pp. 176 -181; interview with Eudora Blakeney Garrison, Charlotte, N.C., 30 January, 1986.

² Interview with Eudora Garrison: interview with Margaret Blakeney Bullock. 16 January, 1986. Mecklenburg County Deed Book 33, p. 137, 16 Feb. 1883.

³ Deed Book 224, p. 662, 1 Feb. 1887; interviews with Eudora Garrison and Margaret Bullock.

⁴ Deed Book 117, p. 116, 27 Jan. 1897; Deed Book 269, p. 708, 8 March 1911.

⁵ Interviews with Eudora Garrison and Margaret Bullock.

⁶ Bessie Blakeney McAlwaine (1891-1935), a longtime missionary to Japan; Lina B. Ardry (1893-); Harriet Caldwell Blakeney (c.1894-1900); Edmonia Martin Blakeney (1896-1950); Margaret Blakeney Richardson (1900-c.1980); J. A. Blakeney, Jr. (1901-1973); Grace Hoge Blakeney (1904-1906); Eudora Blakeney Garrison (1906-).

⁷ Matthews, *History*, cited above; interview with Eudora Garrison.

⁸ Family Bible of Wilma Alma Blount Blakeney; interviews with Eudora Garrison and Margaret Bullock.

⁹ Interviews with Eudora Garrison and Margaret Bullock.

Architectural Description

The James A. Blakeney House (ca. 1905-06) is a three-bay wide by four-bay deep, two story, [frame](#) farmhouse, with a tin-roofed, one-story projection on the rear that contains a kitchen, porch, larder room, and bathroom, the last having been added in recent years. It is located on Blakeney Heath Road in the Providence community of Mecklenburg County, NC and faces north. In addition to the main house, the property contains several outbuildings, including a barn, two tenant houses, a chicken house, cotton house, corn crib, shop building, pig pen, and a garage. Moreover, a substantial number of pre-historic archeological artifacts, principally arrowheads, have been found on the property, suggesting that it might possess archeological significance.

The James A. Blakeney House is a rather typical example of a type of dwelling which prosperous farmers erected in Mecklenburg County in the late nineteenth and early twentieth centuries, The Charlotte-Mecklenburg Historic Property which most resembles it is the N. S. Alexander House, erected in 1903, Although the James A. Blakeney House is not unique, it is one of the few surviving remnants of the built environment which was associated with the cotton economy of southern Mecklenburg County at the turn of the century. Indeed, this writer is aware of only four other farmhouses of similar or earlier vintage which survive in the general vicinity of the James A. Blakeney House, Also noteworthy is the fact that this section of Mecklenburg County is undergoing rapid suburbanization. Consequently, the house and land are clearly endangered.

Victorian motifs are evident on the exterior of the James A. Blakeney House -- the large bay on the left front, the decorative detail on the second floor windows of the bay, the slate-covered [gable roof](#) and two cross gables, the wood [shingles](#) in the gable ends, the large, tin-roofed

wraparound porch, and the Wooden lattice at the right rear of the wraparound porch. The overall massing of the house, however, as well as its architectural appointments, are quite simple, even rustic. The house, for example, rests on brick piers with subsequent brick in-fill, and the dominant exterior wall covering is clapboard. The fascia of the cornice of the wraparound porch is composed of small vertical boards of unrefined design. The house contains an offset right chimney and an offset left chimney, plus a chimney at the rear of the kitchen, Seven lightning rods are atop the house. The fenestration is irregularly punctuated, and dominant [window](#) type is 2/2 double sash, with the windows on the right front of the first floor extending to the floor of the wraparound porch.

The house also contains suggestions of classical revivalism. Arched windows with [keystones](#) punctuate the front gable ends of the cross gables, and sixteen [Doric](#) columns support the roof of the wraparound porch. But the overall treatment of the house suggests to this writer that the edifice was the work of a local builder and should be labeled 'vernacular'.

The front door is pine with a single, large glass, no [sidelights](#) but a [transom](#), and broadly-fluted pilasters with a bull's eye-decorative element in each base. The interior of the James A. Blakeney House is largely unchanged from the original. The hardware, the doors, the mantels in the eight fireplaces, the plaster walls, the magnificent pine [wainscoting](#), and the [newel posts](#), pickets, and [handrail](#) of the straight staircase which rises forward from the rear of the central hallway, are all original.



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory
Secretary Susan Kluttz

Office of Archives and History
Deputy Secretary Kevin Cherry

May 29, 2014

Stewart Gray
Charlotte-Mecklenburg Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

Re: De-designation Addendum to the James A. Blakeney House, constituting acreage northeast of Blakeney Heath Road, Providence vicinity, Mecklenburg County

Dear Stewart:

Thank you for sending us the Addendum to the landmark report for the James A. Blakeney House in the vicinity of Providence, Mecklenburg County in which it amends the boundaries of the designated property by de-designating portions of two parcels on the northeast side of Blakeney Heath Road. We have reviewed it and offer the following comments in accordance with North Carolina General Statute 160A-400.6.

Portions of two tax parcels (22922212 and 22908334) for a total of 10.134 acres will warrant de-designation when the property has been re-developed, at which time the open acreage will no longer retain any historic integrity. Continued designation of the 4.8 acres of open land immediately adjacent to the public right of way and within view of the Blakeney House is warranted.

Thank you for giving us the opportunity to comment on the report. Our comments are advisory only. Once the necessary public hearing or hearings have been held, the governing board may proceed with the designation decision. Please find enclosed a de-designation confirmation form and notify Claudia Brown of the local governing board's action at your earliest convenience. Also, if applicable, please let Claudia Brown know of any provisions in the designation ordinance that differ from those specified in the report.

Should you have any questions regarding our comments, please contact me at 919-807-6587.

Sincerely yours,

A handwritten signature in cursive script that reads "Ann V. Swallow".

Ann V. Swallow
National Register Coordinator

Enclosure

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Item 2

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-M (transit oriented development-mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Thomas Wicker Charlotte-Mecklenburg Planning Department Thomas Wicker
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found 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: <ul style="list-style-type: none"> • The proposed use is suitable for the area. <p>Therefore, this petition is 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"> • The property is located within a ¼ mile walk of the Bland Street Transit Station and Carson Boulevard Transit Station; and, • There have been multiple rezonings to allow transit oriented development within the area; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Ryan).</p>
ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
VOTE	Motion/Second: Sullivan/Nelson Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Planning staff provided a brief description of the rezoning request and noted that the petition is consistent with the <i>South End Transit Station Area Plan</i> . There was no further discussion.
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.

- **Public Plans and Policies**

- The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development.
 - The petition is consistent with the *South End Transit Station Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **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-Mecklenburg Utilities:** 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*.
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

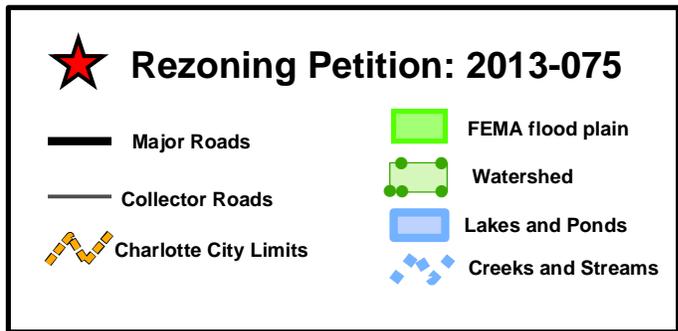
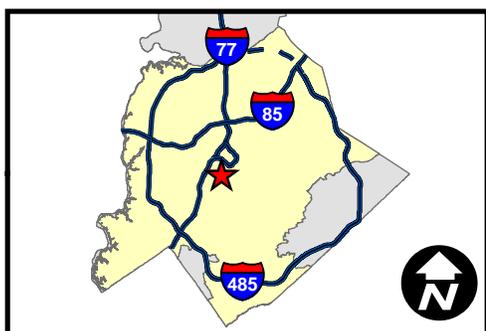
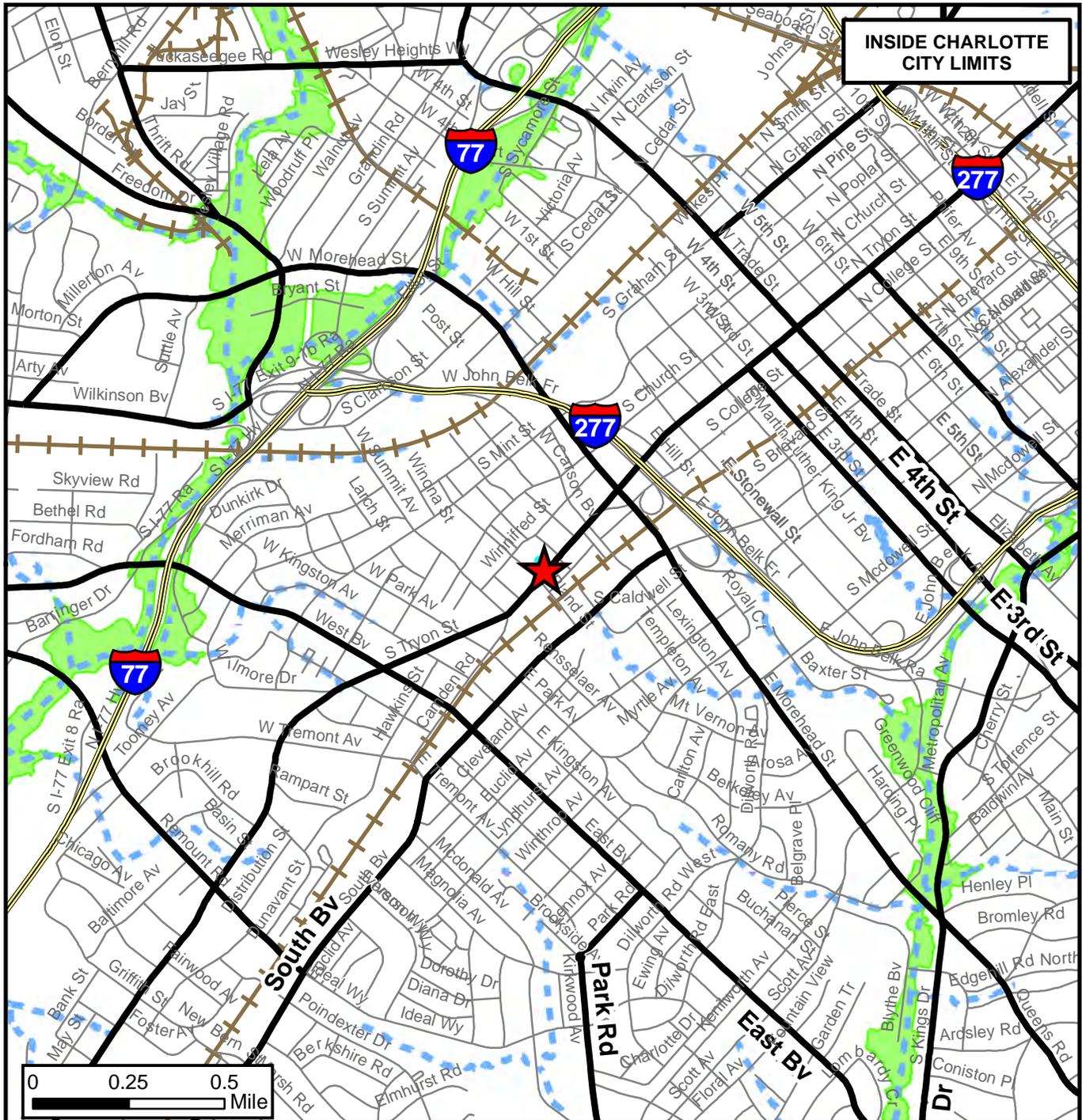
- No issues.
-

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311

Acreage & Location : Approximately 0.214 acres located on the west side of South Tryon Street between West Catherine Street and West Bland Street.



Insert

Map

Item 2

Insert

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Item 3

REQUEST	Current Zoning: R-3 (single family residential) and MX-2 (mixed use) Proposed Zoning: O-1(CD) (office, conditional)
LOCATION	Approximately 4.65 acres located on the southeast corner at the intersection of Ardrey Kell Road and Marvin Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes an office development limited to 50,000 square feet.
PROPERTY OWNER	H. Melvin Johnston, Yvonne R. Johnston and Owners Association Princeton at South Hampton
PETITIONER AGENT/REPRESENTATIVE	George Macon N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition until their October 29, 2014 meeting.
--------------------------------	--

VOTE	Motion/Second: Sullivan/Eschert
	Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan
	Nays: None
	Absent: Labovitz and Walker
	Recused: None

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:

- Maximum 50,000-square foot office development to allow medical, dental and optical clinics, barber and beauty shops, child care centers, cultural facilities, financial institutions, laboratories, offices and studios. Retail and Eating, Drinking and Entertainment Establishments (Type 1) may be permitted as accessory uses per the zoning ordinance.
- Maximum of three buildings to front along Marvin Road.
- Eight-foot planting strip and six-foot sidewalk along Marvin Road and Ardrey Kell Road.
- Proposed buildings will be constructed out of brick and glass, with stone and EIFS accents.
- Buildings will utilize four-sided architecture.
- No drive-through facilities will be permitted on site.
- Access to the site via Marvin Road and Ardrey Kell Road.
- Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees.
- In areas where proposed buildings do not currently exist but are proposed, landscaping and tree plantings equal to a ten-foot buffer will be used to screen any parking until future buildings are constructed.
- Blank walls of more than 20 feet in length are prohibited and will be broken up by using windows and architectural elements.
- Freestanding lighting will utilize full cut-off light fixtures and are limited to 25 feet in height.
- A 50-foot Class "C" buffer abutting residential zoning to the east will be installed if the existing buffer cannot be used for the "Alternative" buffer.

• **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family use for the subject property.
- This petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **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-Mecklenburg Utilities:** 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.
-

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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- The petitioner should:
 1. **Modify Note D3 to read "no parking will be allowed between the building and the public streets."**
 2. Modify and relocate proposed dumpster location to the rear of the site near the proposed tree save area.
 3. **Modify the proposed uses to: "all O-1 uses except financial institutions, laboratories, child care centers and residential uses" and change "restaurants" to "Eating, Drinking and Entertainment Establishments (Type 1)".**
 4. Provide building elevations.
 5. Show where all three proposed buildings will be located within the building envelope.
 6. Remove note H.2 and modify to read: **"A signed approval letter from the South Hampton Home Owners Association agreeing upon the final locations of the proposed tree save and dumpster areas during site design will be provided to the Charlotte-Mecklenburg Planning Department prior to submitting for any permit on the subject site."**
 7. Amend Development Conditions to add MX-2 under proposed zoning and the accompanying parcel number.
 8. **Modify the Class "C" buffer along the driveway to Ardrey Kell Road to 30 feet.**
 9. Label and show sidewalk connections from the proposed buildings to Marvin Road along both sides of the proposed driveway.
 10. Clarify the meaning of the following note: "Street trees along Marvin and Ardrey Kell Road will match the adjacent street trees."
-

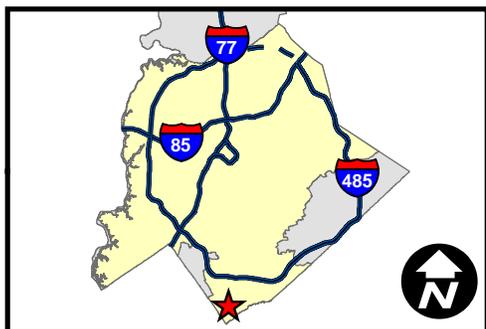
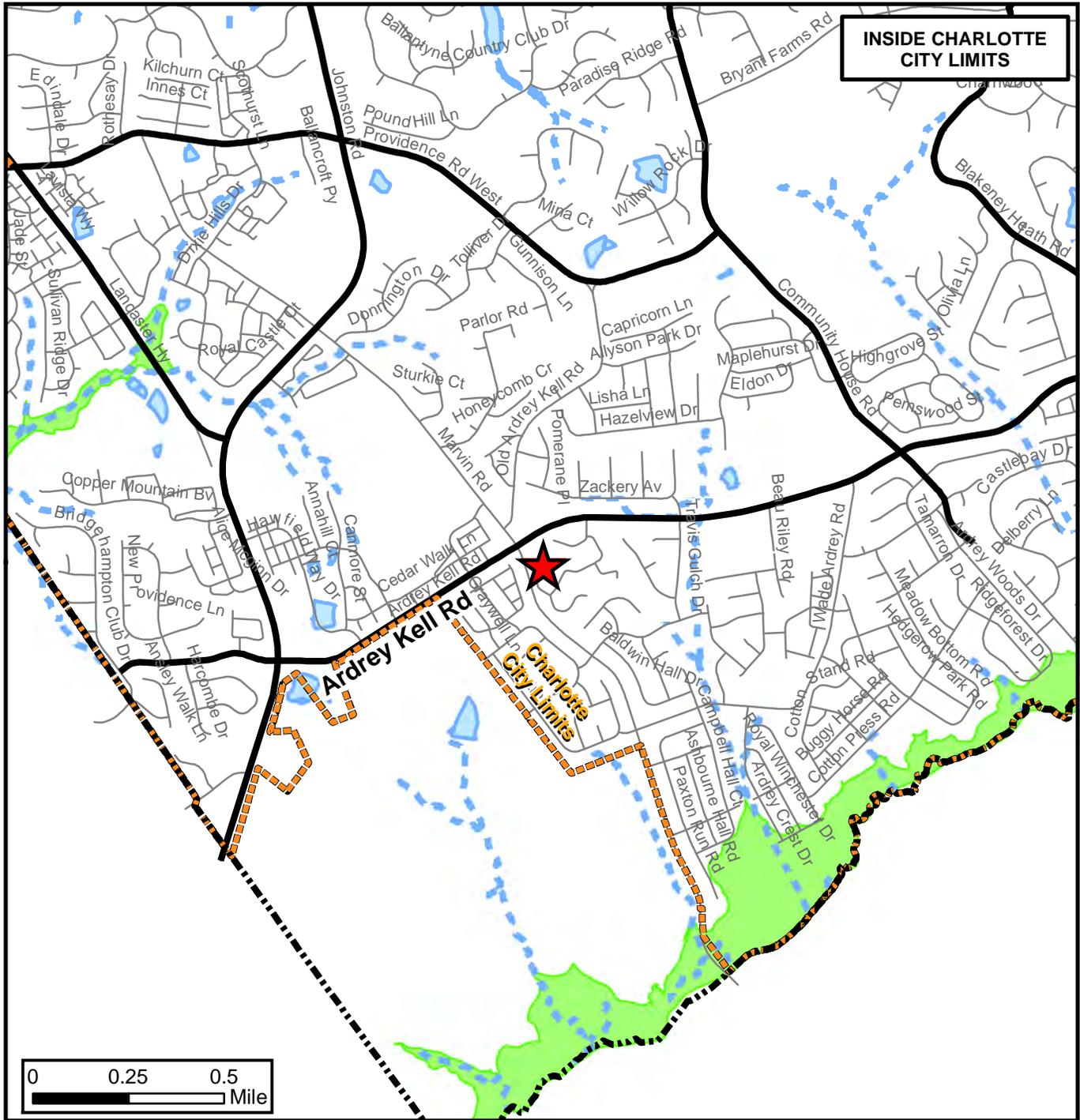
Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review

- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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 4.65 acres located on the intersection of Ardrey Kell Road and Marvin Road.



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Map

Item 3

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Item 4

REQUEST	Current Zoning: MX-3 (LLWCA) (mixed use, Lower Lake Wylie Critical Area) Proposed Zoning: MX-3 SPA (LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area)
LOCATION	Approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 units per acre to 4.815 dwelling units per acre for a total of 30 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Wilkison Partners Palisades, LLC Wilkison Partners, LLC Michael L. Boston
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition until their October 29, 2014 meeting.
--------------------------------	--

VOTE	Motion/Second: Sullivan/Eschert Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The subject parcel was rezoned under petition 2001-016(C) for the Palisades Development.
 - The approved site plan rezoned 1,068.9 acres to MX-3 (mixed use) to allow the development of 4,145 residential single family and multi-family units with an overall residential density of 3.9 dwelling units per acres.
 - The approved site plan allowed for several "village residential" components which allowed up to 5.1 dwelling units per acre.
 - The site plan called for single family development up to 3.9 dwelling units per acre on the subject site.
 - A public hearing was held for this petition on April 28, 2014.
 - After the public hearing, the petitioner made major changes to the site plan related to street connectivity. These adjustments were required by the Subdivision Ordinance and significantly changed the layout of the proposed development.
 - On July 7, 2014, the Zoning Committee voted 6-0 to recommend to City Council that the changes to this petition were significant and that a new public hearing should be held.
 - The City Council agreed with the recommendation of the Zoning Committee and on July 21, 2014 called for a new public hearing on this petition to be held on September 15, 2014.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Maximum of 30 attached single family townhomes for a density of 4.81 units per acre.

- A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.
 - Eight-foot planting strip and six-foot sidewalk along the internal public streets.
 - A four-foot tall berm or wall/fence with tree and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
 - Proposed public street stub to the adjacent property.
 - Building elevations for the proposed structures.
 - Building materials consisting of brick, architectural CMU, cultured stone, hardie shake, stucco or other similar durable material. Vinyl, EIFS and Masonite are prohibited as exterior building materials except vinyl may be used for soffit and trim including windows and doors.
 - 400 square feet of private open space per unit.
 - Proposed 15 spaces for guest parking screened by a buffer and five-foot tall screening shrubs.
 - A total of 0.49 acres of proposed tree save areas.
 - Pedestrian connection to the existing amenity area south of the subject site.
 - A 25.5-foot Class "C" buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning. The proposed fence detail is provided.
 - Freestanding lighting limited to 20 feet in height.
 - Innovative provision requests (which are considered for approval by the Zoning Committee) include:
 - Allowing minimum lot area to be 4,000 square feet.
 - Minimum lot width of 40 feet.
 - Lot depth of 100 feet.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
 - The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.81 dwelling units per acre, the density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre at approximately 3.89 dwelling units per acre.
-

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 issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

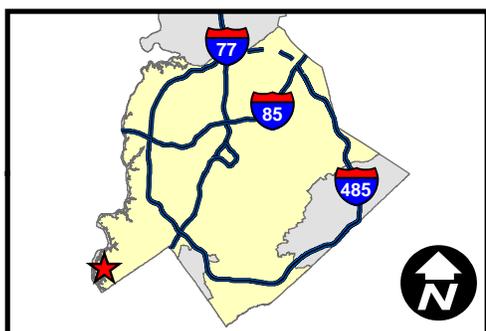
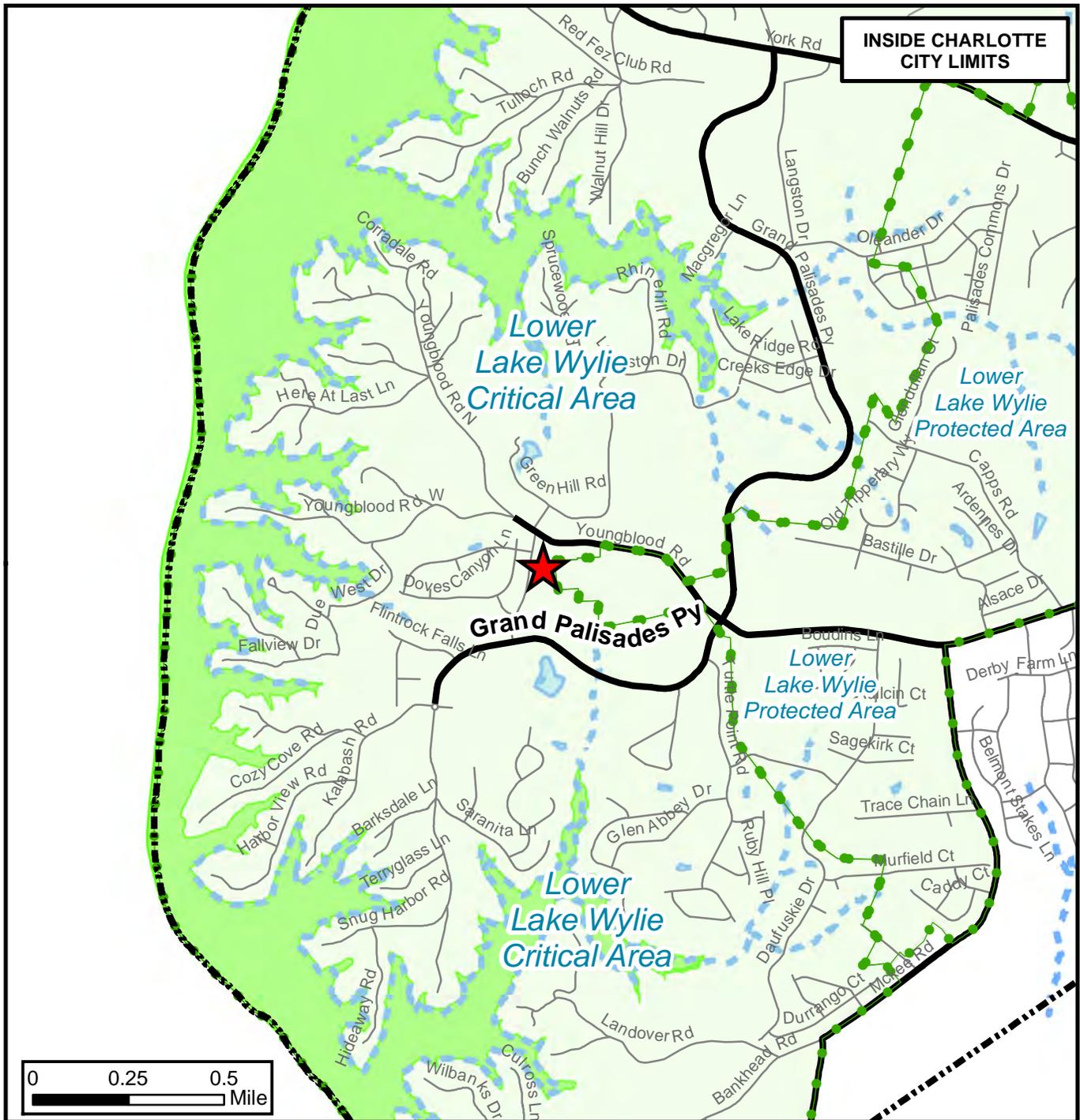
- The petitioner should:
 1. Submit an administrative request for Petition 2001-016C and reduce the number of "village residential" units by 30 units prior to the City Council decision.
 2. Clearly show which areas along Shelburne Farms Drive will have a berm and which areas will have a buffer.
 3. Modify the proposed berm as it appears to be in conflict with the proposed tree save area.
 4. Show which cross sections apply to each street and label accordingly.
 5. Clarify whether there is a proposed connection to the existing tennis club through the guest parking area. If there is a connection, identify and label on the site plan.
-

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 Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

Acreage & Location : Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.



Insert

Map

Item 4

Insert

Tab

Item 5

REQUEST

Current Zoning: BP(CD) (business park, conditional)
Proposed Zoning: R-12MF(CD) (multi-family, conditional)

LOCATION

Approximately 30.93 acres located on the west side of West Tyvola Road south of South Tryon Street.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow the construction of up to 295 multi-family residential units at a density of 9.54 units per acre.

**PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE**

Ross Land Company and Big B&G LLC
Switzenbaum & Associates
Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3

**STATEMENT OF
CONSISTENCY**

This petition is found to be inconsistent with the *Southwest District Plan* and the *General Development Policies*, based on information from the staff analysis and the public hearing, and because:

- The area plan recommends business park uses; and,
- The *General Development Policies* recommend six dwelling units per acre.

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

- The proposed use is compatible with the surrounding single family residential and multi-family residential developments; and,
- The proposed density is consistent with other multi-family residential developments in the area;

By a vote of 4-1 of the Zoning Committee (motion by Commissioner Nelson, seconded by Commissioner Sullivan).

**ZONING COMMITTEE
ACTION**

The Zoning Committee voted 4-1 to recommend **APPROVAL** of this petition with the following modifications:

1. **The site plan has been revised to show a Class "C" buffer along property lines abutting the R-4 zoned parcel.**
2. The widths of the existing sidewalks along Tyvola Centre Drive and West Tyvola Road are now noted on the site plan.
3. Under the Architectural Standards development note, the following language has been removed from the second sentence: **"Although the designs for the building have not been completed..."**
4. The petitioner has added language under Parks, Greenways, and Open Space heading, committing to the following improvements:
 - a. Development of both active and passive recreation facilities including a walking/amenity trail with locations for individual exercise activities.
 - b. Walking/amenity trail will have approximately 1,200 linear feet, with trail to be comprised of wood chips or similar surface, and at least four outdoor exercise stations at intervals along the trail.
 - c. Provision of outdoor seating/conversation areas associated with each building.
 - d. Provision of active recreation amenities, including a pool, meeting spaces, and outdoor cooking facilities.
5. The site plan has been revised to show the correct zoning for parcel 167-081-07 located on the south side of Tyvola Centre Drive, which is zoned R-12MF (CD).

6. Addressed CDOT and Engineering and Property Management comments:
 - a. Addressed CDOT comment pertaining to relocation of the proposed westernmost driveway, and its conversion from exit only to both an ingress and egress driveway.
 - b. CDOT requests that the petitioner relocate the easternmost main entrance driveway further east and align it with the existing driveway on the south side of Tyvola Centre Drive. ***Staff has rescinded this request as it will be contingent upon adequate sight distance at permitting.***
 - c. Addressed CDOT comment pertaining to the provision of a left-turn lane at the westernmost driveway.
 - d. Addressed Engineering and Property Management comment by providing a wetland letter.
7. The following Architectural Standards notes have been added to the site plan:
 - a. At least 30% of the portions of the building exteriors located below the roof line will be composed of a combination of brick, stone, artificial stone, and/or stone or similar masonry products.
 - b. The principal roof pitch will be no less than 5: 12.
 - c. Balcony railings, if included, will be of durable material and will not be painted pressure treated lumber.
 - d. Roofing materials will be architectural fiberglass composite shingles and roof vents and features will be painted to match the roof color.
 - e. Buildings will be designed so that no more than 20 feet of blank wall will be constructed along the frontage of a public street or private street.
 - f. Building heights will be limited to four stories.
 - g. Buildings will be designed with façade articulation to break up wall mass and to create variety in the character of the façade.
 - h. Main windows will be arranged to avoid large masses of glass and will be designed so as to be taller than they are wide. This will not apply to minor windows such as for bathrooms, stairways and architectural accent.
 - i. All building entrances will be connected to the on-site sidewalk network subject to grade and ADA standards.
 - j. On site directional signage will be designed to reflect the architectural character and materials of the principal buildings.
 - k. Building facades will incorporate vertical elements and material changes to break up the mass of the building walls.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this request to the committee, noting that all outstanding issues had been addressed, and additional notes pertaining to architectural commitments placed on the site plan. Staff noted that the request is inconsistent with the recommendations contained in the adopted plans with respect to land use and density, but the project was consistent with the surrounding character and land use patterns.

A commissioner expressed concern that the project did not have a presence along the abutting rights-of-way (Tyvola Centre Drive in particular) and is oriented away from the community. Staff responded that a comfort level with the design was achieved due to the additional amount of tree save and open space being provided, the topographical constraints, and this area being more suburban development than urban. The commissioner maintained that the design of the project also did not serve the public realm with respect to public safety, as it does

not allow for eyes on the street. Another commissioner noted that (regardless of land use) in order to be a successful project, a certain type of design that makes sense in one location may not be appropriate or feasible in another.

STAFF OPINION

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

MINORITY OPINION

One commissioner felt that the proposed project was poorly designed and lacked a presence on the abutting rights-of-way. She noted that the design of the development did not contribute to the public realm with respect to public safety as it did not allow for "eyes on the street."

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

PLANNING STAFF REVIEW**• Background**

- The rezoning site is part of a previous rezoning petition (1997-043) for approximately 113 acres. That petition rezoned "Parcel A" from R-4 (single family residential) to BP(CD) (business park, conditional) and "Parcel B" from R-4 (single family residential) to R-12MF(CD) (multi-family residential, conditional). The petition allowed a maximum of 534,800 square feet of business park uses on "Parcel A," and up to 596 multi-family dwelling units on "Parcel B." The current rezoning site is part of "Parcel A." "Parcel B" is currently developed with a 404-unit apartment community on approximately 49.81 acres, at a density of 8.11 units per acre.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Up to 295 multi-family residential units in six buildings with detached garages at a density of 9.54 units per acre.
- Security gate proposed at both project access points.
- Internal driveways with main entrance access and proposed exit only drive onto Tyvola Centre Drive.
- Active and passive recreation facilities that include a walking/amenity trail with locations for individual exercise activities. Outdoor seating/conversation areas associated with each building, and active recreation amenities including a pool, meeting spaces, congregation and seating areas, and outdoor cooking facilities. Exact locations and design to be established during the design and development process.
- Freestanding lighting on site will utilize full cut-off luminaries and be limited to a maximum height of 25 feet.
- Architectural standards including percentage of brick, roof pitch, details on balcony railings and roofing material, blank walls, height, and articulation.

• Public Plans and Policies

- The *Southwest District Plan* (1991) as amended by rezoning petition 1997-043 recommends business park land uses on the subject property.
- The proposed use is inconsistent with the *Southwest District Plan*, but consistent with the Plan's recommendation prior to the 1997 rezoning, which supported multi-family with densities consistent with the *General Development Policies* on the rezoning site. The proposed use is compatible with surrounding land uses, which are predominantly single family and multi-family developments.
- The proposed density is inconsistent with the *General Development Policies* (GDP), which recommends up to six (6) dwelling units per acre. However, the proposed use is compatible with surrounding single family and multi-family developments, including the existing 404-unit apartment community on the south side of Tyvola Centre Drive that has a density of 8.11 dwelling units per acre.

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-Mecklenburg Utilities:** 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.
-

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*.
 - Proposes to provide 25% of the site as tree save area.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

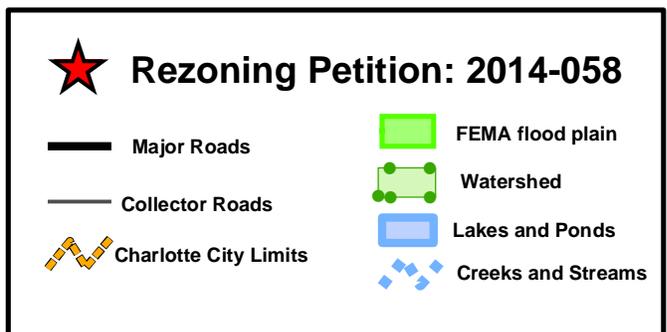
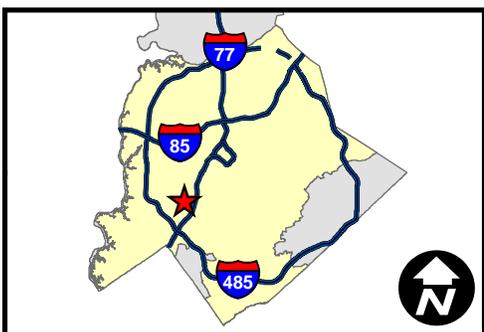
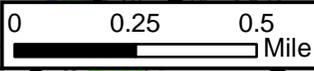
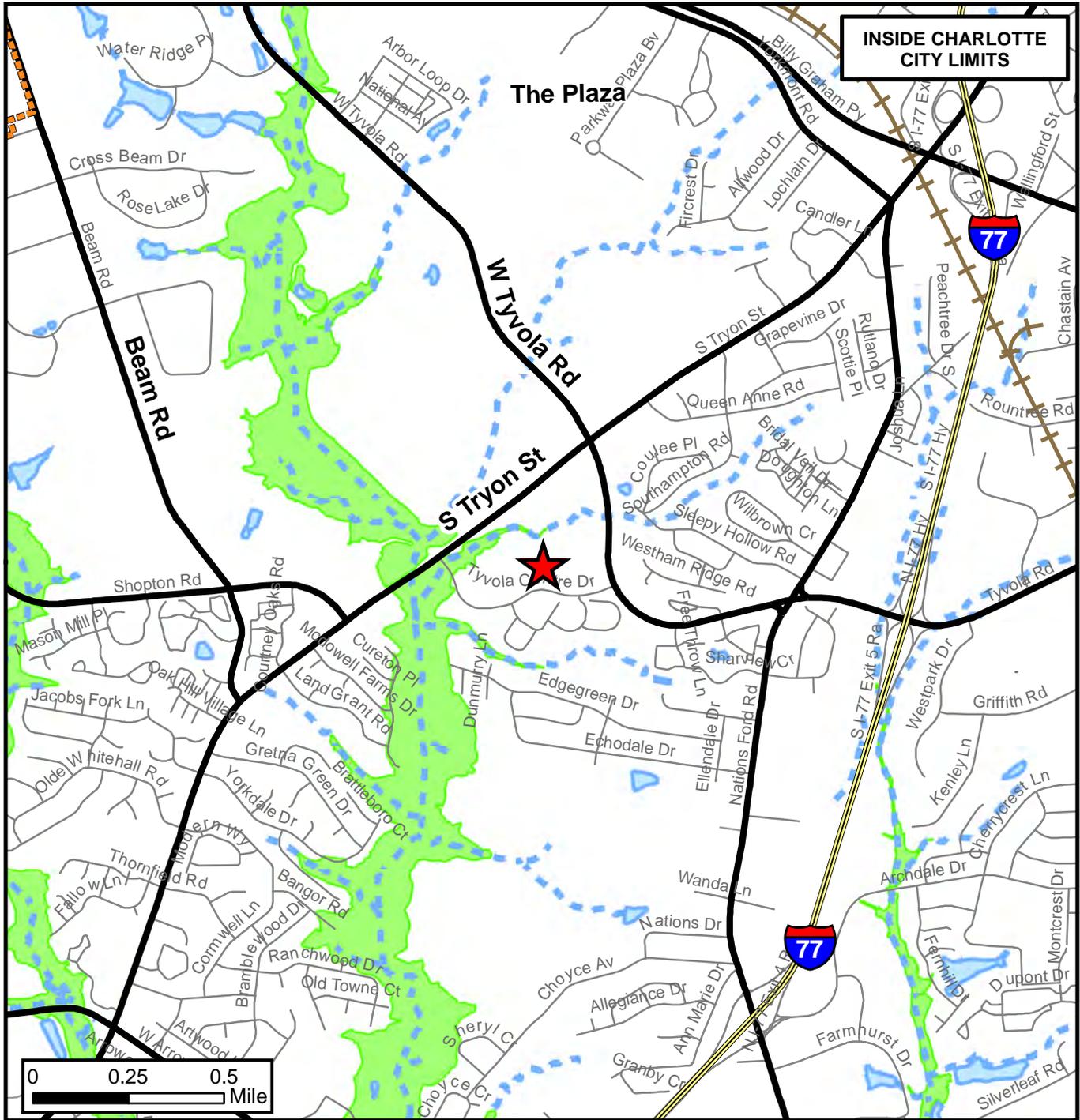
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- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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

Petition #: **2014-058**

Vicinity Map

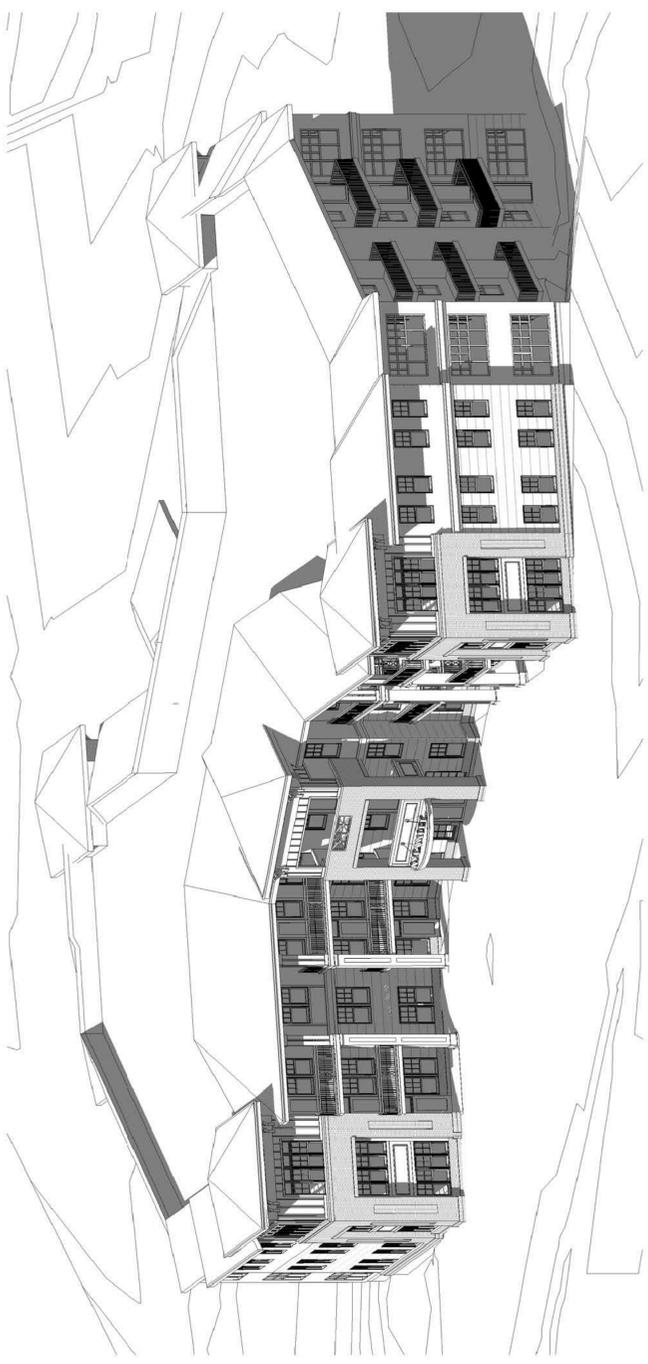
Acreage & Location : Approximately 30.9 acres located on the northwest corner at the intersection of West Tyvola Road and Tyvola Centre Drive.



Insert

Map

Item 5



② Bird's Eye Perspective



① Perspective of Lobby Entrance

PETITION # 14-058
The Sycamore at Tyvola
 Perspective
 June 19, 2014



Insert

Tab

Item 6

REQUEST	Current Zoning: B-1 (neighborhood business), B-2 (general business), O-2 (office), R-17MF (multi-family residential) and R-8 (single family residential) Proposed Zoning: MUDD-O (mixed used development, optional) with 5-year vested rights and UR-2(CD) (urban residential, conditional) with 5-year vested rights
LOCATION	Approximately 59.4 acres generally located on the east side of South Boulevard on both sides of Poindexter Drive and Elmhurst Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow for the redevelopment of the site with a transit supportive mixed/multi-use community consisting of up to 198,000 square feet of non-residential uses and up to 980 residential units, with non-residential to residential conversion rights.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Marsh Properties, LLC Marsh Properties, LLC Jeff Brown and Keith MacVean, Moore and Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 57.

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to DEFER this petition until their October 29, 2014 meeting.
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VOTE	Motion/Second: Sullivan/Eschert	
	Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan	
	Nays: None	
	Absent: Labovitz and Walker	
	Recused: None	

**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:

- The properties to be rezoned are divided into twelve development areas (see attached map):
 - A-D to be rezoned to MUDD-O (mixed use development, optional) and generally located along South Boulevard and a portion on the south side of Poindexter Drive, and
 - E-L to be rezoned to UR-2 (CD) (urban residential, conditional) and located on the exterior of the site adjacent to single family zoning and internal to the site along Ardmore Road and Berkshire Road.

- Proposed MUDD-O (Development Areas A-D)

Area	Uses	Height	Square Footage/units	Conversions	No. Buildings
A	All uses in MUDD	60 feet	<ul style="list-style-type: none"> 98,000 square feet of retail, restaurants, personal services 100,000 square feet of office or residential units subject to the allowed conversions 	<ul style="list-style-type: none"> 1,000 square feet of retail, restaurants, personal services to one residential unit up to 50 units in areas A-D 100,000 square feet of office to 150 units in areas A-D 	<ul style="list-style-type: none"> Up to six commercial buildings Up to six residential buildings
B	All uses in MUDD	85 feet and 56 feet*			
C	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	
D	Residential	60 feet	980 units for entire site subject to allowed conversions	NA	

*85 feet along South Blvd, 56 feet along private street

- Proposed UR-2 (CD) (Development Areas E-L)

Area	Uses	Height	Square Footage/units	No. of Buildings
E	Residential	50 feet	980 units for entire site subject to allowed	Up to 50 residential buildings
F	Residential	50 feet	980 units for entire site subject to allowed	
G	Residential	40/50 feet*	72 units**	
H	Residential	50 feet	980 units for entire site subject to allowed	
I	Residential	40 feet	60 units**	
J	Residential	40/50 feet*	72 units**	
K	Residential	40 feet	36 units**	
L	Residential	50 feet	980 units for entire site subject to allowed	

* 40' within 100' of property line abutting single family zoning

**Development areas directly abutting adjacent single family zoning

- Allows up to 980 residential dwelling units in Areas C-L at an average density of 18.9 units per acre, provided that no residential units are constructed within Area B.
- Allows up to 1,050 residential dwelling units in Areas B-L, with the exception that any additional residential units constructed within Areas B-D as a result of converting non-residential square footage to residential units will not be counted toward this limit.
- Prohibits parking as a principal use.

Site Design, Open Space and Pedestrian Connectivity

- Prohibits the location of circulation for the accessory drive-through window between the building and abutting public streets.
- Proposes the abandonment of an existing unopened right-of-way within Area L and commits to provide a 30-foot wide pedestrian access easement in its place to allow the City of other Public entity to construct an accessible pedestrian connection from Poindexter Road to Ideal Way.
- Preserves a minimum of 50 percent of the existing trees along the existing public streets abutting Areas C-L.
- Commits to urban open space in two locations in Area A, and urban open space in Areas B-D will be provided per the Ordinance.
- Commits to providing a minimum of two acres of useable open space within the UR-2(CD) (urban residential, conditional) portion of the site. Requires open space to have a minimum of 50 feet of frontage on a public street.

-
- Provides phasing of open space.
 - Allows up to one accessory drive-through window within Area B. Prohibits accessory drive-through windows for restaurants, excluding "limited service restaurants" with no more than 3,000 square feet and no on premise cooking other than heating.
 - Provides parking in the UR-2(CD) (urban residential, conditional) zoning at a minimum of 1.3 spaces per dwelling unit including the on-street parking.
 - **Architectural and Site Design Standards**
 - Specifies building materials, except for structured parking facilities, will include a combination of glass, brick, stone, simulated stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Prohibits vinyl as a building material except on windows and soffits.
 - Specifies that new buildings constructed within Area A abutting South Boulevard will be designed so that no parking or maneuvering for parking will be allowed between the proposed building(s) and South Boulevard and Poindexter Drive.
 - Provides a 15-foot building separation between the two buildings constructed in Area A that abut South Boulevard.
 - Requires that the building constructed at the corner of South Boulevard and Poindexter Drive have at least one operable building entrance from the sidewalk along South Boulevard.
 - Commits that the building constructed on Area B will be designed so that the portion of the building facing Marsh Road and Elmhurst Road will have at least 35% of the building frontage devoted to active uses.
 - Prohibits service areas for new buildings in Areas A and B from orienting towards South Boulevard. Commits to screening service areas in Areas A and B with walls designed to complement the building architecture.
 - Prohibits parking and maneuvering for parking between the buildings and the public streets in Area E-L. Allows parking areas up to 70 linear feet along public streets to be located adjacent to and between residential buildings.
 - Prohibits garages from orienting towards the existing or proposed public or private streets.
 - Buildings located on Areas B-L will have at least one entrance from each building to the public street.
 - **Transportation**
 - Provides new internal street connectivity with four proposed private streets and one public street.
 - Proposes the abandonment of Elmhurst Circle when Area J redevelops.
 - Provides street trees, sidewalk, bike lanes and two travel lanes according to the adopted streetscape plan along South Boulevard, with a proposed median to be installed by others. Provides two pedestrian refuge islands on South Boulevard.
 - Provides five possible cross-sections for streets, except South Boulevard, to allow the preservation of existing trees.
 - **Other**
 - Limits accessory buildings, other than parking structures, to 20% of the building area of the principle buildings constructed with the MUDD-O (mixed use development, optional) portion of the site.
 - Requires that all accessory buildings and structures be constructed using similar building materials, colors, architectural elements and designs as the principal building(s) located within the same Development Area as the accessory building/structure.
 - Allows existing uses to remain and be used as constructed without complying with the standards of the rezoning plan and the MUDD (mixed use development) and UR-2 (urban residential) districts.
 - Provides a 24-foot setback along South Boulevard and 20-foot setback along other public streets.
 - Commits to a six-foot tall opaque fence within a ten-foot wide landscaped buffer in Areas I, J, K, and G that abut existing single family homes.
 - Requires all lighting to be full cut-off type fixtures excluding lower, decorative lighting along driveways, sidewalks and parking areas. Limits detached lighting, except street lights, to 25 feet in height in non-residential areas and 20 feet in height in residential areas.
 - Provides a concrete pad for a bench to be added to an existing CATS bus stop along South Boulevard.
 - **Optional requests:**
 - a. Allow vehicular parking, maneuvering and service between the proposed buildings and a limited number of specified streets.
 - b. Allow the existing surface parking between the existing building(s) located in Development

- Area B and specified streets to remain until the building(s) located in Development Area B is removed and new building(s) constructed.
- c. Allow the existing streetscape treatments, signage, accessory drive-through window(s), parking areas, buildings and other site elements within Development Area B to remain as currently constructed until Development Area B is redeveloped. Allow one new use with an accessory drive-through window to be constructed on Development Area B as part of the redevelopment. A restaurant with an accessory drive-through window, other than a "Limited Service Restaurant", will not be allowed. The accessory drive-through window will not be allowed between the proposed building and the abutting public streets, and the accessory drive-through windows will circulate within the building developed on the parcel.
 - d. Allow modifications to the streetscape treatments called for by the *New Bern Transit Station Area Plan* as part of the MUDD requirements along specified streets.
 - e. Allow detached and wall signs located on the Site to rotate.
 - f. Allow one shopping center identification sign per street front within Development Areas A and B with a maximum height of 16 feet and containing up to 64 square feet of sign area.
 - g. Allow identification signs for the residential portions of the Site to be located on the detached Shopping Center Signs.
 - h. Allow one (1) detached identification sign for each building located within Development Areas A and B. These detached identification signs may be up to four (4) feet high and contain up to 30 square feet of sign area.
 - i. Allow directory, directional and instructional signs up to four (4) feet high and containing up to 16 square feet of sign area.
 - j. Allow wall signs to have up to 230 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less, within Development Areas A and B.
 - k. Allow window signs located within Development Area A that face Poindexter Drive and are located 10 feet or more above the finished floor elevation of the building to have copy area equal to 100% of the external glazing of the window and to allow all other window signs on Development Area A and B to have a total sign copy area not exceeding 50% of the external glazing of the window or door onto which the sign(s) are located.
 - l. Allow a Sedgefield neighborhood identification/entrance sign to be located on Development Area A. The sign may be a detached sign or a wall sign. The area of the sign may be up to 150 square feet and if detached up to 12 feet high. The sign area of the Sedgefield neighborhood identification sign is in addition to the tenant signage allowed by these Optional provisions and the Ordinance.
 - m. Allow the uses within Development Areas C and D to have one detached sign per street front with up to 25 square feet of sign area and up to four (4) feet high.
 - n. Require doorways not to be recessed into the face of the building(s) when the abutting sidewalk width is greater than eight (8) feet.
 - o. Allow the existing sidewalks and planting strips along South Boulevard, Marsh Road and Elmhurst Road abutting Development Area B to remain until Development Area B is redeveloped.
 - p. Delay the widening of South Boulevard to the cross-section indicated on the Rezoning Plan until Development Area B is redeveloped.
 - q. **Allow within Development Area A along Poindexter Road "trellises" to be located within the 20 foot setback and cross the sidewalk.**
- **Public Plans and Policies**
 - The *New Bern Transit Station Area Plan* (2008) recommends mixed transit supportive development for properties extending southeast to Haverford Place. Within the Wedge neighborhood areas extending further southeast, the plan recommends residential uses at a density of 17 dwelling units per acre. The plan contains a specific provision supporting residential TOD (transit oriented development) for the wedge area closer than ½ mile walk of the transit station when the following provisions are met: usable park/open space is provided, a significant low to moderate income housing component is included in a mixed income environment, a mixture of housing types is provided, existing mature trees are preserved, and Residential Design Guidelines in the *General Development Policies* are met.
 - The petition is consistent with the *New Bern Transit Station Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.

-
- **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** CDOT has the following requests and comments:
 1. Change the proposed private street D to a public street.
 2. CDOT desires a public street connection between Poindexter Drive and Ideal Way at Iverson Way and will continue discussions with the petitioner about this connection.
 3. Provide development phasing in the Development Standards to better match infrastructure mitigation to the construction of the proposed entitlements.
 4. Design the proposed southbound right-turn lane on South Boulevard and Remount to be channelized with a raised concrete median to provide better pedestrian accessibility and refuge.
 5. Increase the storage for the "back to back" left-turn lanes on South Boulevard between Poindexter and Ideal Way by reconstructing the monolithic median to compress the bay taper length in Phase I.
 6. Provide a dedicated left-turn lane with a minimum 100 feet of storage on South Boulevard at Elmhurst Road in Phase I.
 7. Provide a minimum six-foot wide pedestrian refuge island on the southbound side of the South Boulevard/Elmhurst intersection in Phase I.
 8. **Construct the "Potential New Private Street" located in the rear of Development Area B during Phase II as a public street.**
 9. Provide a pedestrian refuge island and crossing midblock between Poindexter and Elmhurst Road. The final location will be determined during permitting, and more detailed feedback will be provided upon CDOT review of the revised site plan.
 10. Cross reference the proposed street cross sections shown on RZ-3.0 with the site plan (RZ-1.1). As shown, it is not clear where the petitioner plans to implement each respective street cross section.
 11. Show more detail on the site plan so that CDOT can better understand the individual access scenarios for each development area, and the overall internal vehicular and pedestrian circulation route.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 114 students, while the development allowed under the proposed zoning will produce 894 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 780 students.
 1. The petitioner should schedule a meeting with CMS staff to discuss any opportunities that the petitioner/developer may propose to improve the adequacy of school capacity in the immediate area of the proposed development.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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:**
 1. Alter the language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to reflect that City Urban Forestry staff will determine the health and condition of City trees and will also determine whether City trees can be removed. A City tree is defined as being wholly or partly within the City right-of-way.
 2. Clarify all language of Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to differentiate between City trees and private trees.
 3. Revise Note 6. f. on sheet RZ-2.0 and Note d. iii. on sheets 3.2, 3.3 and 3.4 to remove the 50% reference to street trees. All City trees within the right-of-way **are protected and can't be removed without a permit**. A reference to a minimum 50% of trees outside of the City right-of-way but within 15 feet of the right-of-way is permissible.
 4. Amend Note 7. c., to explain that parts of the easement may be used for tree save if available as a tree save option and conditions of easement area meet minimum tree save standards.
-

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 redeveloping an existing developed site.
- Facilitates the use of alternative modes of transportation by building a transit oriented development.
- Protects environmentally sensitive areas by preserving a permanent conservation easement along the creek on the northern boundary of the site.

OUTSTANDING ISSUES

- The petitioner should:
 1. Address CDOT issues.
 2. Address CMS issue.
 3. Complete Note 4. I. to provide Transportation improvement details.
 4. Address Urban Forestry issues.
 5. Change all references to restaurants to Eating, Drinking, and Entertainment Establishments (EDEE).
 6. **Remove the language in Note 1.c. and replace with the following: "Minor modifications to the plans are allowed per Section 6.207 of the Zoning Ordinance."**
 7. Amend Note 2.f. to limit the number of rotating signs to two wall signs and one detached sign.
 8. Remove RZ-6.1.
 9. Modify Note 5.i. on RZ-2.0 and Note d.i. on RZ 3.2, 3.3. and 3.4 which restricts parking and maneuvering between the buildings and public streets to also include development areas C and D.
 10. Specify that the minimum two acres of open space is in addition to the open space required in each development area.
 11. Label the adjacent zoning of neighboring parcels on RZ-2.1.
 12. **Amend Note 3. d. that says "(Any additional residential units constructed within development Area B as a result of converting allowed non-residential square footage into residential units will not be counted toward the 1,050 residential dwelling unit limit)" to include areas A, C and D.**
 13. **Change the word "homes" to "zoning" in Note 6.h.**
 14. Provide a statement of Overall Design Intent.
 15. Revise the Poindexter elevation with a combination of landscaping and architectural features to break up blank walls.
 16. Revise Note 2.l. to limit the percentage of window sign area to 50% along Poindexter and 25% for all other window signs in Development Areas A and B.
 17. Eliminate the optional provision to allow detached signs for each building in Development Areas A and B.
 18. Eliminate the optional provision to allow detached signs for each use within Development Areas C and D.
 19. Reduce the size of the neighborhood identification sign to 32 square feet.
 20. **Remove Note 10.b regarding "sign flex."**
 21. Amend Note 1.d. to indicate the total number of principle buildings allowed in the MUDD zoning.
 22. Amend Note 2.o. to only allow doors to not be recessed when the sidewalk is 12 feet wide or greater.
 23. Describe phasing in Note 4.b.
 24. Specify building materials for structured parking facilities.
 25. Provide the following General Design Guidelines:
 - a) The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, monumentation, water feature, seating areas and/or art work features.
 - b) Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the Site.
 - c) Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d) Windows and doors shall be provided for at least 40% of the total facade area along public streets with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
 - e) Ground floor elevations shall be treated with a combination of fenestration, clear glass, prominent entrances, porches, stoops, change in materials, building step backs, art work

- and landscaping. Blank walls cannot be addressed with landscape elements only.
- f) Development areas C-1 shall include a mix of building massing and building heights.
 - g) Facades over 75 feet in length shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total facade length.
 - h) End fronting facades shall be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.
 - i) Facades shall provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary façade materials or colors.
 - j) Facades above the first story shall incorporate windows, arches, balconies, or other architectural details.
-

Attachments Online at www.rezoning.org

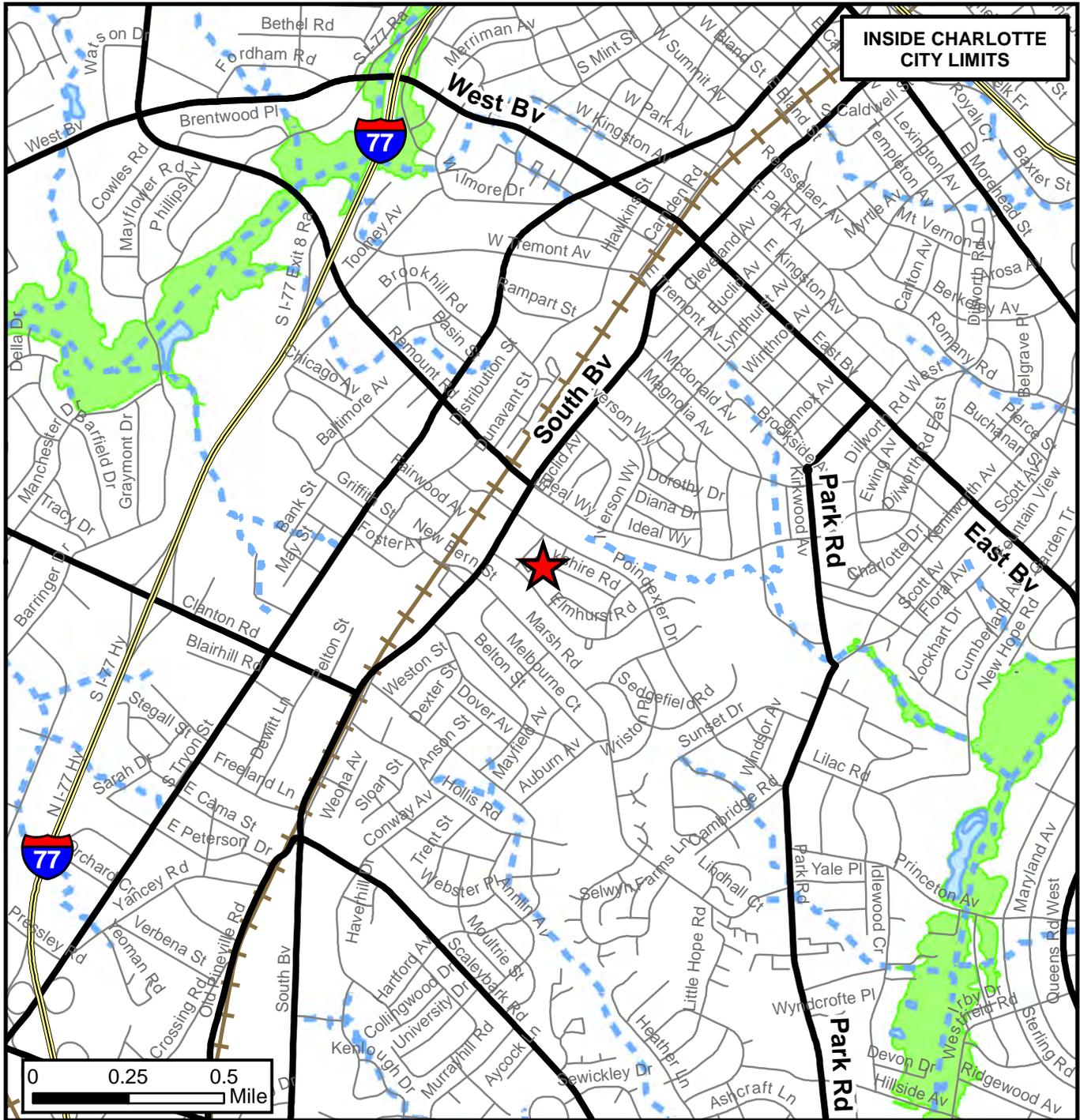
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

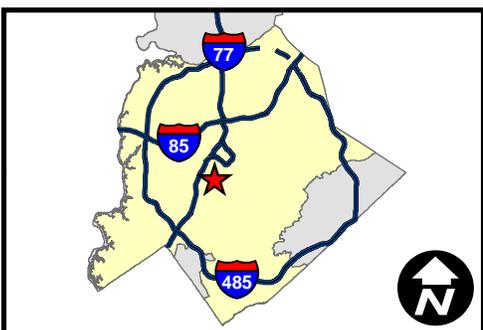
Petition #: **2014-064**

Vicinity Map

Acreage & Location : Approximately 59.4 acres generally located on the east side of South Boulevard between and on both sides of Poindexter Drive and Elmhurst Road.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-064

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

Insert

Map

Item 6

Insert

Tab

Item 7

REQUEST	Text Amendment to Sections 9.1002 and 9.1102, and Table 9.101 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to allow cultural facilities as a use by-right in the urban industrial and industrial zoning districts.
PETITIONER AGENT/REPRESENTATIVE	Tony A. Feimster (T'Afo) Tony A. Feimster (T'Afo)
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<p>The Zoning Committee finds this text amendment to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • It broadens the range of choices for entertainment and employment. <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"> • Cultural facilities are allowed in a wide range of non-residential zoning district; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Ryan).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
------------------------------------	---

VOTE	Motion/Second: Ryan/Eschert Yeas: Dodson, Eschert, Nelson, Ryan and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Staff provided a summary of the text amendment. Staff noted that the petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> . There were no questions.
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**
 - Cultural facilities are defined as an indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.
 - Cultural facilities are allowed by-right in the following zoning districts: INST (institutional), RE-1, RE-2 and RE-3 (research), O-1, O-2 and O-3 (office), B-1 (neighborhood business), B-2 (general business), BP (business park), MUDD (mixed use development), NS (neighborhood services), CC (commercial center), and TOD-R, TOD-E and TOD-M (transit oriented development).
 - Cultural facilities are allowed in the following zoning districts with prescribed conditions: UR-1, UR-2, UR-3, and UR-C (urban residential), UMUD (uptown mixed use) and U-I (urban

industrial).

- **Proposed Request Details**

The text amendment contains the following provisions:

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of choices for entertainment and employment.

- **Public Plans and Policies**

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to provide a range of choices for entertainment and employment.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: CULTURAL FACILITIES

8-18-14

2014-72

Purpose/Background: The purpose of this text amendment is to add cultural facilities as a use allowed by right in the urban industrial and industrial zoning districts.

	Current Regulations	Proposed Regulations	Rationale
Definition	<ul style="list-style-type: none">• Cultural facility definition: An indoor or outdoor theater (excluding commercial motion picture theater), auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other performances, or a museum or gallery operated primarily for the display, rather than the sale of works of art.	<ul style="list-style-type: none">• Definition remains unchanged	
Zoning districts	<ul style="list-style-type: none">• Allowed as a use by right in the institutional, research, office, neighborhood business, general business, business park, mixed use development, neighborhood services, commercial center, and transit oriented development districts.• Allowed with prescribed conditions in the urban residential and uptown mixed use districts with prescribed conditions.	<ul style="list-style-type: none">• Cultural facilities remain allowed by right and with prescribed conditions in the same zoning districts.• Adds cultural facilities as a use allowed by right in the urban industrial and industrial districts.	<ul style="list-style-type: none">• Adds the use to zoning districts where they should be allowed.

Petition No: 2014-72
Petitioner: Tony Feimster (T'Afo)

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 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, "Table of Uses" by adding "cultural facilities", in alphabetical order, as a use allowed by right in the I-1, I-2, and UI districts, under the "Industrial Uses" header.

INDUSTRIAL USES			
	U-1	I-1	I-2
<u>Cultural facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>

2. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend 9.1002, "Urban Industrial District; uses permitted by right" by adding a new item (2.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(2.5) Cultural facilities.

3. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, "Uses permitted by right" by adding a new item (21.5) titled, "Cultural facilities" to the list of uses. The new entry shall read as follows:

(21.5) Cultural facilities.

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 _____, 2014, 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 __ day of _____, 2014.

Insert

Tab

Item 8



REQUEST Current Zoning: I-2, general industrial
Proposed Zoning: TOD-M, transit oriented development, mixed-use

LOCATION Approximately 0.19 acres located on the western corner at the intersection of South Church Street and West Palmer Street. (Council District 3 – Mayfield)

SUMMARY OF PETITION The petition proposes to allow all uses permitted within the TOD-M (transit oriented development – mixed use) zoning district.

PROPERTY OWNER Prida Land Holdings, LLC
PETITIONER Charlotte-Mecklenburg Planning Department
AGENT/REPRESENTATIVE Tim Demmitt

COMMUNITY MEETING Meeting is not required.

STATEMENT OF CONSISTENCY This petition is found to be consistent with the *South End Transit Station Area Plan* and to be reasonable and in the public interest based on information from the staff analysis and the public hearing, by a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition.

VOTE

Motion/Second:	Ryan/Allen
Yeas:	Allen, Dodson, Labovitz, Low, Ryan, and Zoutewelle
Nays:	None
Absent:	Firestone and Walker
Recused:	None

ZONING COMMITTEE DISCUSSION Staff presented the petition to the Zoning Committee. There was no further discussion.

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.
- **Public Plans and Policies**
 - The *South End Transit Station Area Plan* (2005) recommends mixed use transit supportive development for the property. The site is located within the ½ mile walk distance from the Carson Boulevard transit station.
 - The petition is consistent with the *South End Transit Station Area Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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*.
 - There is no site plan associated with this conventional rezoning request.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

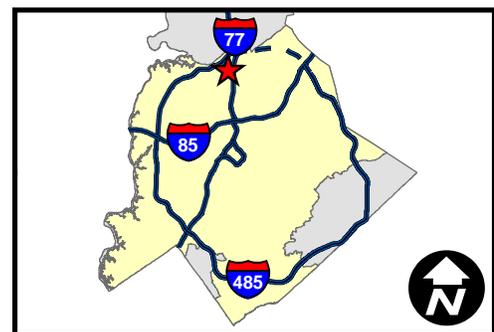
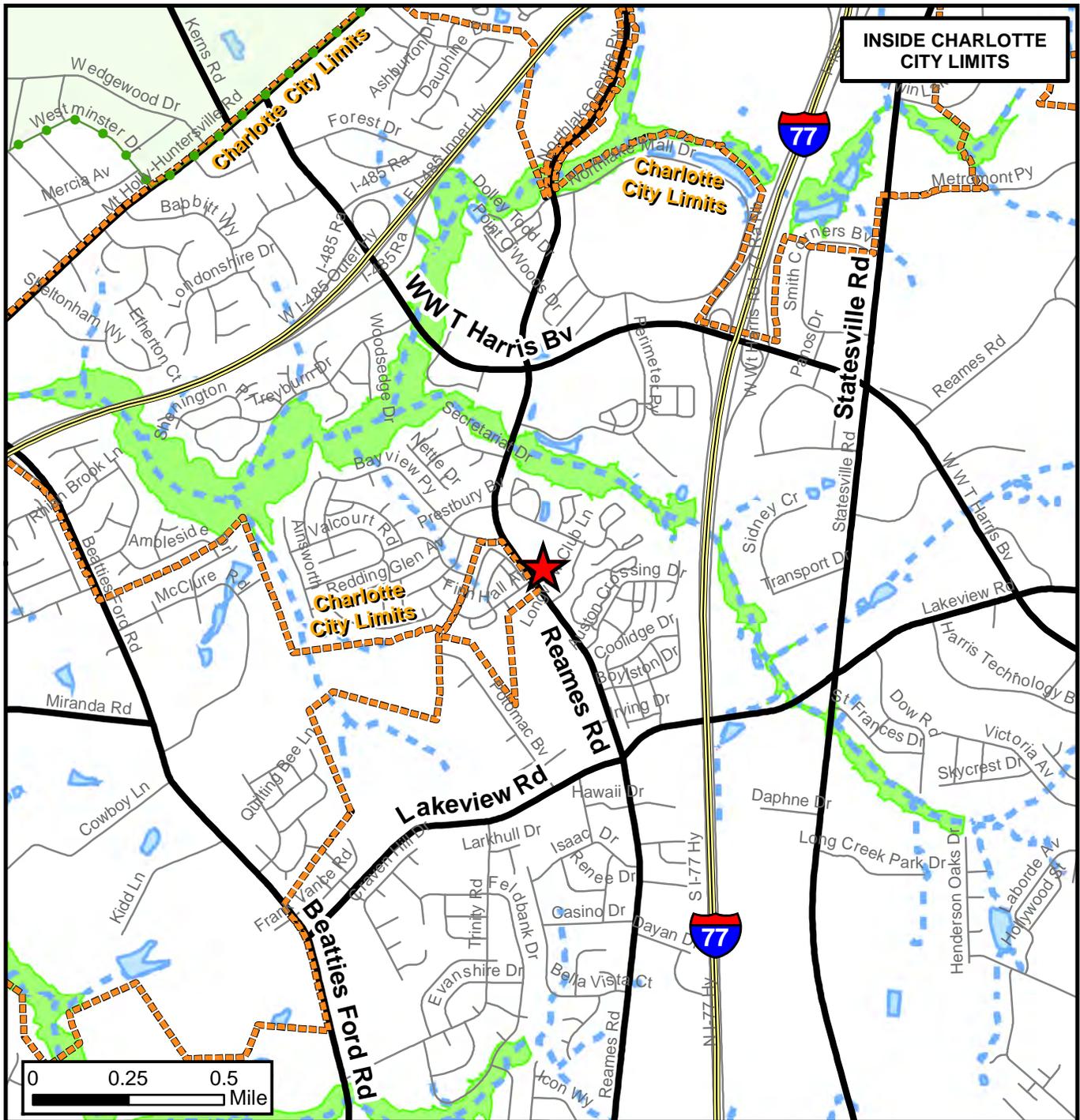
- Application
- Pre-Hearing Staff Analysis
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Shad Spencer (704) 353-1132

Petition #: **2014-076**

Vicinity Map

Acreage & Location : Approximately 6.94 acres located on the east side of Reames Road between Bayview Parkway and Finn Hall Avenue.



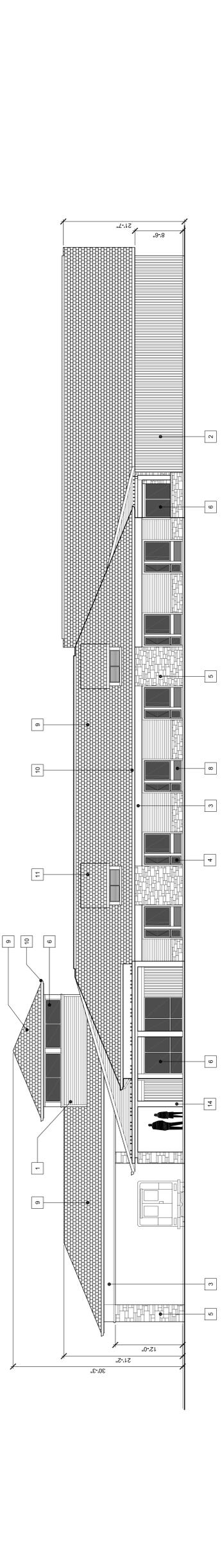
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Map

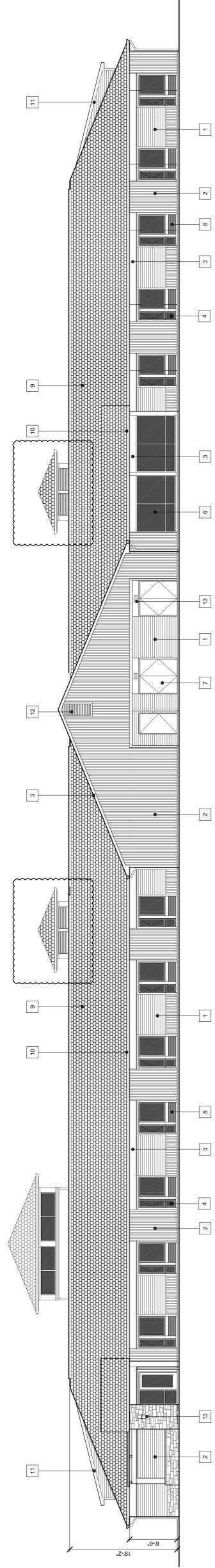
Item 8

Elevation Key Notes

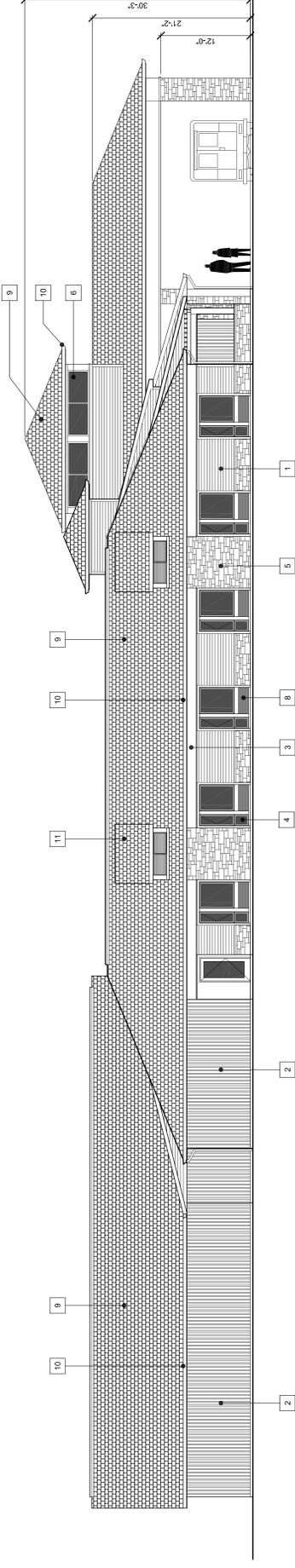
- 1 FIBER CEMENT SIDING - TYPE 1 - CLAPBOARD STYLE HORIZONTAL SIDING
- 2 FIBER CEMENT SIDING - TYPE 2 - BOARD & BATTEN VERTICAL SIDING
- 3 PAINTED COMPOSITE TRIM
- 4 VINYL WINDOW W/ PAINTED COMPOSITE TRIM
- 5 CULTURED STONE VENEER
- 6 ALUMINUM STOREFRONT SYSTEM
- 7 PAINTED METAL DOOR
- 8 PTAC ARCHITECTURAL GRILL
- 9 ASPHALT SHINGLE ROOF W/ RIDGE VENT
- 10 PREFINISHED ALUMINUM GUTTERS & DOWNSPOUTS, I.M.E.
- 11 DORMER WITH PAINTED COMPOSITE TRIM, VINYL LOUVER & SIDING TYPE 1
- 12 VINYL LOUVER
- 13 EXTERIOR WALL MOUNTED LIGHT FIXTURE
- 14 PAINTED COMPOSITE COLUMN ENCLOSURE & TRIM
- 15 CURBOLA W/ PAINTED COMPOSITE TRIM, VINYL LOUVER & SIDING TYPE 1



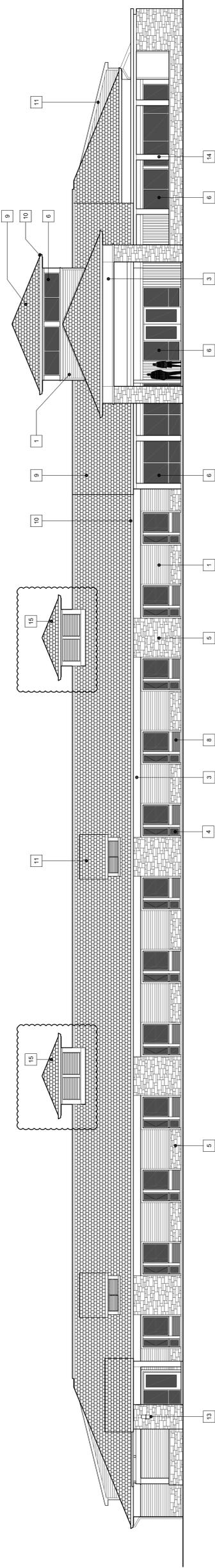
4 Proposed South Elevation
SCALE: 1/8" = 1'-0"



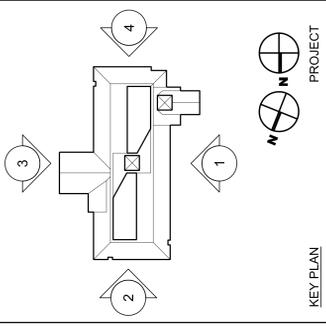
3 Proposed East Elevation
SCALE: 1/8" = 1'-0"



2 Proposed North Elevation
SCALE: 1/8" = 1'-0"



1 Proposed West Elevation
SCALE: 1/8" = 1'-0"



KEY PLAN	PROJECT
08/11/2014	SITE PLAN COMMENTS

DIGroupArchitecture
NEW JERSEY ARCHITECTS
PENNSYLVANIA ARCHITECTS
No. 10000, Suite 1000
1732 JEFFERSON AVE.
HARRISBURG, PA 17104-1000
© 2014 DIGroup Architecture, LLC
All Rights Reserved
1732 JEFFERSON AVE.
HARRISBURG, PA 17104-1000

Project:
NORTHLAKE HOUSE
48 BED ADULT CARE HOME
9108 REAMES ROAD
CHARLOTTE, NORTH CAROLINA 28202

Owner:
NORTHLAKE HEALTH INVESTORS, LLC
1270 25TH STREET SE
HICKORY, NORTH CAROLINA 27602

Drawing Title:
Proposed Exterior Elevations
Project No.: 2014-012.00
Date: 08/11/14
Scale: AS NOTED
File Location: NB

Drawn By: SDH
Checked By:
File No.:
Dep. No.:
A201

Insert

Tab

Item 9

REQUEST	Current Zoning: R-3 (LWPA) (single family residential, Lake Wylie Protected Area), I-1 (LWPA) (light industrial, Lake Wylie Protected Area), and I-2 (LWPA) (general industrial, Lake Wylie Protected Area) Proposed Zoning: I-2(CD) (LWPA) (general industrial, Lake Wylie Protected Area)
LOCATION	Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes to allow up to 430,000 square feet of industrial uses with associated parking and permitted accessory uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Amos E. and Wilma L. Parrot Brookwood Capital Partners Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 10
STATEMENT OF CONSISTENCY	This petition is found to be inconsistent with the <i>Dixie Berryhill Strategic Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The plan recommends uses supporting rapid transit along this corridor. <p>However, this petition is 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"> • The conditions in the area have changed since the plan was approved in that there are currently no plans for rapid transit along this corridor; and, • The proposed use is consistent with the surrounding land uses many of which are industrial; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Added language to state that design of this water quality area will not include a detention basin, but may include one or more recognized BMP's including a rain garden, grassed swales, extended detention wetlands, and/or other recognized BMPs that can be designed to be integrated into and maintained as part of the landscaping for the site. 2. Labeled the center line for Wilkinson Boulevard on Sheet Z-2.0 of the site plan. 3. Revised the site plan to show the proper illustration of the reservation of the required right-of-way and the setback along Wilkinson Boulevard. 4. Addressed CDOT comments: <ol style="list-style-type: none"> a. Petitioner has revised site plan to depict 75-foot maximum right-of-way from the centerline of the existing right-of-way (Wilkinson Boulevard). b. Note G was modified to state: "The exact driveway locations will be determined at the time of permitting." 5. Staff has rescinded the request to amend the Storm Water note as the subject language is necessary to help ensure the water quality
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	<p>area proposed along the Wilkinson Boulevard frontage will be subject to appropriate landscape design and treatment.</p> <ol style="list-style-type: none"> 6. Addressed City Engineering comments: <ol style="list-style-type: none"> a. Petitioner provided a wetland letter. b. Add the following note to the site plan: “This Site will comply with the Charlotte Tree Ordinance. Tree save is required.” Staff has rescinded this comment, as this is an ordinance requirement. In addition, the site plan commits to exceeding what is required per ordinance. 8. The petitioner has added language to Transportation Note D that states if NCDOT does not allow the sidewalk and planting strip at the edge of the right-of-way, then the sidewalk will be located on the petitioner’s property. 9. The petitioner amended Transportation Note F to state that: “The petitioner will provide and construct a concrete bench pad for a new bus stop along Wilkinson Boulevard. The petitioner will work with CATS to determine a mutually agreeable location for a transit pad during the development review and permitting process.” 10. CDOT rescinded the request to restrict the easternmost driveway to “trucks only” and the westernmost driveway to passenger vehicles only, as this item will be addressed through the driveway permit process.
--	--

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the petitioner, noting that all outstanding issues had been resolved, including specific Transportation notes that were outstanding at the time the meeting agenda was sent to Committee members. A Committee member noted that this was a good example of industrial development. 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**

The site plan accompanying this petition contains the following provisions:

- Industrial uses up to 430,000 square feet.
- Prohibits the following uses:
 - petroleum storage facilities;
 - junk yards;
 - medical waste disposal facilities;
 - adult establishments;
 - railroad freight yards;
 - abattoirs;
 - construction and demolition landfills as a principal use;
 - demolition landfills;
 - foundries;
 - quarries;
 - raceways or drag strips; and,
 - waste incinerators.
- No outdoor storage will be permitted on any portion of the site that fronts along or is within 100 feet of Wilkinson Boulevard.
- Maximum of six (6) principal structures on the site.

-
- Installation of a six-foot sidewalk and eight-foot planting strip along Wilkinson Boulevard as permitted by NCDOT.
 - Petitioner will work with CATS to determine a mutually agreeable location for a transit pad to be constructed by the petitioner at the time of the construction of the sidewalk along Wilkinson Boulevard.
 - Providing 100-foot Class "A" landscape buffers abutting residential zoning and/or residential use.
 - Vehicular access via two driveway connections to Wilkinson Boulevard.
 - Internal sidewalk system that connects to public sidewalk along Wilkinson Boulevard.
- **Public Plans and Policies**
 - The *Dixie Berryhill Strategic Plan* (2003) identifies the site as part of a transit oriented community and recommends multi-family/retail mixed use land uses. The mixed use land uses, recommended along Wilkinson Boulevard, are intended to provide a higher intensity of employment uses.
 - The proposed land use is inconsistent with the *Dixie Berryhill Strategic Plan*. However, conditions have changed since the plan was adopted in 2003, when rapid transit was anticipated along Wilkinson Boulevard. Currently, there are no plans to provide rapid transit along this corridor. As such, the proposed use is consistent with surrounding land uses, and an appropriate use for a General Corridor Area as defined in the *Centers, Corridors, and Wedges Growth Framework (2010)*. The General Corridor Area is appropriate for a range of low to moderate intensity uses, including single use, business type services; multi-family; industrial/warehouse; and civic uses. Design characteristics in General Corridor areas will vary, depending on the land use and transportation context. An industrial-based employment area within a General Corridor Area should be designed primarily to accommodate vehicular circulation. Development should usually be low-rise and in some cases mid-rise.
-

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 issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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*.
 - Protects/restores environmentally sensitive areas by allowing a substantial portion of the property to remain undisturbed.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application

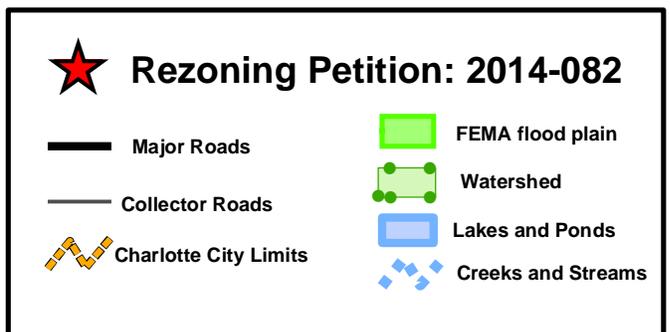
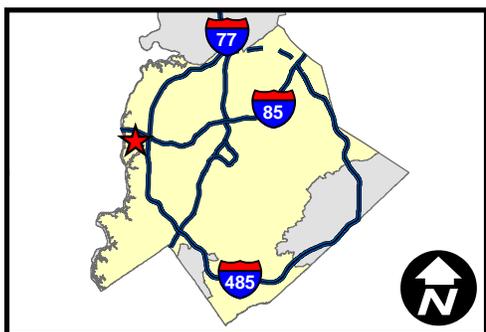
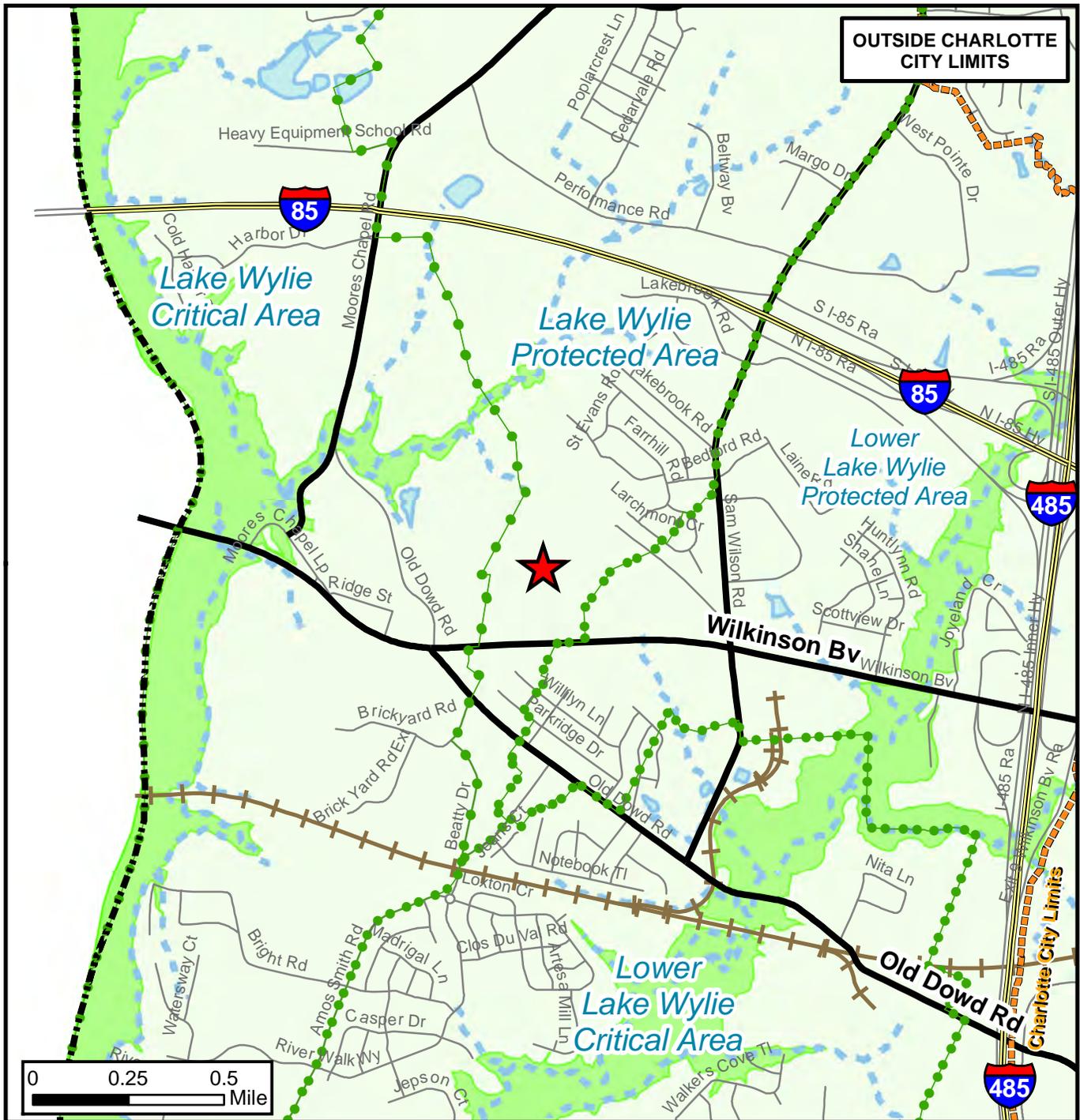
- Pre-Hearing Staff Analysis
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- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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

Petition #: **2014-082**

Vicinity Map

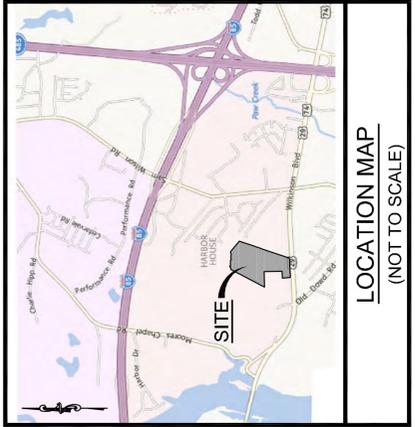
Acreage & Location : Approximately 46.34 acres located on the north side of Wilkinson Boulevard near the intersection of Old Dowd Road and Wilkinson Boulevard.



Insert

Map

Item 9



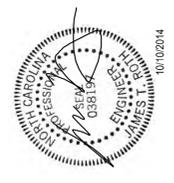
9040 WILKINSON BOULEVARD



COLE Design Group, Inc.
401 S. 18th Street
Suite 200
St. Louis, Missouri 63103
314.991.5887

FOR PUBLIC HEARING
PETITION NO. 2014-082

NEW PROJECT FOR:
BROOKWOOD CAPITAL PARTNERS
CONDITIONAL REZONING
9040 WILKINSON BOULEVARD
CHARLOTTE, NC 28214

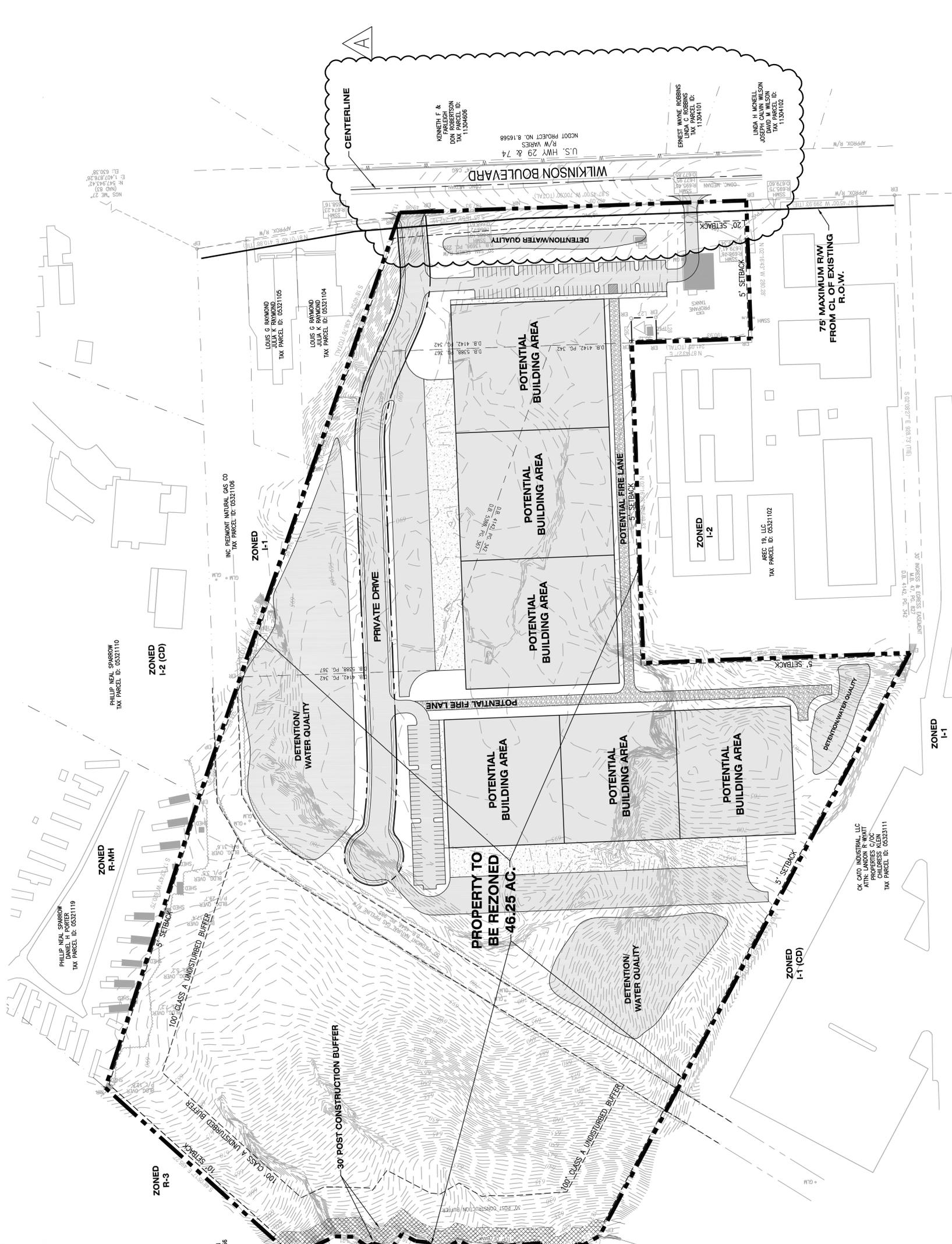


9/19/2014 ZONING COMMENTS	
10/10/2014 ZONING COMMENTS	

Issue Date:	08/20/14
Job Number:	13-4102
Drawn By:	BSJ
Checked By:	EWM

Drawing Title:
CONCEPT PLAN

Z-2-0



Insert

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Item 10

REQUEST	Current Zoning: UR-2(CD) (urban residential, conditional) Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)
LOCATION	Approximately 18.8 acres located on the southeast corner at the intersection of Johnston Road and Marvin Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes a modification in height to allow a second story for carriage units above the proposed garage structures.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Johnston Road Apartments, LLC Childress Klein Properties Bailey Patrick, Jr. and Collin W. Brown
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>South District Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The proposed changes in the site plan are minor in nature. <p>Therefore, this petition is 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"> • The changes allow previously approved garages to be transformed into garages with carriage houses; and, • The number of residential units is not increased; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).</p>
ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. The height of the proposed carriage units has been placed on the site plan. 2. A note and elevations have been placed on the site plan detailing the options for the garage and carriage units.
VOTE	Motion/Second: Ryan/Nelson Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted that all the outstanding issues had been addressed. 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**• Background**

- Petition 2012-085 approved up to 281 multi-family dwelling units with the following provisions:
 - Transportation improvements:
 - Access to the site from Johnston Road and Marvin Road.
 - Provision of a traffic signal at the intersection of Johnston Road and Marvin Road.
 - Extension of the southbound left-turn lane on Johnston Road.
 - Installation of a left-over and a northbound right-turn lane on Johnston Road.
 - Provision of a new public street from Johnston Road to the southern property boundary.
 - A 30-foot wide buffer and six-foot high wooden fence along the southern property boundary abutting R-3 (single family residential) zoning to the south.
 - Building and garage elevations.
 - Provision of 34 percent open space.
 - A pedestrian bridge connection across the creek.
 - Detached lighting limited to 20 feet in height.

• Proposed Request Details

The site plan amendment contains the following changes:

- A reallocation of the existing units to allow 12 two-story garage and carriage units along Johnston Road.
- Provides building elevations for the proposed garage and carriage units consisting of stone veneer, horizontal lap siding, and asphalt shingles.
- Allows two options in the style of garage and carriage units reflecting differences in the width of garage doors, rear entrances to some garages, and the addition of a porte cochere.
- Garage and carriage units limited to a maximum height of 26½ feet and two stories.
- All other previously approved conditional notes remain unchanged.

• Public Plans and Policies

- The *South District Plan* (1993), as amended by Petition 2012-085, recommends multi-family up to 15 units per acre for the subject site.
 - This petition is consistent 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.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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*.

- This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

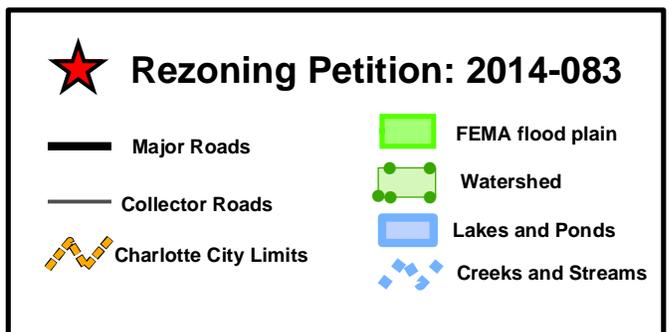
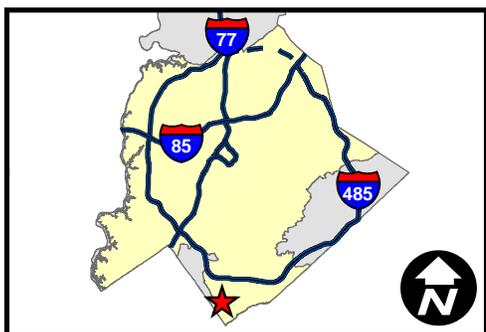
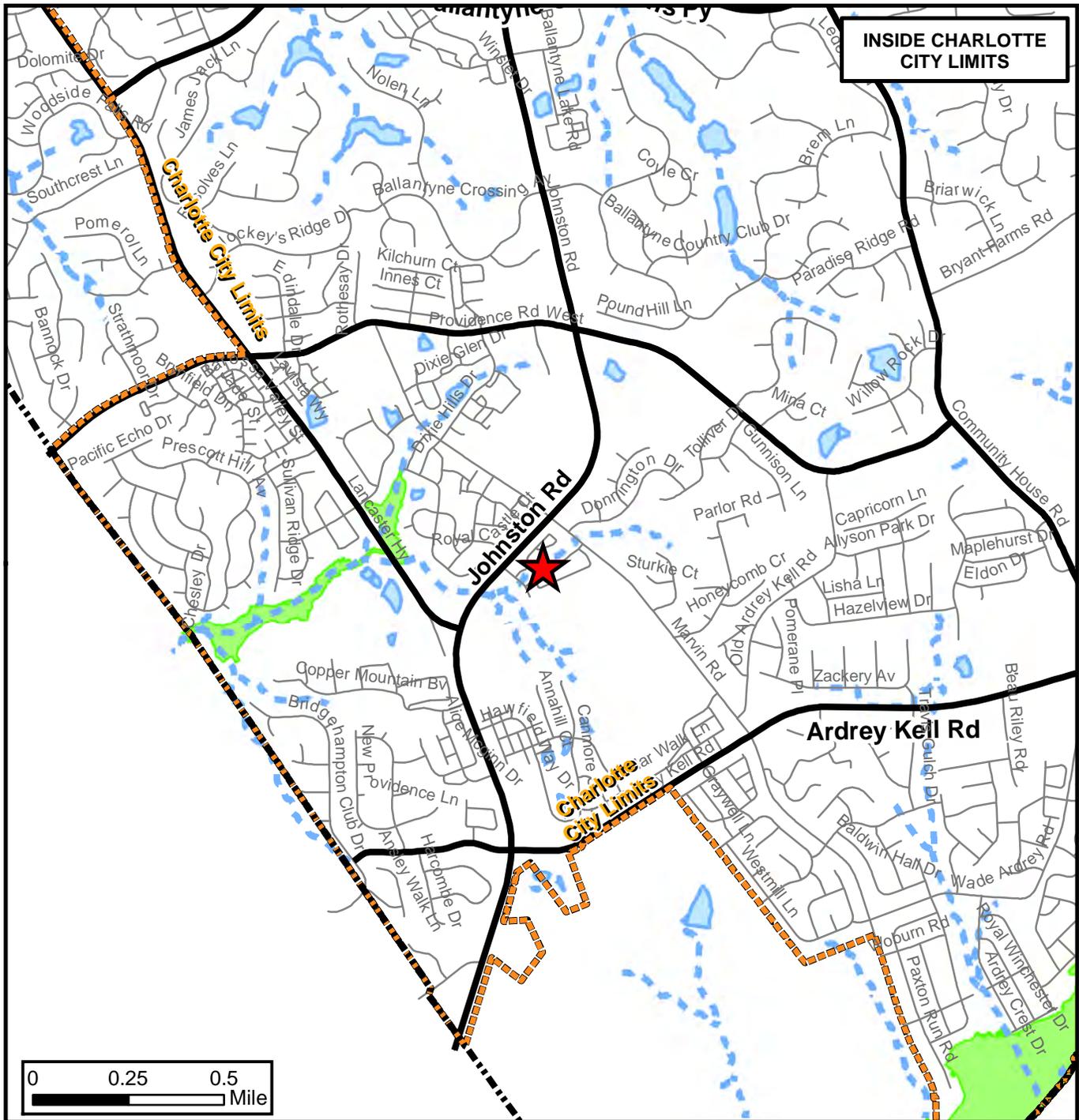
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

Petition #: **2014-083**

Vicinity Map

Acreage & Location : Approximately 18.8 acres located on the southwest corner at the intersection of Johnston Road and Marvin Road.



Insert

Map

Item 10

SITE PLAN AMENDMENT
2014-083

The Development Standards set forth below are identical to the Development Standards submitted and approved as a part of Rezoning Petition 2012-085. The purpose of this Site Plan Amendment is to modify the Schematic Site Plan to specifically indicate that two-story "garage unit" buildings shall be permitted in the location identified on the Schematic Site Plan. The total number of dwelling units allowed by 2012-085 is not altered by this Site Plan Amendment.

DEVELOPMENT STANDARDS

SITE DATA TABLE

Site Acreage:	18.8 acres +/-
Tax Parcels:	223-531-06 and 223-531-06
Existing Zoning:	R-3 UR-2 (CD)
Proposed Zoning:	UR-2 (CD) S.P.A.
Existing Uses:	Single-family/Vacant Multi-family Community Under Development
Proposed Uses:	Multi-family Dwelling Units together with accessory structures and uses as allowed in the UR-2 Zoning District
Maximum Dwelling Units:	281
Maximum Density:	14.94 DUA
Maximum Building Height:	As allowed by Ordinance, but not to exceed 75 feet and four stories
Parking:	Max. 2 spaces per unit/ Min. 1.5 spaces per unit
Minimum Open Space:	34%

DEVELOPMENT STANDARDS

General Provisions

These Development Standards form a part of the Technical Data Sheet associated with the Rezoning Petition filed by Childress Klein Properties, to rezone an approximately 18.8 acre site located at the southeastern quadrant of the intersection of Johnston Road (US 521) and Marvin Road (the "Site").

The purpose of this Petition is to request rezoning of the Site to the UR-2(CD) Zoning District in order to accommodate the construction of up to 281 Multi-family Dwelling units. UR-2 Zoning will enable the Petitioner to develop the Site in a manner that will preserve and emphasize the Site's unique environmental features, create a harmonious transition between the project and the adjoining properties to the south, and provide significant traffic improvements not only for the project but for the intersection between Johnston Road and Marvin Road as well which will benefit the surrounding community.

Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the UR-2 Zoning District shall govern all development taking place on the Site.

The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site, but the final configurations, placements and sizes of individual Site elements may be altered or modified so long as the maximum building envelope lines and intensity limitations established on the Technical Data Sheet are not violated and the proposed alterations or modifications do not exceed the parameters established under these Development Standards and under the Ordinance for the UR-2 Zoning District. However, any alterations or modifications which, in the opinion of the Planning Director, substantially alter the character of the development or significantly alter the Technical Data Sheet or its respective conditions as well as any changes which increase the intensity of development shall not be deemed to be minor and may only be made in accordance with the provisions of Subsections 6.207(1) or (2) of the Ordinance, as applicable.

1. Permitted Uses

The Site may be developed with up to 281 Multi-Family Dwelling Units together with accessory structures and uses allowed in the UR-2 Zoning District.

2. Transportation

All transportation improvements described in this section shall be implemented prior to the issuance of the first certificate of occupancy for a building on the Site.

(a) Vehicular access to the Site will be provided from both Marvin Road and Johnston Road, as generally depicted on the Technical Data Sheet.

(b) Petitioner shall cause the installation of a partial traffic signal at the intersection of Johnston Road and Marvin Road which provides signaling for phasing to allow protected and permitted turning movements for southbound left turns from Johnston Road and northbound right turns from Marvin Road.

(c) Petitioner shall cause the existing southbound left-turn lane on Johnston road to be extended in order to provide 425 feet of total storage.

(d) Petitioner shall cause construction of a southbound directional crossover with a minimum of 150 feet of storage on Johnston Road to provide left-over access to the Site's access point to Johnston Road.

(e) Petitioner shall cause the construction of a northbound right-turn lane on Johnston Road that will provide a minimum of 100 feet of storage to serve the Site's access point to Johnston Road.

(f) Petitioner shall construct a new public street that meets the Residential Wide standards of the Urban Street Design Guidelines extending from Johnston Road in a southeasterly direction to the Site's boundary with Mecklenburg County Tax Parcel 223-531-09 as generally depicted on the Technical Data Sheet.

(g) Petitioner shall cause the installation of an eastbound left turn lane on Marvin Road with 100 feet of storage and 65 feet of taper to serve Domington Drive.

(h) Petitioner shall cause the portion of Marvin Road between Johnston Road and the Site's access point to Marvin Road to be widened to a three-lane section.

(i) Petitioner shall cause the construction of a westbound left-turn lane on Marvin Road to serve the Site's access point to Marvin Road with 150 feet of storage and 280 feet of taper.

(j) Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along Site's Marvin Road frontage. Petitioner shall dedicate additional right-of-way necessary to accommodate the planting strip and sidewalk.

(k) Petitioner shall install a 6 foot sidewalk and 8 foot planting strip along the Site's Johnston Road frontage extending from Marvin Road south to the new public street connection to Johnston Road.

(l) Petitioner shall work the City Staff to ensure compliance with the Subdivision Ordinance and will provide a pedestrian connection from the southern boundary of the new public street connection to Johnston Road to the existing sidewalk on Mecklenburg County Tax Parcel 223-531-03. Approval of this connection as well as requirements for signage, lighting, maintenance and confirmation of appropriate easements will be handled through the Subdivision review process. Petitioner shall have the option of providing this connection via a CDOT compliant sidewalk connection along the right-of-way of Johnston Road or via a Mecklenburg County Parks and Recreation Department compliant greenway trail, both options as generally depicted on the Schematic Site Plan. In the event that the Petitioner chooses to provide the connection via a greenway trail, such trail shall be dedicated to and owned by Mecklenburg County Parks and Recreation Department, however Petitioner shall be responsible for maintaining said greenway trail until the City's Creek Greenway is developed by Mecklenburg County or until January 1, 2033, whichever occurs first. The pedestrian connection and related improvements shall be installed prior to the issuance of the first certificate of occupancy for a building on the Site. The placements and configurations of all proposed 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 ("CDOT"), and the North Carolina Department of Transportation (NCDOT), whichever may be applicable, as including alterations to accommodate any right of way needs and/or construction easements.

3. Architectural Standards

(a) The Conceptual Schematic Architectural Renderings which accompany these Development Standards are intended to depict the general conceptual architectural style, character and elements of the buildings proposed to be constructed on the Site. Accordingly, any building constructed on the Site must be substantially similar in appearance to the relevant attached Conceptual Schematic Architectural Renderings in terms of its architectural style, character and elements. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.

(b) The primary exterior building materials for the multi-family dwellings to be constructed on the Site shall be a combination of brick, stone, precast stone, precast concrete, synthetic stone, wood, shake, hard-plank, or cementitious siding material. Vinyl siding shall not be permitted as an exterior building material. However, vinyl elements may be used as architectural accent materials.

(c) At least 20% of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of masonry materials, including but not limited to brick, stone, precast stone, synthetic stone, or precast concrete.

(d) Petitioner may construct garage structures as generally depicted on the Schematic Site Plan. The garage structures will reflect the architectural style and quality of the buildings constructed on the Site.

(e) With regard to buildings to be constructed within the area currently designated as Mecklenburg County Tax Parcel 223-531-06, second and third floor units that face Mecklenburg County Tax Parcel 223-531-08 shall incorporate sunrooms in lieu of balconies. Facades subject to these provisions are highlighted on sheet RZ-2.

4. Streetscape and Landscaping

(a) A 30 foot-wide landscaping buffer shall be installed and maintained along the Site's boundaries with Mecklenburg County Tax Parcels 223-531-08 and 223-531-09, all as generally depicted on RZ-2. At a minimum, the combination of existing vegetation and new vegetation to be planted within this buffer will meet or exceed the planting requirements for a Class B buffer.

(b) Within the portion of the landscaping buffer that abuts Mecklenburg County Tax Parcel 223-531-08 and extending south to the northern boundary of the new public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09, the Petitioner shall install and maintain Chesapeake Holly trees and Japanese Cedars planted twelve feet on center. Chesapeake Hollies shall measure at least four feet in height at the time of installation. Japanese Cedars shall measure at least six feet in height at the time of installation. An illustration of the buffer plan is shown on the Schematic Site Plan.

(c) The Petitioner shall install and maintain a six-foot high, engineered precast wall, using materials similar to a Carolina Wall Crete, along the property line between the Site and Mecklenburg County Tax Parcel 223-531-08. Stone finish, style and quarried stone caps to be agreed upon with the adjoining neighbor. This wall shall extend from the southern boundary of the right-way-of-Marvin Road to Johnston Road to Mecklenburg County Tax Parcel 223-531-09, as generally depicted on RZ-2. The Petitioner shall install and maintain a six-foot high solid wood privacy fence at the end of the above precast wall and continue along the property edge to the SWIM buffer abutting Mecklenburg County Tax Parcel 223-531-09, as generally depicted on RZ-2.

(d) Petitioner shall provide eight foot planting strips and six foot sidewalks along all public streets.

(e) Petitioner shall provide a five foot wide sidewalk and cross-walk network that links the buildings on the Site with one another and links each building to a sidewalk along an adjoining street.

(f) Petitioner shall provide a 10-foot asphalt greenway-style pedestrian corridor running through the Site along the S.W.I.M buffer area as generally depicted on the Schematic Site Plan. This trail will be built to Mecklenburg County Park and Recreation Department standards but will be privately owned, maintained and controlled.

(g) Petitioner shall provide a pedestrian bridge connection across the creek as generally depicted on the Schematic Site Plan.

(h) An amenity area shall be provided in the location generally shown on the Schematic Site Plan. Amenities shall include a swimming pool, seating areas and landscaping.

(i) Meter boxes and back flow preventors will be screened.

(j) All other screening and landscaping shall conform to the standards of the Ordinance.

5. Environmental Features

(a) The Site shall comply with the requirements of the 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 submitted 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) No vertical development shall take place south of the proposed public street extending from Johnston Road to Mecklenburg County Tax Parcel 223-531-09.

6. Parks, Greenways and Open Space

(a) Tree save areas equating at least 15% of the area of the Site shall be provided.

(b) Prior to the issuance of the final certificate of occupancy for buildings on the Site, the Petitioner shall convey a portion of the Site to the Mecklenburg County Park and Recreation Department for use as a greenway. The area to be dedicated is generally depicted on the Technical Data Sheet, however the exact parameters of the dedication shall be determined by the Petitioner based on the final BMP and grading design.

7. Signage

(a) Signage shall comply with the requirements of the Ordinance.

8. Lighting

(a) The maximum height of any detached lighting fixtures erected on the Site shall not exceed twenty (20) feet in height.

(b) All freestanding lighting fixtures installed within the Site shall be shielded with full cut-off fixtures, capped and downwardly directed. However, low-level decorative lighting may be installed along driveways, sidewalks and parking areas.

(c) Wall-pak lighting will be prohibited throughout the Site.

9. Amendments to Rezoning Plan

Future amendments to the Technical Data Sheet, other sheets accompanying the Petition and these Development Standards may be applied for by the then Owner or Owners in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Documents and Definitions

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

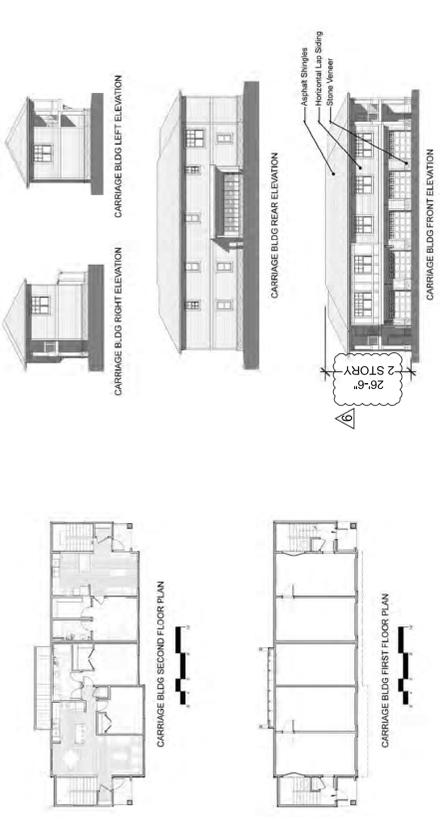
(b) Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the Owner or Owners of the Site from time to time who may be involved in any future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

(c) Any reference to any City of Charlotte Ordinances or Policies herein shall be deemed to refer to the requirements of the Ordinance or Policy in effect as of the date this Rezoning Petition is approved.

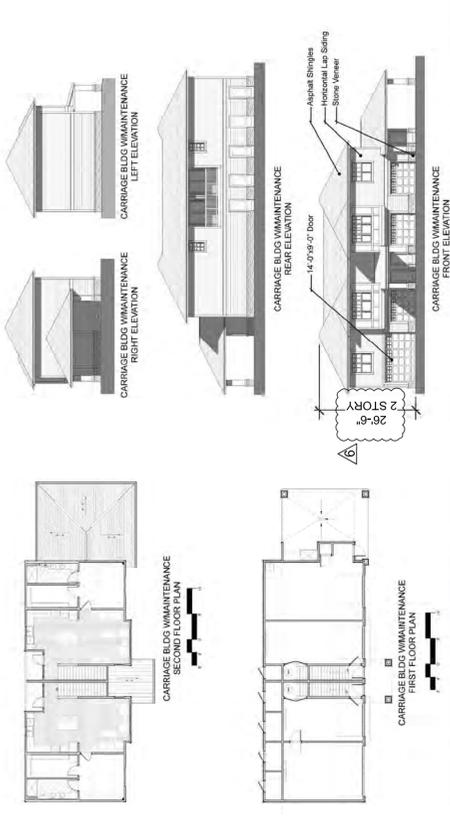




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CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
GARAGES & CARRIAGE UNITS
August 12, 2014



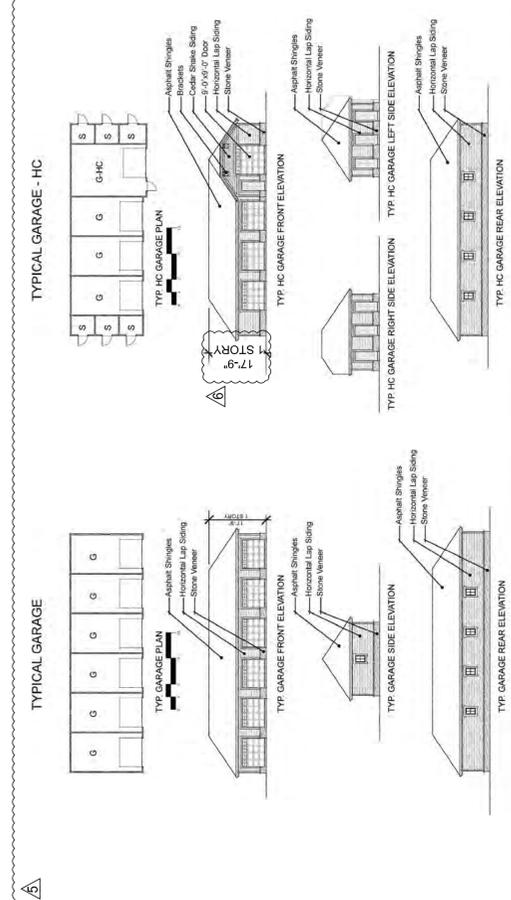
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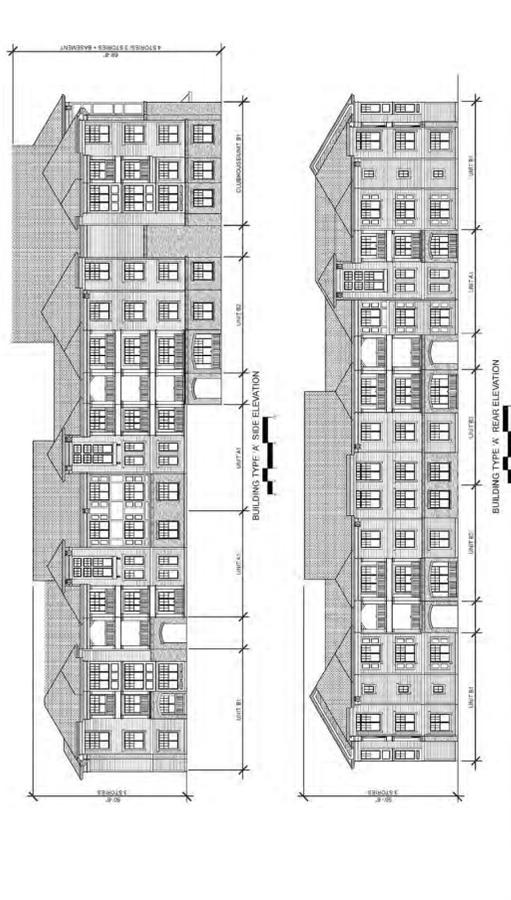
CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
BUILDING TYPE 'A'
October 18, 2012



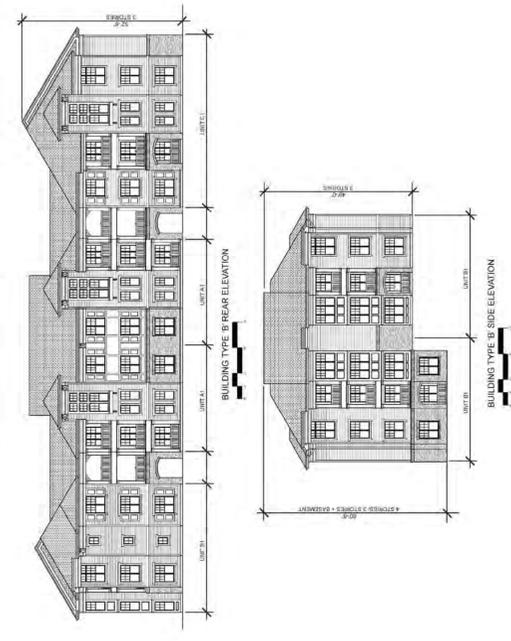
CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
BUILDING TYPE 'A'
October 18, 2012



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
GARAGES
August 12, 2014



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
BUILDING TYPE 'A'
October 18, 2012



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
BUILDING TYPE 'B'
October 18, 2012



CLINE DESIGN
Marvin Road Apartments
Charlotte, North Carolina
BUILDING TYPE 'B'
October 18, 2012

Insert

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Item 11

REQUEST	Current Zoning: B-1 (neighborhood business) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.5 acres located on the north side of East 7 th Street between Clement Avenue and Pecan Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the development of up to 95 multi-family residential dwelling units, at a density of 63 units per acre, with related amenities and accessory uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Various 7 th Street Progression Partners, LLC c/o Bryan Barwick 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: 33
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Elizabeth Area Plan</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The single use multi-family development is a well-suited land use for the area. <p>Therefore, this petition is 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"> • The site is located in a primarily single family residential neighborhood but on a street with a mix of uses that includes entertainment, retail, office and multi-family residential; and, • The site plan is designed to be compatible with the abutting single family residential through limitations on density, height, location of buildings and screening; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none"> 1. Reference to courtyard walls has been removed from Optional Provision B (Optional Provision A on revised site plan). The modified note now specifies how far decorative paving, steps and stoops are proposed to encroach into the setback, as well as the maximum amount of the setback area impacted by the encroachment (up to three feet into the 21-foot zoning setback). 2. Petitioner has moved Option C to Option B, removed the reference to dining and providing new language that proposes an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk along the Site's frontage on East 7th Street. The new language further states that the improvements will not obstruct the sidewalk such that an eight-foot wide clear sidewalk zone will be maintained. 3. Removed Architectural Standards Note D as the zoning standards allow balconies to project up to two feet with a minimum clearance of ten feet from grade. 4. Removed references to adopted area plans on Sheet RZ-1.0 of the site plan. 5. Confirmed type of residential product proposed as multi-family under Development Information on Sheet RZ-2.0.
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6. Moved the proposed buffer and screening materials out of the abutting alleyway and onto the rezoning site.
7. **Addressed Urban Forestry's comments by adding Environmental Features Note D** that states tree preservation will be coordinated during land development with City Engineering and Urban Forestry.
8. Under Lighting Note B, maximum height of freestanding lighting is now noted as 25 feet.
9. **Note C from the "General Provisions" has been removed from the site plan.**
10. The number of proposed units has been reduced from 95 to 91.
11. Reference to Deed Restriction Setback has been removed from Sheets RZ-2.0 and RZ-2.3.
12. Sheet RZ-2.0 has been revised to show planting area in front of eight-foot screen wall along portions of property lines.
13. Sheet RZ-2.0 has been revised to show proposed bicycle parking locations.
14. Sheet RZ-2.0 has been revised to show proposed seat height freestanding walls, potential drinking fountain locations and potential tree in grate.
15. Sheet RZ-2.0 has been revised to show a new planting area to be extended along a portion of the driveway accessing East 7th Street.
16. Sheet RZ-2.0 has been revised to show a 25-foot deed restriction setback along East 7th Street.
17. Sheet RZ-2.1 has been modified to note opaque screen wall (final height to be determined), include the 21-foot Zoning Setback and 25-foot Deed Restriction Setback, and reference development notes for installation, maintenance, and removal responsibilities with respect to proposed landscaping materials.
18. Sheet RZ-2.1 **has been modified to identify "3 story portion of building with maximum 40 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.**
19. Sheet RZ-2.1 **has been modified to identify "4 story portion of building with maximum 52 feet as measured from average final grade" on "Fourth Level Schematic Architecture" detail.**
20. Sheet RZ-2.20 has been modified to note locations of proposed building materials on all elevations.
21. A note has been added to Sheet RZ2.2 that states certain designated windows will have translucent glass in window units (50%).
22. New Sheet RZ-2.3 labeled **"Schematic Required Planting Plan"** identifies proposed plantings to screen new building from adjacent residential development.
23. New General Provisions Note C provides language regarding the zoning setback along 7th Street, and permissible encroachments up to 3 feet into the zoning setback. No portion of the building to be constructed on the site may encroach into the zoning setback.
24. The Optional Provisions being requested have been renumbered and the wording of some have been modified as follows:
 - a. Optional Provision B is now Optional Provision A and the language regarding building entrances and entry features has **been revised to remove "courtyards and "courtyard walls", and add that "patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback."**
 - b. Optional Provision C for the width of the sidewalk is now Optional Provision B.
 - c. Optional Provision D regarding outdoor tables, chairs and dining is now Optional Provision C. Language has been modified with the removal of reference to **"dining."** **Language now proposes "an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street.** The new language further

- states that these improvements will not obstruct the sidewalk such that an 8-foot wide clear sidewalk zone will be maintained.
- d. Optional Provision E pertaining to on-street parking and reduction in the width of the planting strip is now Optional Provision D.
 - e. New Optional Provision E provides language proposing that a free standing seat wall may be constructed on the 13-foot wide **portion of the sidewalk located along the Site's frontage on East 7th Street** within the Zoning Setback.
25. The Permitted Uses development note has been amended to reflect a decrease in the number of units from 95 to 91.
 26. Transportation Note B has been modified to state a minimum of one parking space per bedroom will be provided on the site.
 27. Transportation Note C has been modified to note that the location of the bicycle parking is depicted on the Rezoning Plan.
 28. Architectural Standards Note B has been modified to reference the 4-story components of the building and the site adjacent to the relevant portion of the building.
 29. Petitioner has added new Architectural Standards notes regarding the following:
 - a. Front corner of the building adjacent to the driveway into the site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of the Petitioner.
 - b. Permitted exterior building materials are designated and labelled on architectural renderings provided. Permitted exterior buildings will include brick, stone and similar architectural masonry products, stucco and hardi-panel (cementitious siding) or a combination thereof.
 - c. Brick to be installed on the exterior of the building will be full-body cavity wall masonry. Use of thin brick or exposed non-architectural CMU masonry will not be allowed.
 - d. Vinyl will not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
 - e. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) will not be permitted exterior materials for the building to be constructed on the site.
 - f. Translucent windows must be utilized on the third and fourth floors of the portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building, with clear windows being allowed on all other portions of the proposed building.
 - g. Installation of balconies limited to only those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
 - h. In the event a waiver of the Deed Restriction Setback is obtained, each ground floor dwelling unit facing East 7th Street will have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street will not be gated or locked. Each such stoop or patio will have a minimum size of 75 square feet.
 30. Modified notes under Setback and Yards/Streetscape and Landscaping/Screening as follow:
 - a. Note A has been modified to state that subject to the Optional Provisions, development of the Site will comply with the 21-foot Zoning Setback and the side yard rear requirements of the MUDD zoning district.

- b. New Note D proposes installation and maintenance of an 8-foot tall brick screen along the rear property line of the Site **adjacent to the alley, and along portions of the Site's western** property line.
 - c. New Note E provides language regarding the installation of a gate in the 8-foot tall brick screen wall.
 - d. New Note F identifies the conceptual landscaping plan as provided on Sheet RZ-2.3, providing information regarding locations, types, quantities and minimum height at the time of installation of the trees and shrubs.
 - e. New Note G includes language regarding placement of landscape materials within the alley and approval by Duke Energy. The note states that in the event Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25-foot alley, the petitioner will not be required to install any trees, shrubs and landscape materials within the 25-foot alley. Note further states that petitioner will remove any landscape materials it installs in the 25-foot alley in the event that any property owner with a right to use the 25-foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the materials.
 - f. New Note H states petitioner will maintain, at their cost and expense, the perimeter landscaped areas (including landscaping in the alley).
 - g. New Note I provides language stating that prior to issuance of a certificate of occupancy, the petitioner will install irrigation for the perimeter landscaping for the Site pursuant to the conceptual perimeter plan. Irrigation will not be required to be installed within the alley located to the rear of the Site.
 - h. New Note J proposes an outdoor amenity area consisting of landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables to be located on the 13-foot wide portion of the sidewalk to be installed along the **Site's frontage**.
31. Provided new language under Urban Open Space heading that states Urban Open Space will be located on the site as shown on the site plan. The Urban Open Space will be a passive area with no programed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.
 32. Modified Lighting Note A to state that all freestanding lighting fixtures installed on the Site (excluding street lights, lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas and landscaping lights) 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.
 33. Added Lighting Note D that states that the lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.
 34. Added new heading **titled** "Construction Activities" with following notes:
 - a. Note A states that construction activities may only be conducted on the Site from 7 a.m. to 6 p.m., and that construction activities conducted entirely within the enclosed building may occur at any time.
 - b. Note B states the contractor(s) will keep the construction site in a clean and orderly condition and will promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.
 35. Added new heading "Trash and Recycling Removal" with language that states in the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 a.m. and

	6 p.m.
	36. Removed all references to deed restrictions and waivers on all sheets of the site plan.
	37. Removed "deed restriction setback" on all applicable sheets of the site plan.
	38. Corrected details on Sheet RZ-2.1 to reflect the proposed screen wall is out of the alley.
	39. Clouded all new notes and revised notes.
	40. Provided details of the proposed seat wall.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that several notes had been added to the site plan or modified since the public hearing, many of which were a result of the petitioner working with the neighboring property owners. Staff stated that some of the new notes resulted in new outstanding issues that had since been addressed by the petitioner. Staff reviewed the modifications with the Committee, including but not limited to modifications to the Optional Provisions, and new notes pertaining to Architectural Standards, Setback and Yards/Streetscape and Landscaping/Screening, Urban Open Space, Lighting, Construction Activities, and Trash and Recycling Removal.

A Committee member requested clarification regarding the building height, and staff proceeded to utilize site plan details to orient the Commissioners to the portions of the building proposed to be a maximum of 40 feet in height, and areas of the structure with a 52-foot height. Staff discussed the portion of the structure with a maximum 52-foot building height in relation to the residential properties on the opposite side of the abutting alleyway.

A Committee member asked if there were other utilities besides Duke Energy within the alleyway. Another Committee member responded that plantings over utilities would not be allowed and that the plantings in the alleyway were at the request of the neighbors. Staff clarified that there was a note on the site plan stating that installation, maintenance, and removal of planting materials would be the responsibility of the petitioner.

A Commissioner stated that there had been other proposals for this tight and difficult site, and that the one now before the Committee works from a design perspective. Another Committee noted that this project was an example of the petitioner and surrounding property owners working together to ensure a project contained design elements in the best interest of the neighborhood. 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**

The site plan accompanying this petition contains the following provisions:

- Up to 91 multi-family units in one building with ground level parking, and a project density of 63 units per acre.
- Up to 2,100 square feet of residential amenities (such as a fitness center) and a 750-square

foot leasing office.

- Urban open space areas.
- Building height ranging from 40 feet up to a maximum 52 feet (three to four stories maximum).
- Installation of an eight-foot screen wall and planting area to screen rear buildings and associated parking areas from abutting or adjacent residential properties.
- Vehicular access to the site via East 7th Street.
- An eight-foot sidewalk and eight-foot planting strip along the frontage on East 7th Street.
- A 21-foot setback along East 7th Street from future back of curb.
- Freestanding walls in front of portions of the proposed building will be seat height.
- Architectural Standards notes pertaining to building height, articulation, materials, window treatment, placement of balconies, and orientation of patios.
- Building elevations identifying proposed building materials, with North, East, West, and 7th Street perspectives.
- Proposed bicycle parking locations.
- Maximum height of any freestanding lighting fixture installed on site will be 25 feet.
- Development notes stating construction activities will be conducted on the site daily from 7:00 a.m. to 6:00 p.m., and committing to keeping the construction site in clean and orderly condition.
- Optional requests include:
 - Allowing building entrances and certain entry features encroach up to 3 feet into the setback.
 - Allow the width of the sidewalk to be installed along the site's frontage on East 7th Street to vary from a minimum of eight feet to 13 feet.
 - Allow an outdoor amenity area to be located on the 13-foot wide portion of the sidewalk to be installed along the site's frontage on East 7th Street.
 - Allow a reduction in the width of the 8-foot planting strip in the event that on-street parking is installed on East 7th Street adjacent to the Site.
 - Allow the construction of a freestanding seat wall on the 13-foot wide portion of the sidewalk located along the Site's frontage.
- **Public Plans and Policies**
 - The *Elizabeth Area Plan* (2011) recommends a mix of residential/office/retail on this site. The plan states: "These parcels should be a mix of small scale neighborhood-serving retail, office, and/or residential. Small-scale neighborhood-serving retail or office uses on the ground floor with office and/or residential above is appropriate, as are single-use residential, office, or retail uses. Single-use residential development may have densities greater than 22 dwelling units per acre. Building should not exceed 40 feet in height and should step down to adjacent single family parcels. Primary or secondary parking and vehicle access should be from alleys, if possible."
 - The proposed use and density is consistent with the *Elizabeth Area Plan*. While the maximum height of 52 feet is greater than what is recommended by the plan, the height is only 40 feet where abutting single family residential homes or zoning.

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 issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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 building on an infill lot.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

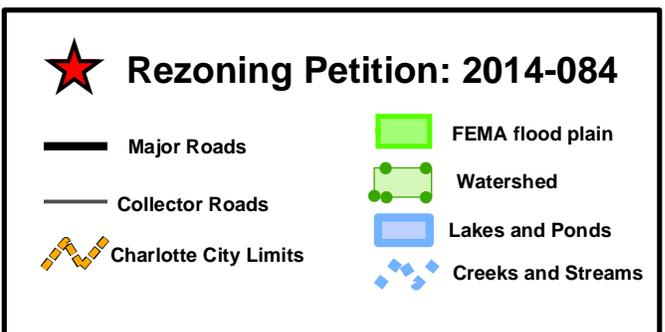
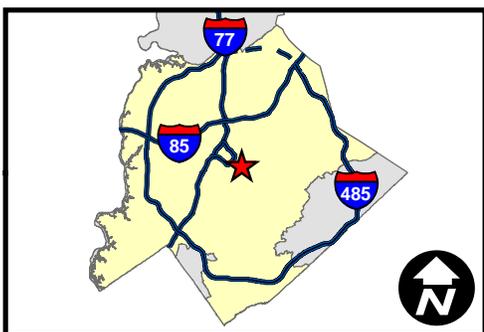
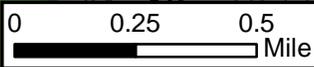
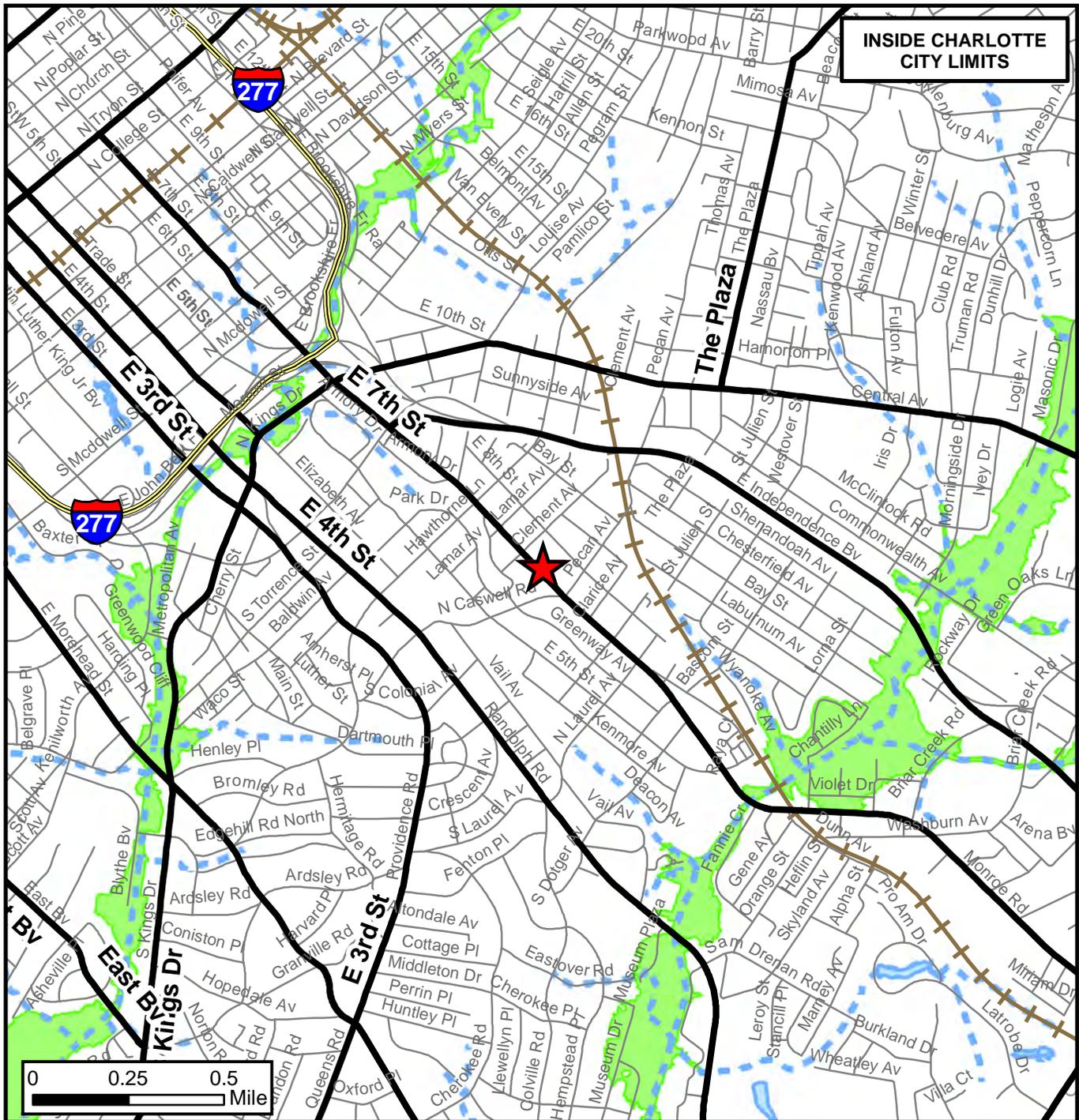
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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 #: **2014-084**

Vicinity Map

Acreage & Location : Approximately 1.5 acres located on the north side of East 7th Street between Clement Avenue and Pecan Avenue.



Insert

Map

Item 11

SITE INFORMATION
SITE ADDRESS:
1905 EAST SEVENTH STREET
CHARLOTTE, NC 28204

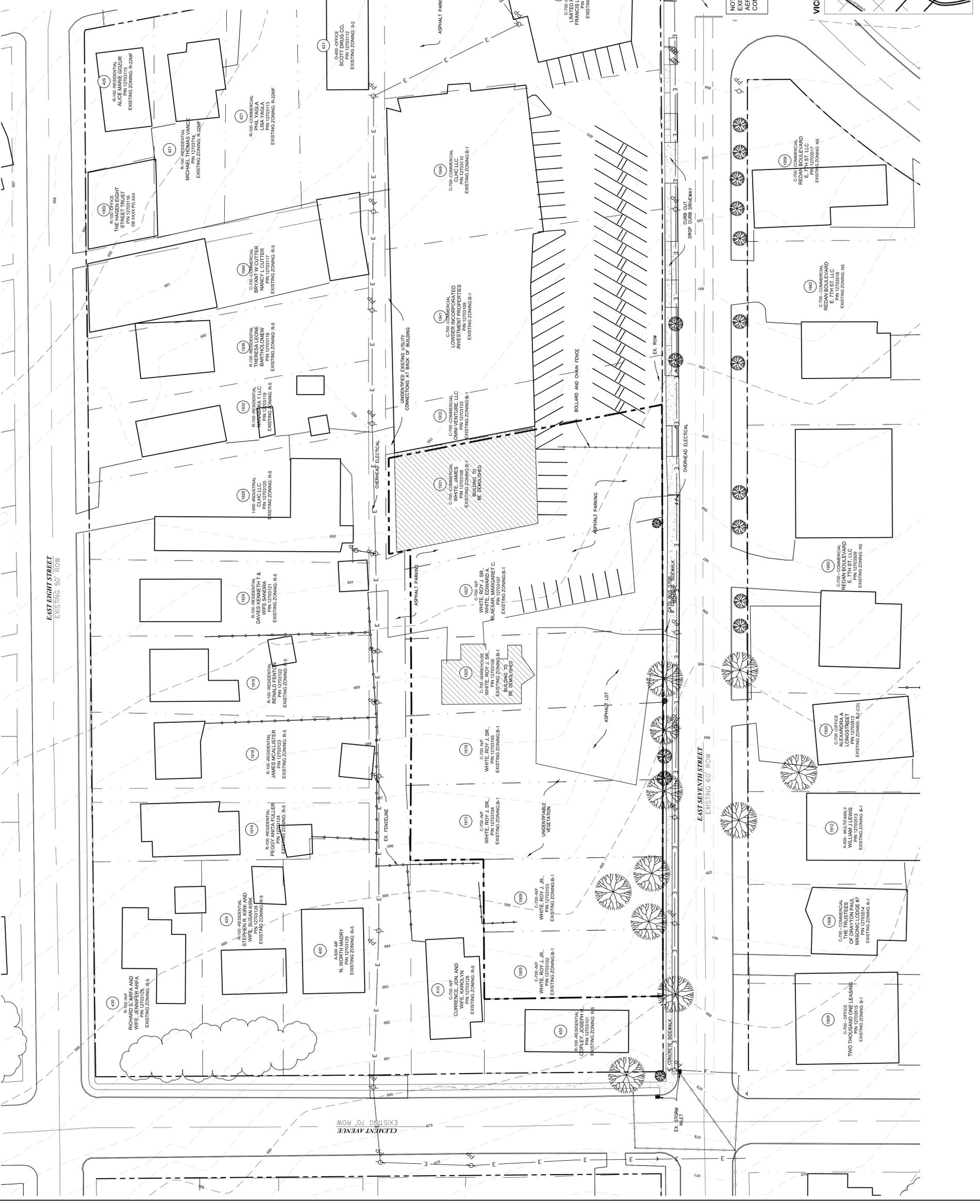
PROPERTY OWNER(S):
ROY JAMES WHITE, JR. AND
WIFE, MARTHA E. WHITE
EDWARD A. WHITE
MARGARET W. BLASSER AND
WIFE, DORIS L. BLASSER
1939 E. 7TH STREET
CHARLOTTE, NC 28204

PROPERTY DEVELOPER(S):
7TH STREET PROGRESSION
PARTNERS, LLC
CHARLOTTE, NC 28202

TAX PARCEL ID #:
12703102, 12703103
12703104, 12703105
12703106, 12703107
12703108

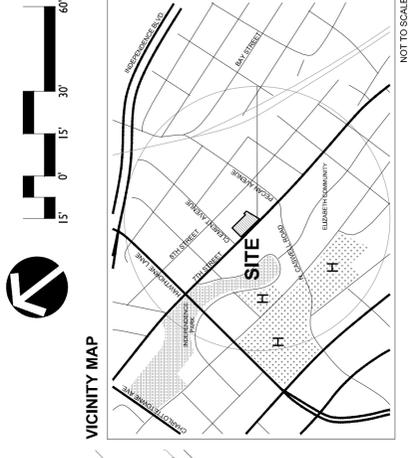
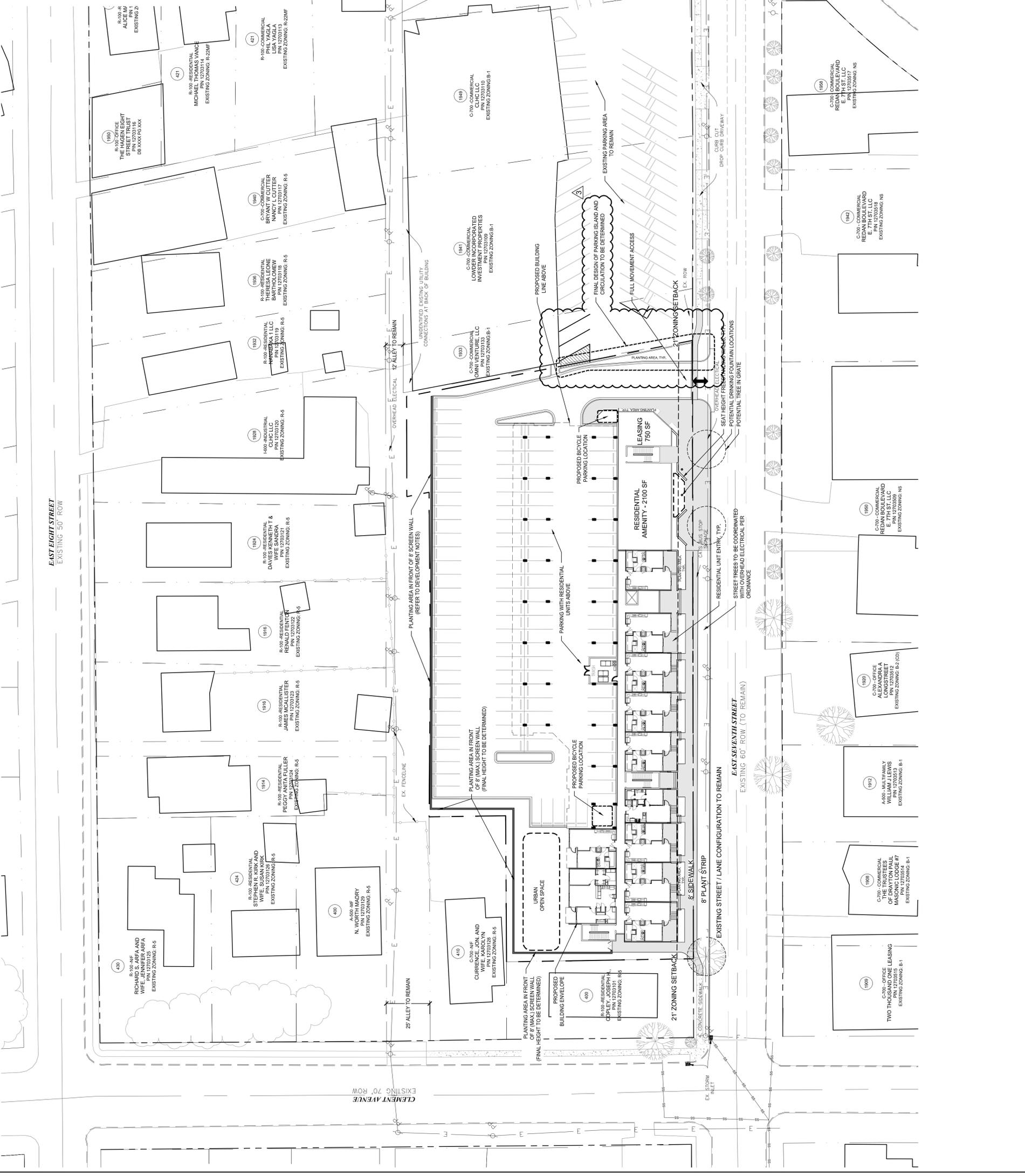
EXISTING ZONING:
B-1

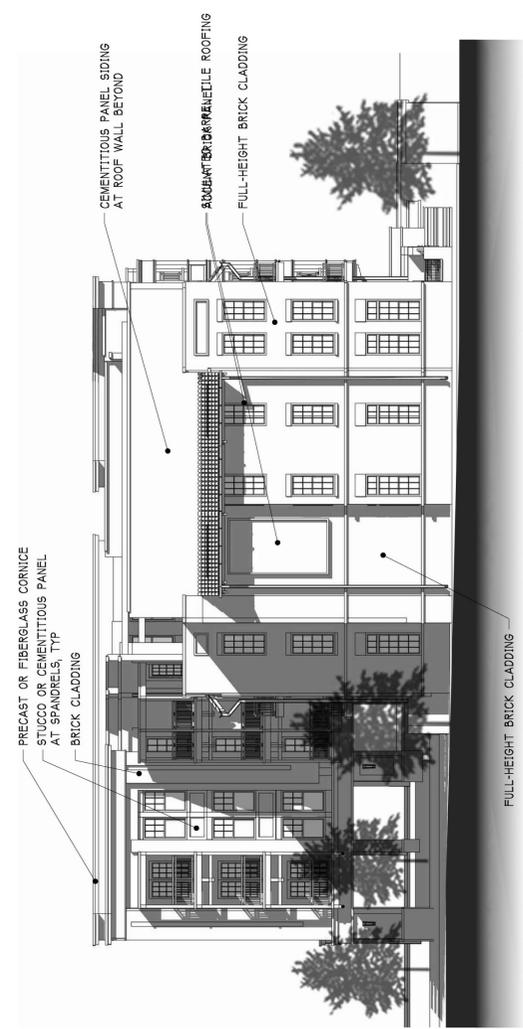
TOTAL SITE SF (ACREAGE):
+- 85,037.05 (1.50 AC)



DEVELOPMENT INFORMATION

SITE AREA	+/- 65,037.09 SQFT (1.50 ACRES)
TAX PARCEL(S) INCLUDED WITHIN THE AREA TO BE REZONED	12703102, 12703103, 12703104, 12703105, 12703106, 12703107, 12703108
EXISTING ZONING	BUSINESS DISTRICT (B-1)
PROPOSED ZONING	MIXED USE DEVELOPMENT DISTRICT-OPTIONAL (MDDO-C)
EXISTING USES	WAREHOUSE, COMMERCIAL, VACANT
PROPOSED USES	RESIDENTIAL
RESIDENTIAL USES AND TYPES	91 UNITS MAXIMUM - MULTI-FAMILY DWELLING UNITS 2,100 SF RESIDENTIAL AMENITY 750 SF LEASING OFFICE USE
PROPOSED DENSITY	63 DUA
MAXIMUM BUILDING HEIGHT	52 FT MAXIMUM (4 STORIES; (AS MEASURED FROM THE AVERAGE FINAL GRADE) 3 STORIES MAX. ON PORTIONS OF THE BUILDING AS GENERALLY DEPICTED ON RZ-2.1
NUMBER OR RATIO OF PARKING SPACES	PER ZONING ORDINANCE MINIMUM: 1.0/UNIT; ALL OTHERS USES 1/600 SF
AMOUNT OF OPEN SPACE	73,500 GSF / 100 SF = 735 SF OPEN SPACE REQUIRED (1 SF / 100 GSF OF PRIMARY USE)





WEST ELEVATION

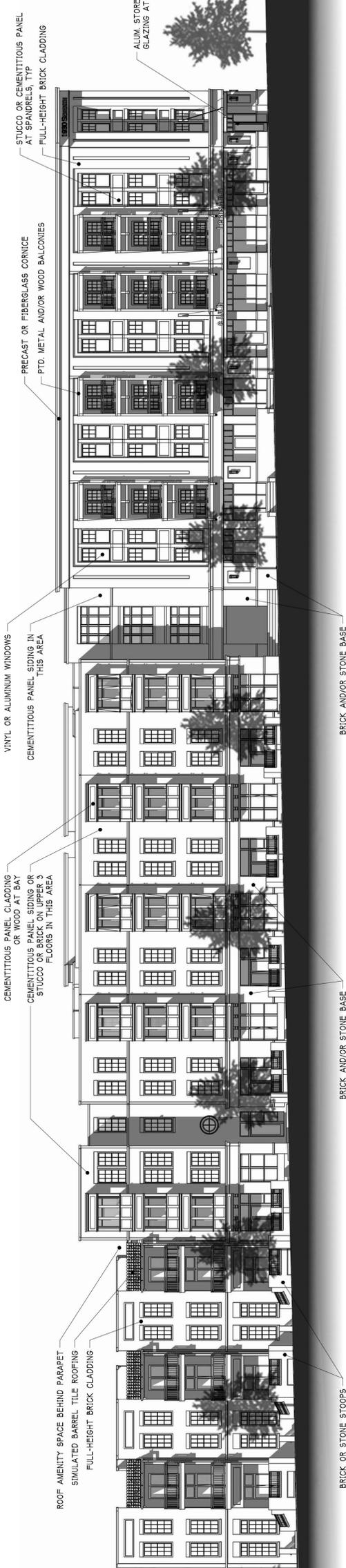


EAST ELEVATION

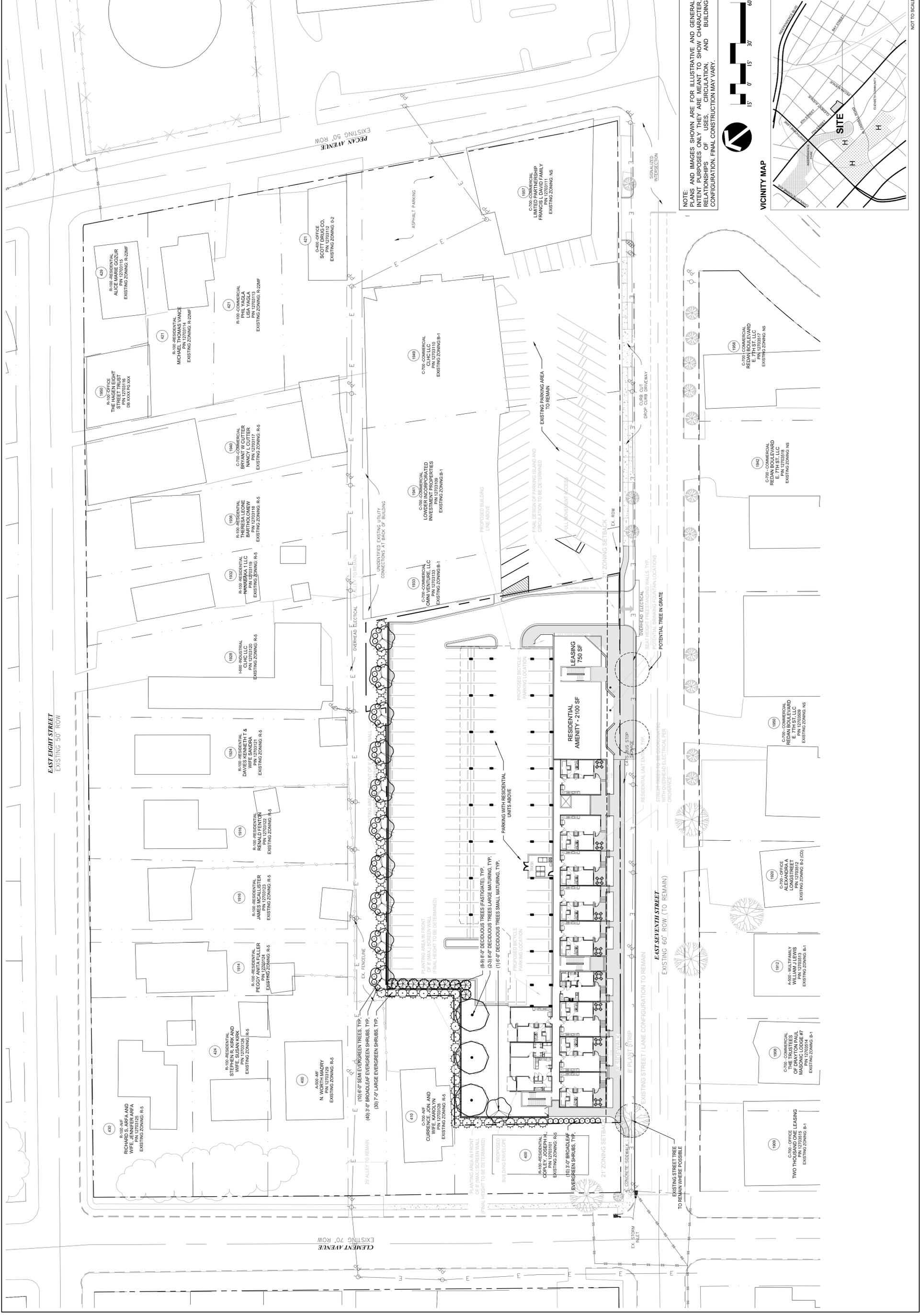


NORTH ELEVATION

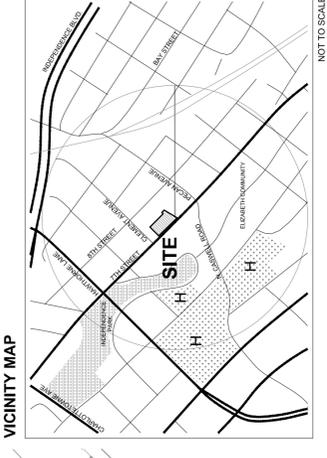
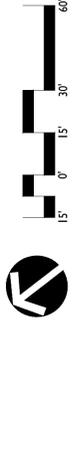
NOTE: WINDOWS DESIGNATED WITH A ④ WILL HAVE TRANSLUCENT GLASS IN WINDOW UNITS (50% TRANSLUCENT)



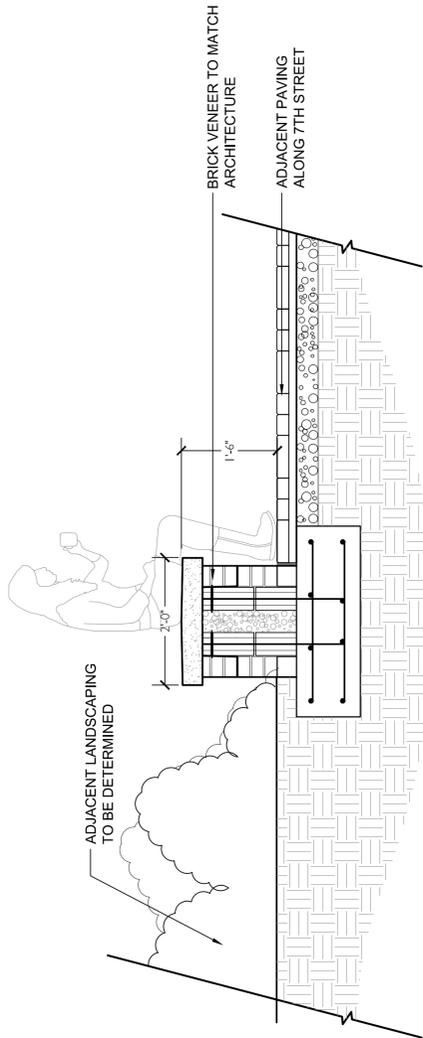
7TH STREET ELEVATION



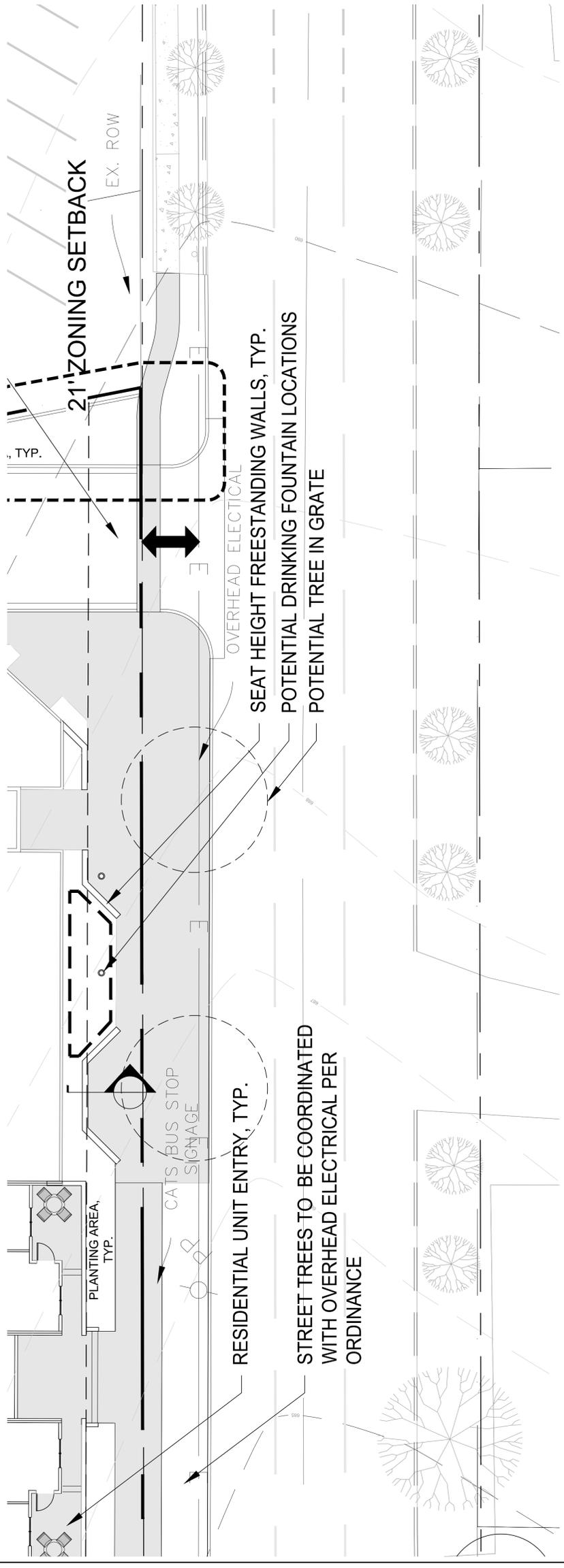
NOTE: PLANS AND IMAGES SHOWN ARE FOR ILLUSTRATIVE AND GENERAL INTENT PURPOSES ONLY THEY ARE MEANT TO SHOW CHARACTER RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION. FINAL CONSTRUCTION MAY VARY.



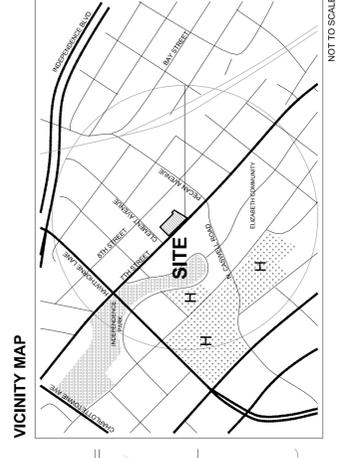
NOT TO SCALE



TYPICAL SEAT WALL SECTION
 NOT TO SCALE



NOTE:
 PLANS AND IMAGES SHOWN ARE FOR ILLUSTRATIVE AND GENERAL INTENT PURPOSES ONLY THEY ARE MEANT TO SHOW CHARACTER RELATIONSHIPS OF USES, CIRCULATION, AND BUILDING CONFIGURATION. FINAL CONSTRUCTION MAY VARY.



DEVELOPMENT STANDARDS

October 13, 2014

GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by 7th Street Progress Partners, LLC. The site is located on the north side of East 7th Street between Clement Avenue and Precast Avenue, which site is more particularly depicted on the Rezoning Plan. (hereinafter referred to as the "Site").
- B. The 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"). Subject to the optional provisions set out below, the regulations established under the Ordinance for the Mixed Use Development District ("MUDD") zoning district shall govern the development of the Site.
- C. As depicted on the Rezoning Plan, the setback from East 7th Street for zoning purposes is 21 feet from the site boundary to the "Setback". Other than the "Setback", there are no setbacks, setbacks and architectural features that may encroach up to 3 feet into the Zoning Setback (as set out under Optional Provisions), no portion of the building to be constructed on the Site shall encroach into the Zoning Setback.
- D. 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.

OPTIONAL PROVISIONS

- The following optional provisions shall apply to the development of the Site:
- A. Building entrances and entry features including, but not limited to, decorative paving, steps, stoops, patios and upper level balconies and architectural features may encroach up to 3 feet into the Zoning Setback as shown on the Rezoning Plan.
 - B. The width of the sidewalk to be installed along the Site's frontage on East 7th Street may vary from a minimum of 8 feet to 13 feet as depicted on the Rezoning Plan.
 - C. An outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables shall be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street. These improvements shall not obstruct the sidewalk such that an 8 foot wide clear sidewalk zone shall be maintained.
 - D. In the event that on-street parking is installed on East 7th Street adjacent to the Site, the width of the 8 foot planning strip may be reduced to accommodate the on-street parking spaces.
 - E. A free standing seat wall may be constructed on the 13 foot wide portion of the sidewalk located along the frontage on East 7th Street within the Zoning Setback. A detail of the proposed seat wall is set out on the Rezoning Plan.

PERMITTED USES

The Site may only be devoted to a residential community containing a maximum of 91 multi-family dwelling units and to any incidental and accessory uses relating thereto that are allowed in the MUDD zoning district. Incidental and accessory uses may include, without limitation, a leasing and management office and amenities for use by the residents of the residential community, such as a fitness center.

TRANSPORTATION

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access point are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT") and/or the North Carolina Department of Transportation ("NCDOT").
- B. A minimum of 1 parking space per bedroom shall be provided on the Site.

- C. Bicycle parking will be provided on the Site as required by the Ordinance. The location of the bicycle parking is depicted on the Rezoning Plan.

ARCHITECTURAL STANDARDS

- A. The maximum height in stories of the building to be constructed on the Site shall range from 3 stories to 4 stories. The maximum height in stories of each component or segment of the building is designated on the Rezoning Plan by a number on the building footprint. For example, a component or segment of the building designated with a "3" shall have a maximum height of 3 stories.
- B. The maximum height of the 4 story components of the building to be constructed on the Site as measured in feet shall be 52 feet as measured from the average final grade of the Site adjacent to the relevant portion of the building.
- C. The building to be constructed on the Site shall meet the applicable urban design standards of Section 9.8506 of the Ordinance.
- D. Set out on Sheet RZ-2.2 are schematic architectural renderings of the front, side and rear elevations of the building to be constructed on the Site that are intended to depict the general conceptual architectural style, color palette and materials to be used. The renderings are subject to the applicable provisions of Paragraph C under General Provisions. The front, side and rear elevations of the building to be constructed on the Site shall be designed and constructed so that each elevation is substantially similar in appearance to the relevant schematic architectural rendering set out on Sheet RZ-2.2. Notwithstanding the foregoing, changes and alterations which do not materially change the overall conceptual architectural style, character and quality of the building are permitted.
- E. Notwithstanding the schematic architectural renderings of the building to be constructed on the Site, the front corner of the building adjacent to the driveway into the Site may be a chamfered corner, or the corner of the building may be at a 90 degree angle at the option of Petitioner.
- F. The permitted exterior building materials for the building to be constructed on the Site are designated and labelled on the schematic architectural renderings of the building set out on Sheet RZ-2.2. The permitted exterior building materials shall include brick, stone and similar architectural masonry products, stucco and hard-panel (ceramititious siding) or a combination thereof. The exterior building materials installed on the building shall be substantially similar in type and percentages to those specified and depicted on the schematic architectural renderings.
- G. The brick to be installed on the exterior of the building shall be full-body cavity wall masonry. The use of thin brick or exposed non-architectural CMU masonry shall not be permitted.
- H. Vinyl shall not be a permitted exterior cladding material, provided, however, that vinyl may be utilized on the soffits of the building and vinyl windows may be installed on the building.
- I. EIFS (synthetic stucco), aluminum siding, corrugated metal and CMU block (concrete block) shall not be permitted exterior building materials for the building to be constructed on the Site.
- J. Translucent windows must be utilized on the third and fourth floors of those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the building to be constructed on the Site. Other windows may be utilized on all other portions of the building to be constructed on the Site.
- K. Balconies may be installed only on those portions of the rear elevation of the building that are more particularly designated on the schematic architectural rendering of the rear elevation of the building. Balconies may be installed on any portions of the side and front elevations of the building to be constructed on the Site.
- L. The exterior building materials for all retaining walls installed on the Site shall be brick, stone or architectural block.
- M. The amenity deck to be located on the second level of the building to be constructed on the Site that is depicted on Sheet RZ-2.1 shall be screened from the rear property line of the Site by an architectural screen wall which is solid masonry to 4 feet AFF and will incorporate a wood, metal or other type of architectural grille from 4 feet AFF to 6 feet AFF which will provide minimum 75% screening from the adjacent properties as viewed from grade.
- N. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade, and from the second floors of the existing single family homes that abut the Site.

- O. Each ground floor dwelling unit facing East 7th Street shall have steps and a stoop or patio located at the front entrance into the dwelling unit from East 7th Street, and the entry to the stoop or patio from East 7th Street shall not be gated or locked. Each such stoop or patio shall have a minimum size of 75 square feet.

SETBACK AND YARDS/STREETSCAPE AND LANDSCAPING/SCREENING

- A. Subject to the Optional Provisions set out above, development of the Site shall comply with the Z1 foot Zoning Setback and the side yard and rear yard requirements of the MUDD zoning district.
- B. Subject to the optional provisions set out above, Petitioner shall install a planting strip and a sidewalk along the Site's frontage on East 7th Street as depicted on the Rezoning Plan.
- C. Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of the building, then the side wall or rear wall of the building may be substituted for the wall or fence along such side. Alternatively, front lot trash and recycling containers will be utilized by the Petitioner on the site. Other than the "Setback", there are no setbacks, setbacks and architectural features that may encroach up to 3 feet into the Zoning Setback (as set out under Optional Provisions), no portion of the building to be constructed on the Site shall encroach into the Zoning Setback.

- D. Petitioner shall install and maintain an 8 foot tall brick screen wall on the Site along the rear property line of the Site adjacent to the alley, and along portions of the Site's western property line as more particularly depicted on the Rezoning Plan. The first 6 feet of this brick wall as measured from grade shall be a solid, opaque brick wall, and the upper 2 feet of the brick wall shall have openings to allow ventilation and natural light to penetrate the wall.

- E. A gate shall be installed in the 8 foot tall brick screen wall to be located along the rear property line of the Site adjacent to the alley to allow access to the alley for the purpose of maintaining the landscaping to be installed thereon.

- F. Set out on Sheet RZ-2.3 is a conceptual landscaping plan that specifies the locations, types, quantities and minimum height at the time of installation of the trees and shrubs that will be installed by Petitioner within the perimeter landscaped areas depicted on the Rezoning Plan that are located along the northern and western edges of the Site. Subject to paragraph G below, Petitioner shall install trees and shrubs within these perimeter landscaped areas that meet the specifications of the attached conceptual landscaping plan.

- G. Notwithstanding the terms of paragraph F above, all trees, shrubs and landscape materials to be installed within that portion of the 25 foot alley located along the Site's rear property line and depicted on the Rezoning Plan must be approved by Duke Energy prior to installation. In the event that Duke Energy does not approve the types of trees, shrubs and landscape materials designated on the conceptual landscaping plan, then Petitioner shall install only those trees, shrubs and landscape materials approved by Duke Energy.

In the event that Duke Energy or the City of Charlotte prohibits the installation of trees, shrubs and landscape materials in the 25 foot alley, then Petitioner shall not be required to install any trees, shrubs and landscape materials within the 25 foot alley.

Petitioner shall remove any trees, shrubs and landscape materials it installs from the 25 foot alley in the event that any property owner with a right to use the 25 foot alley for vehicular and pedestrian access seeks to enforce such right and requires the removal of the trees, shrubs and landscape materials.

- H. Petitioner shall maintain, at its cost and expense, the perimeter landscaped areas depicted on the Rezoning Plan (including the perimeter landscaped area located within the 25 foot alley located to the rear of the Site) and replace dead or diseased trees and shrubs as necessary.

- I. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall install irrigation for the perimeter landscaping to be installed on the Site pursuant to the conceptual perimeter landscaping plan, provided, however, that irrigation will not be required to be installed within the alley located to the rear of the Site, and the requirement to install irrigation in the planting strip located within the right of way for East 7th Street shall be subject to the City of Charlotte agreeing to enter into an encroachment agreement with Petitioner for such irrigation system.

- J. As more particularly depicted on the Rezoning Plan, an outdoor amenity area containing landscaping, hardscape, seating elements, an outdoor water drinking fountain and possibly tables shall be located on the 13 foot wide portion of the sidewalk to be installed along the Site's frontage on East 7th Street. These improvements shall not obstruct the sidewalk such that an 8 foot wide clear sidewalk zone shall be maintained.

- K. All backflow preventers and transformers will be internal or screened and located in such a manner that they are not visible from the public street/sidewalk.

ENVIRONMENTAL FEATURES

- A. Development of the Site shall be in compliance with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. All required Storm Water Management Facilities will be located underground and on site.
- B. The location, size, and type of storm water management systems 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.
- C. Development of the Site shall comply with the City of Charlotte Tree Ordinance.
- D. Tree preservation will be coordinated during land development with City Engineering and Urban Forestry.

URBAN OPEN SPACE

As required under the Ordinance, Urban Open Space shall be located on the Site as depicted on the Rezoning Plan. The Urban Open Space shall be a private area within the programmed space, and no outdoor amenities, such as a grill, may be installed within the Urban Open Space.

SIGNS

All signs installed on the Site shall comply with the requirements of the Ordinance.

LIGHTING

- A. All freestanding lighting fixtures installed on the Site (excluding street lights, tower, decorative lighting that may be installed on the building) shall be fully shielded so that the lighting fixtures do not fully cap and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

- B. The maximum height of any freestanding lighting fixture installed on the Site (excluding street lights) shall be 25 feet.

- C. Any lighting fixtures attached to the building to be constructed on the Site shall be decorative, capped and downwardly directed.

- D. The lighting to be installed on the Site to illuminate the parking lot located to the rear of the building shall be soft light in the warm spectrum.

CONSTRUCTION ACTIVITIES

- A. Construction activities may only be conducted on the Site daily from 7 AM to 6 PM. Notwithstanding the foregoing, construction activities conducted entirely within the enclosed building may occur at any time.
- B. The contractor(s) shall keep the construction Site in a clean and orderly condition and shall promptly clean the adjacent roads and sidewalks as needed or as otherwise required by applicable regulations.

TRASH AND RECYCLING REMOVAL

In the event that a private trash service is utilized to empty trash and recycling containers located on the Site, such containers may be emptied only between the hours of 7 AM and 6 PM.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. 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.

- B. 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.

- C. 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.

Insert

Tab

Item 12

REQUEST	Current Zoning: : INST (institutional) and I-2(CD) (general industrial, conditional) Proposed Zoning: TOD-M (transit oriented development - mixed-use)
LOCATION	Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to rezone approximately 1.83 acres to allow all uses permitted in the TOD-M (transit oriented development - mixed-use) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Peak Properties I, LLC Charlotte-Mecklenburg Planning Department None
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <u>University City Area Plan</u> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • The proposed use is suitable for the area. <p>Therefore, this petition is 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"> • The site is located within ¼ mile walk distance of the future McCullough Transit Station location; • The property is located in a priority area for transit oriented development; and, • This rezoning will ensure any development on the site is transit oriented; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
--------------------------------	---

VOTE	Motion/Second: Eschert/Sullivan Yeas: Dodson, Eschert, Nelson, Ryan, and Sullivan Nays: None Absent: Labovitz and Walker Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted that there were no outstanding issues with this conventional rezoning. 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

- **Background**
 - A portion of the site was rezoned to I-2(CD) (general industrial, conditional) under petition 1977-016(C) to allow the development of a utility storage facility.
 - **Proposed Request Details**

This is a conventional rezoning petition with no associated site plan.
 - **Public Plans and Policies**
 - The *University City Area Plan* (2007) recommends transit oriented development for the subject property.
 - The petition is consistent with the *University City Area 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.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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*.
 - There is no site plan associated with this conventional rezoning request.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review

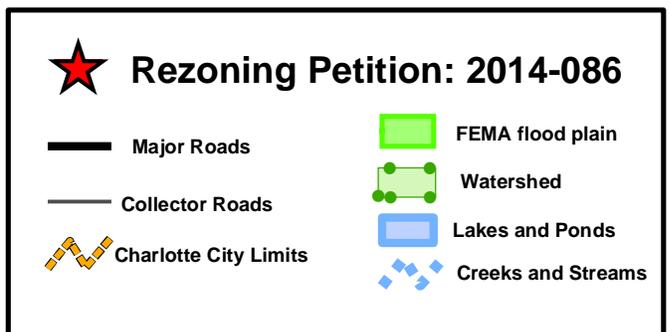
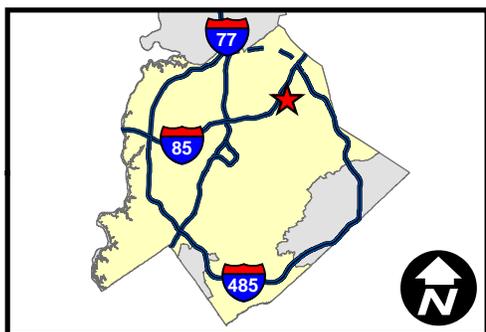
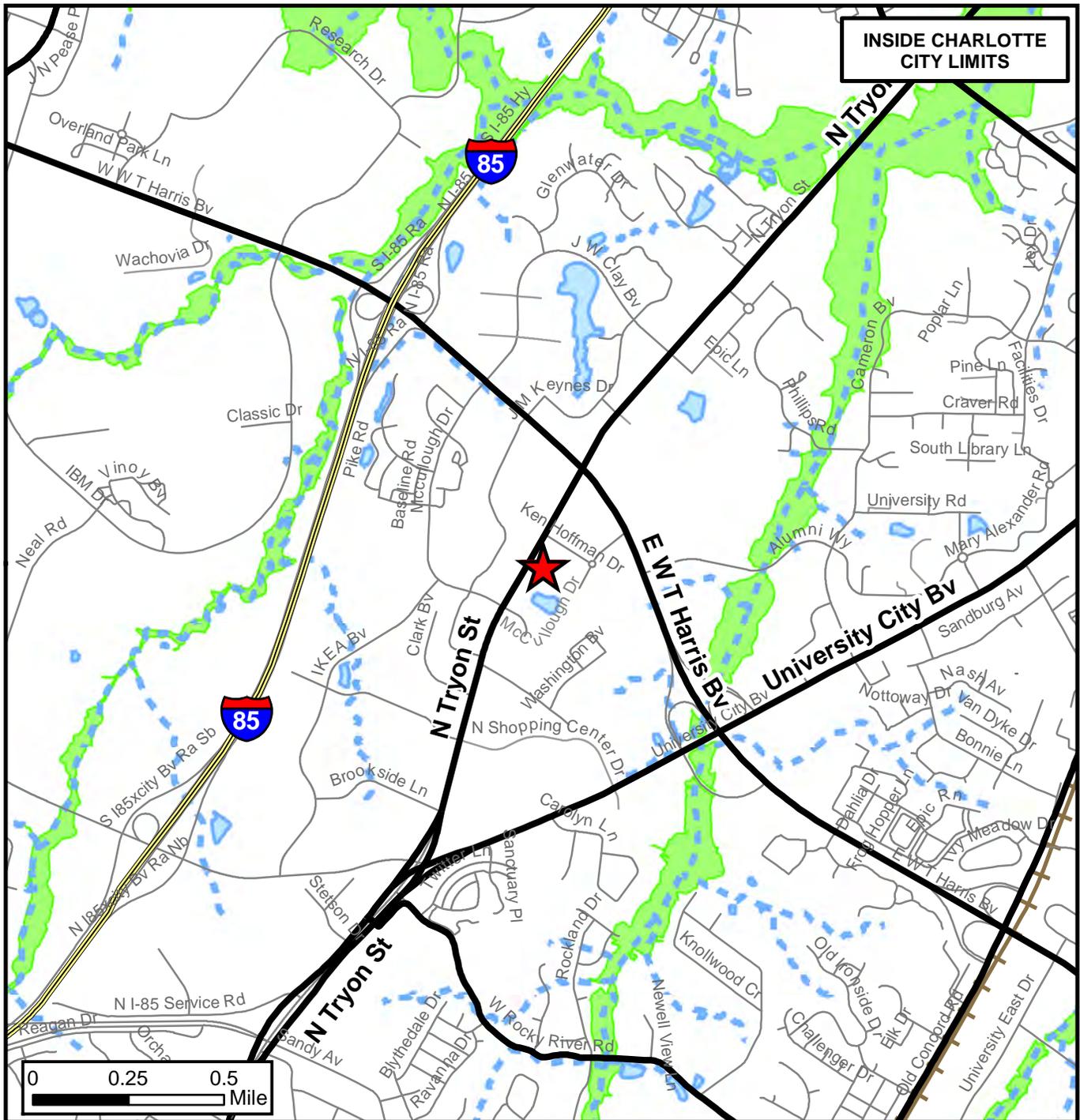
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326

Petition #: **2014-086**

Vicinity Map

Acreage & Location : Approximately 1.83 acres located on the east side of North Tryon Street between McCullough Drive and Ken Hoffman Drive.



Insert

Map

Item 12

Insert

Tab

Item 13

REQUEST	Text amendment to Sections 3.301, 3.303, 5.101, 5.107, 5.108, 5.110, and 5.113 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<p>This text amendment is found to be consistent with the <i>North Carolina General Statutes</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • Cities are required to comply with <i>North Carolina General Statutes</i>. <p>Therefore, this petition is 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"> • It makes the written regulations in the ordinance consistent with recently updated state legislation; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
------------------------------------	---

VOTE	Motion/Second: Ryan/Nelson
	Yeas: Dodson, Eschert, Nelson, Ryan and Sullivan
	Nays: None
	Absent: Labovitz and Walker
	Recused: None

ZONING COMMITTEE DISCUSSION Staff provided a summary of the text amendment. There were no questions.

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**
 - New *North Carolina General Statute* legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding Zoning Boards of Adjustment. The old statutes were first adopted in 1923, and underwent a number of legislative changes over the past decades.
 - The practices of the Zoning Board of Adjustment were changed immediately after the new state legislation was adopted last year.
 - The new legislation focuses on providing greater clarity, creating standardized procedures for key actions, and generally providing more certainty and predictability about the processes used by boards of adjustment.
 - This text amendment aligns the Charlotte Zoning Ordinance with the new legislation.
- **Proposed Request Details**
The text amendment contains the following provisions:
 - Modifies the voting requirements to grant a variance from a majority of members of the Board

-
- of Adjustment to a concurring vote of four-fifths of the Board.
- Modernizes the language allowing the Board of Adjustment to have authority to hear and decide variances from the requirements of the Zoning Ordinance by:
 - 1) **adding that the “purpose and intent of the Zoning Ordinance” shall be met, “such that public safety is secured and substantial justice is achieved”, and**
 - 2) removing references requiring that public welfare be secured in the granting of a variance.
 - Adds new language detailing the mailing notices for hearings for variance and appeal petitions including:
 - Notices shall be mailed to the person who is the subject of the hearing, the owner of the property, and owners of abutting properties.
 - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
 - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
 - Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street right-of-way.
 - Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new state legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment can vary any of the provisions of the Zoning Ordinance, upon a showing of all of the following findings of fact:
 - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
 - The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved.
 - Adds new language that appropriate conditions may be imposed on any variance, provided they are reasonably related to the variance.
 - Adds more detail about the Board of Adjustment decisions and evidence:
 - The Board must determine contested facts and make its decision within a reasonable time.
 - Every quasi-judicial decision shall be based on competent material, and substantial evidence in the record.
 - Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards.
 - The written decision shall be signed by the chair or other duly authorized member of the board.
 - A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.
 - Adds details to who is notified of the decision of the Board of Adjustment, and how notice is delivered. Delivery methods include personal delivery, electronic mail, or first-class mail. The decision is to be delivered to the applicant, property owner, and to any person who has submitted a written request for a copy of the decision prior to the date the decision becomes effective.
 - **Modifies when an appeal of the Board’s decision to the Superior Court must be filed with the Clerk of the Superior Court.** Currently, an aggrieved party has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days from receipt of the decision to file an appeal. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
 - Updates *General Statute* section references.
- **Public Plans and Policies**
 - This petition is consistent with the *North Carolina General Statutes*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: MODERNIZATION OF BOARD OF ADJUSTMENT REGULATIONS 2014-87

Purpose/Background: The purpose of this text amendment is to update the regulations for the Board of Adjustment to clarify and modernize the language in accordance with new state legislation.

		Proposed Regulations	Rationale
Powers and Duties	<ul style="list-style-type: none"> To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator. 	<ul style="list-style-type: none"> Add “authorized designees” to the language: <ul style="list-style-type: none"> To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator, <u>or by his or her authorized designee”.</u> 	<ul style="list-style-type: none"> Aligns with new legislation
Voting	<ul style="list-style-type: none"> The concurring vote of <u>majority</u> of the members of the Board of Adjustment is required to reverse or modify any order, requirement, decision, or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations. 	<ul style="list-style-type: none"> Modify the section on voting to match new state legislation: <ul style="list-style-type: none"> The concurring vote of <u>four-fifths</u> of the Board of Adjustment shall be necessary to grant a variance. A <u>majority</u> of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. (Vacant positions and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.) 	<ul style="list-style-type: none"> Aligns with new legislation
Modernize Language of when variances should be granted	<ul style="list-style-type: none"> The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done. 	<ul style="list-style-type: none"> Modernize the language to meet new legislation intent: <ul style="list-style-type: none"> The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit, <u>purpose and intent of the Zoning Ordinance is met, such that public safety is secured, and substantial justice is achieved.</u> 	<ul style="list-style-type: none"> Aligns with new legislation
Notice and Hearing	<ul style="list-style-type: none"> The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition, which comes before it. 	<ul style="list-style-type: none"> Maintains the existing language, but adds new language detailing the mailing of notices: <ul style="list-style-type: none"> Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing. County tax listings shall be used to determine owners of property, unless there is evidence to the contrary. Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way. 	<ul style="list-style-type: none"> Aligns with new legislation

Current Regulations	Proposed Regulations	Rationale	Current Regulations
<p>Standards for Granting a Variance</p> <ul style="list-style-type: none"> • Before granting a variance, the Board of Adjustment shall find: <ul style="list-style-type: none"> • That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and • That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other adopted written policies governing land development and the construction and improvement of public facilities; and • That the public safety and welfare have been protected and substantial justice done. • Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met: <ul style="list-style-type: none"> • The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and • The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and • The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance. 	<ul style="list-style-type: none"> • Removes the existing findings and conditions that constitute a practical difficulty or unnecessary hardship and replaces them with new language to align with new state legislation: <ul style="list-style-type: none"> • When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following: <ul style="list-style-type: none"> • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. • The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. • The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved. • Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. 	<ul style="list-style-type: none"> • Aligns findings with new state legislation. 	

Current Regulations	Proposed Regulations	Rationale	Current Regulations
<p>Action by the Board of Adjustment</p> <ul style="list-style-type: none"> The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. <u>The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.</u> If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment, then the aggrieved party, as stated in G.S. Sec. 160A-388(e), must file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case. 	<ul style="list-style-type: none"> Adds more detail about the Board of Adjustment's decision and evidence. Plus, updates General Statutes section references and aligns language with the new state legislation: <ul style="list-style-type: none"> The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. The board shall determine contested facts and make its decision within a reasonable time. <u>Every quasi-judicial decision shall be based upon competent material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.</u> If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment pursuant to <u>Section 5.113(1)</u>, then the aggrieved party, as stated in G.S. Sec. 160A-388(e)(1), <u>should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment at the time of the hearing of the case prior to the date the decision becomes effective.</u> 	<ul style="list-style-type: none"> Aligns with new legislation 	
<p>Appeal from Board of Adjustment</p> <ul style="list-style-type: none"> If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Department. If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested. Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in 	<ul style="list-style-type: none"> Deletes the first 3 bullets of provisions and replaces with updated language to match new legislation: <ul style="list-style-type: none"> The decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made. Every quasi-judicial decision of the Board shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Board's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the 	<ul style="list-style-type: none"> Aligns with new legislation 	

the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Department, whichever is later.

- If a petition for review is filed pursuant to G.S. §160A-388(e) then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

time to file the petition.

- Adds an updated section reference to the General Statutes citation:
 - If a petition for review pursuant to G.S. §160A-388(e2) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

Petition No. 2014-87
Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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 3: BOARD OF ADJUSTMENT

1. Amend Section 3.301, “Powers and duties”, subsection (1) by adding “or by his or her authorized designee” to the sentence to clarify that appeals can be made to any specific order, requirement, decision, or determination made by the Zoning Administrator, or designee. This also matches the language used in Section 5.101, subsection (1). All remaining subsections shall remain unchanged. The revised subsection shall read as follows:

Section 3.301. Powers and duties.

The Zoning Board of Adjustment shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator, or by his or her authorized designee.
2. Amend Section 3.303, “Meetings, hearings and procedures”, subsection (5) by updating the language to match that of the modernized language adopted by the State. The revised subsection shall read as follows:
 - (5) ~~The concurring vote of majority of the members of the Board of Adjustment is required to reverse or modify any other, requirement, decision or determination made by the Zoning Administrator or to grant a variance from the requirements of these regulations.~~ The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to

determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

B. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.101, “Authority of City of Charlotte”, subsection (2), by updating the language to match that of the modernized language adopted by the State. Also modify the reference to the N.C. General Statutes in subsection (5). All other subsections remain unchanged. The two revised subsections shall read as follows:

Section 5.101. Authority of City of Charlotte.

- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit, purpose, and intent of the Zoning Ordinance is met, ~~of the ordinance is observed, such that public safety and welfare is secured, and substantial justice done is achieved.~~
 - (5) Pursuant to G.S. §160A-388(b) ~~and (d)~~, the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.
2. Amend Section 5.107, “Notice and hearing” by adding language that clarifies that the Board of Adjustment holds quasi-judicial hearings on variances and appeals. In addition, add new language that describes the mailing of notices of hearings, as per the new legislation. The revised section shall read as follows:

Section 5.107. Notice and hearing.

The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold ~~public~~ quasi-judicial hearings on any appeal or variance petition, which comes before it.

As per G.S. § 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3. Amend Section 5.108, “Standards for granting a variance”, subsection (1) by deleting the current language and replacing it with the modernized language in Session Law 2013-126 approved by the state in June of 2013. Also remove the last sentence in subsection (2), and delete subsection (3) and replace it with new text allowing the Board of Adjustment to add appropriate conditions to a variance. The entire revised section shall read as follows:

Section 5.108. Standards for granting a variance.

- (1) ~~Before granting a variance, the Board of Adjustment shall find:~~
 - (a) ~~That practical difficulties or unnecessary hardship would result from the strict application of these regulations; and~~
 - (b) ~~That the spirit of these regulations should be observed by taking into consideration the general intent of these regulations. The Zoning Board of Adjustment may also consider any adopted district plan or area plan covering the property, any other~~

~~adopted written policies governing land development and the construction and improvement of public facilities; and~~

~~(e) That the public safety and welfare have been protected and substantial justice done.~~

(1) When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(d) The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, such that public safety is secured, and substantial justice is achieved.

(2) The Board of Adjustment shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension or expansion of a nonconforming use, or would change the district boundary, or zoning classification of any or all of

the subject property. ~~Except under circumstances described in subsection (3) below, the Board of Adjustment shall not grant a variance.~~

~~(3) Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:~~

~~(a) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and~~

~~(b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and~~

~~(c) The difficulty or hardship resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.~~

~~(3) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.~~

4. Amend Section 5.110, “Action by the Board of Adjustment”, subsection (1) by deleting the last sentence and (2) by updating references to the General Statutes and replacing the word, “must” to “should”. Subsection (1) remains unchanged. The new section shall read as follows:

Section 5.110. Action by the Board of Adjustment.

- (1) The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, requirement, or determination under appeal. ~~The Board of Adjustment shall make findings of fact and conclusions of law to support its decision.~~

(2) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.

(23) If any aggrieved party wishes to receive a written copy of the decision of the Zoning Board of Adjustment pursuant to Section 5.113(1), then the aggrieved party, as stated in G.S. Sec. 160A-388(e2)(1), ~~must~~ should file a written request for a copy of the Board's decision with the Secretary or Chairperson of the Zoning Board of Adjustment ~~at the time of the hearing of the case~~ prior to the date the decision becomes effective.

5. Amend Section 5.113, "Appeal from the Board of Adjustment", by deleting subsections (1), (2), and (3) and replacing them with updated modernized language, new regulations for delivery of decisions and time-frames to file a petition for review, and updated N.C. General Statutes references.

Section 5.113. Appeal from Board of Adjustment.

(1) ~~If no aggrieved party files a written request for a copy of the decision at the time of the hearing of the case, then any petition for a review of the Board's decision in the nature of certiorari by Superior Court must be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board of Adjustment is filed in the Charlotte-Mecklenburg Planning Department. Upon the filing of the decision in the Planning Department, the Zoning Administrator, or his designee will make a notation on the filed decision stating the date upon which the decision has been filed.~~

~~(2) If any aggrieved party has filed a written request for a copy of the decision at the time of the hearing of the case, as stated in G.S. Sec. §160A 388(e), then a decision of the Board may be delivered to that aggrieved party either by personal service or by registered or certified mail with return written receipt requested.~~

~~(3) Any aggrieved party, who has filed a written request for a copy of the decision at the time of the hearing of the case, will have thirty (30) days from receipt of the decision of the Board of Adjustment to file the petition for review in the nature of certiorari in Superior Court with the Clerk of Superior Court, or will have thirty (30) days from the date of the filing of the decision in the Charlotte-Mecklenburg Planning Department, by the Zoning Administrator, as stated above in Subsection (1), whichever is later.~~

(1) The decision of the Board of Adjustment shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(2) Every quasi-judicial decision of the Board shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Board's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- (4-3) If a petition for review pursuant to G.S. §160A-388(e2) is filed, then the petitioner must order from the court reporter and pay for the original transcript of the hearing for delivery to the secretary of the Zoning Board of Adjustment for preparation of the filing of the record in superior court. If a court ultimately renders a decision in favor of the petitioner, then the City shall reimburse the petitioner for the cost of the transcript. In the event that the petitioner does not order the transcript and does not prevail on appeal, then the City shall request the Court to make the costs of the original transcript part of the costs of the action or recover the costs in the nature of debt owed.

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 _____, 2014, 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 _____ day of _____, 2014.

Insert

Tab

Item 14

REQUEST	Text amendment to Sections 9.205, 9.303, 9.305, 12.102, 12.805 and Figures 12.102(a) and 12.102(b) of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to clarify and revise the setback measurement requirements for single family and multi-family zoning districts. Setbacks will be measured from the "right-of-way" instead of the back of curb.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This text amendment is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • Working experience has shown that these items need to be clarified and/or adjusted. <p>Therefore, this text amendment is 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"> • It clarifies and simplifies practices relating to locating setbacks; and, • Preserves and enhances existing neighborhoods; <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Sullivan).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 5-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Ryan/Nelson
	Yeas: Dodson, Eschert, Nelson, Ryan and Sullivan
	Nays: None
	Absent: Labovitz and Walker
	Recused: None

ZONING COMMITTEE DISCUSSION Staff provided a summary of the text amendment. There were no questions.

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**
 - The current setback regulations were part of petition 2010-073, adopted by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*. The update to the Zoning Ordinance changed the requirements of where setbacks were measured.
 - Internal and external customers have provided feedback since the adoption of petition 2010-073 indicating there are issues with measuring the setback from the existing or future back of curb.
 - Staff is recommending this petition to address the customer concerns. This text amendment changes the location from where the setback is measured by measuring the required setback from the right-of-way. This is where the setback was measured prior to the adoption of petition

2010-073.

- While this text amendment will make changes to where the setback is measured, it will not impact the other ordinance changes that were made in 2010 to implement the *Urban Street Design Guidelines*.
 - **Proposed Request Details**

The text amendment contains the following provisions:

 - Single family and multi-family districts:
 - Revises the measurement of the minimum front setback from “the existing or future back of curb” to “the right-of-way”.
 - Revises the minimum setback requirements for lots along local and collector street right-of-way approved prior to 12-20-10.
 - Adds footnotes to:
 - 1) reference the corner lot setback requirements in Section 12.102;
 - 2) reference the standards for the location of parking in Section 12.206(3); and
 - 3) state that setbacks on a recorded plat at the Register of Deeds shall supersede required setbacks in the Zoning Ordinance.
 - Multi-family districts:
 - Adds a footnote allowing for the use of alternative setbacks when an established block face is at least 25 percent developed, or has at least four existing dwellings.
 - Special setback requirements in all zoning districts:
 - Adds a requirement for corner lots that the required side yard may not be reduced to less than 10 feet from the right-of-way.
 - Lots in a Surface Water Improvement and Management Stream buffer:
 - Limits the ability to reduce the front setbacks for local and collector streets.
 - Deletes references to the existing or future back of curb.
 - Deletes the default street type requirement for local streets where no curb exists.
 - **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
-

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: SETBACK AND YARD REQUIREMENTS IN SINGLE FAMILY AND MULTI-FAMILY DISTRICTS

8-7-14

2014-88

Purpose/Background: The purpose of this text amendment is to revert the measurement of the front setback from the back of curb to the right of way for single family and multi-family zoning districts. The current standard was implemented with the Urban Street Design Guidelines in 2011.

TOPIC		Current Regulations	Proposed Regulations	Rationale
SINGLE FAMILY ZONING DISTRICTS				
Footnotes for the Minimum Setback	<ul style="list-style-type: none"> Footnote 1: Reserved Footnote 8: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Replace footnote 1 and 8: Footnote 1: Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks. Footnote 8: As per the Subdivision Ordinance, public streets approved after 12-20-10 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown and recorded on the final plat. Add two new footnotes related to minimum setbacks in the single family districts: <ul style="list-style-type: none"> For lots which abut more than one public street, reference is made to Section 12.102. The location of parking shall meet the minimum standards in Section 12.206(3). 	<ul style="list-style-type: none"> Modifications at request of internal and external customers. 	
Minimum Setback	<ul style="list-style-type: none"> Minimum setbacks are measured from the existing or future back of curb along local and collector streets. 	<ul style="list-style-type: none"> Reverts the minimum setback measurement to the right-of-way along local and collector streets. Modifies the setbacks along local and collector streets accordingly: <ul style="list-style-type: none"> R-3 and R-4: Changes minimum setback from 42' to 27' R-5, R-6, and R-7: Changes minimum setback from 32' to 17' Adds new minimum setbacks for lots along local and collector street right-of-way approved prior to 12-20-10 accordingly: <ul style="list-style-type: none"> R-3 and R-4: 30' R-5, R-6, and R-7: 20' 	<ul style="list-style-type: none"> Although setback numbers vary, the setback itself is unchanged, based on the fact that the distance between measuring from the right-of-way and the back of curb is 15'. New standards area added to reflect setback approved prior to 12-20-10 	

TOPIC	Current Regulations	Proposed Regulations	Rationale
Mixed Income Housing Development Regulations	<ul style="list-style-type: none"> Minimum setbacks are based on the street frontage types: <ul style="list-style-type: none"> Along a designated thoroughfare the setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb. 	<ul style="list-style-type: none"> Remove reference to street frontage type; delete the minimum setback requirements along local and collector streets; and add a section reference. <ul style="list-style-type: none"> The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3)). 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
MULTI-FAMILY ZONING DISTRICTS			
Separation Distances	<ul style="list-style-type: none"> When a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or run through the boundaries of a planned multi-family and attached development; a single multi-family or attached building on a lot with more than 12 units in a building: <ul style="list-style-type: none"> All buildings shall have a minimum 27' separation from the existing or future back of curb. Architectural features and fire escapes may project up to 3' into the 27' separation area. Garages must have a minimum 33' separation from existing or future back of curb, with the remainder of the structure located at the 27' separation from the existing or future back of curb. All dwelling units with the 27' separation must have the building elevation facing the street as a front architectural façade with an entrance doorway. Rear and back facades are not permitted to face the street. No parking or maneuvering space is permitted in the 27' separation area, with exceptions. Minimum setbacks are required along a designated thoroughfare. 	<ul style="list-style-type: none"> Modify the separation requirements: <ul style="list-style-type: none"> Change the dimension of the separation distance from 27' to 15'. Change how the separation distance is measured from "the existing or future back of curb" to the "existing or future right-of-way". 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
Minimum setbacks	<ul style="list-style-type: none"> Minimum setbacks are required along a designated thoroughfare. 	<ul style="list-style-type: none"> Modify the minimum setback requirements to also apply to public streets. 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.

TOPIC	Current Regulations	Proposed Regulations	Rationale
<p>Minimum setback measurements</p>	<ul style="list-style-type: none"> Minimum setbacks are measured from the existing or future back of curb along local and collector streets. R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 32' for detached, duplex, triplex and quadraplex dwellings and 42' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). 	<ul style="list-style-type: none"> Revert to measuring setbacks from the right-of-way along local and collector streets: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 17' for detached, duplex, triplex and quadraplex dwellings and 27' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). Add new setback requirements for lots along right-of-way approved prior to 12-20-10: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF: 20' for detached, duplex, triplex and quadraplex dwellings and 30' for all other buildings, including planned multi-family developments, except as provided for in 9.303(19)(f). 	<ul style="list-style-type: none"> Revert to previous standards at request of internal and external customers.
<p>Footnotes</p>	<ul style="list-style-type: none"> Footnote 10: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Medium shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Replace footnote 10 with: As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Add four new footnotes: <ul style="list-style-type: none"> Footnote 11: For lots which abut more than one public street refer to Section 12.102. Footnote 12: The location of parking shall meet the minimum standards in Section 12.206(3). Footnote 13: Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings: <ul style="list-style-type: none"> A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face. In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection. The location of parking shall meet the minimum setback standards in Section 12.206(3). Footnote 14: Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks. 	<ul style="list-style-type: none"> Clarify language for certain lot situations and location of parking and alternative setback requirements.

TOPIC	Current Regulations	Proposed Regulations	Rationale
CHAPTER 12: SPECIAL SETBACK REQUIREMENTS			
<p>When 1) two lots are separated by a common rear lot line; 2) a corner lot has a rear lot line in common with a side lot line of an abutting lot; or 3) a lot is fronted on three sides by streets.</p>	<ul style="list-style-type: none"> If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district in which the structure is located as illustrated in Figure 12.102(a). If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot from the right of way as illustrated in Figure 12.102(b). If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district. The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback. 	<ul style="list-style-type: none"> Modify the requirement by adding that the minimum setback or yards cannot be less than 10' from the right-of-way in the text and in Figure 12.102(a) and Figure 12.102(b). If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district <u>but not less than 10 feet</u> from the right of way in which the structure is located as illustrated in Figure 12.102(a). If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b). If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district but not less than <u>10 feet from the right of way</u>. The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, <u>but not less than 10 feet from the right-of-way</u>. 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.
Location of parking	n/a	<ul style="list-style-type: none"> Add language that the location of parking shall meet the minimum standards in Section 12.206(3). 	<ul style="list-style-type: none"> Clarify the parking standards shall be met.
Setback measurements	n/a	<ul style="list-style-type: none"> Add text to describe how setbacks shall be measured: Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance). 	<ul style="list-style-type: none"> Clarify how setbacks are measured.
SURFACE WATER IMPROVEMENT AND MANAGEMENT STREAM BUFFERS			
Incentives	<ul style="list-style-type: none"> For lots in a SWIM buffer: Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)). 	<ul style="list-style-type: none"> Delete the language, “along a designated thoroughfare or 27’ from the existing or future back of curb for all lots” and add a reference to Section 12.206(3): Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)). 	<ul style="list-style-type: none"> Modifications requested by internal and external customers.

	<ul style="list-style-type: none"> For lots in a SWIM buffer: Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline. 	<ul style="list-style-type: none"> Delete the default street type requirement for local streets where no curb exists. 	
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**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e1) by adding three new footnote references, and bolding the word, "thoroughfare". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) Minimum setback from the right-of-way along a designated thoroughfare (feet) ^{1, 3, 10, 11}	30	30	20	20	20

- b. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2) by 1) modifying the setback numbers and deleting "existing or future back of curb" and replacing it with "the right-of-way"; 2) adding three new footnote references; 3) adding new setback requirements for "lots along right-of-way approved prior to 12-20-2010"; and 4) bolding the words, "local and collector street" and "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e2) Minimum setback from existing or future back of curb <u>the right-of-way</u> along local and collector streets (feet) ^{1, 3, 8, 9, 10, 11}	42 <u>27</u>	42 <u>27</u>	32 <u>17</u>	32 <u>17</u>	32 <u>17</u>

or

Lots along right-of-way Approved prior to 12-20-2010 below:

- c. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) ^{4,10}					
- Residential	6	5	5	5	5
- Non-residential	20	20	20	20	20

- d. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(g) Minimum rear yard (feet) ¹⁰					
- Residential	45	40	35	30	20
- Non-residential	45	40	35	35	35

- e. Amend Footnotes to Section 9.205(1) by modifying footnote 1 and 8 and adding two new footnotes 10 and 11. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

¹ Reserved. Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

⁸ As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10’ from the existing centerline, Local Residential-Medium shall be measured 13.5’ from the existing centerline, and Local Residential-Wide shall be measured 17.5’ from the existing centerline. The future back of curb for a collector street shall be measured 18’ from the existing centerline.

¹⁰ For lots which abut more than one public street refer to Section 12.102.

¹¹ The location of parking shall meet the minimum standards in Section 12.206(3).

- f. Amend Section 9.205, “Development standards for single family districts”, subsection (9), “Mixed Income Housing Development”, subsection (d), “Development Standards”, subsection (iii) by 1) removing text regarding street frontage types; 2) adding a section number reference; and 3) removing subsection (b) in its entirety. The revised subsection shall read as follows:

(iii) The minimum setbacks are as follows ~~based on the street frontage type~~:

a. ~~Along a designated thoroughfare~~ The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3))

b. ~~Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb.~~

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, item (19), “Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building”, subsection (f) by modifying the separation distances in subsections (i) through (v) as well as how they are measured. Also add a section number reference in subsection (iii). The revised section shall read as follows:

(f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

(i) All buildings may have a minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way provided the conditions listed below are met.

(ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this ~~27~~ 15-foot separation area.

(iii) All garages must have a minimum separation of ~~33~~ 20 feet from the existing or future ~~back of curb~~ right-of-way while the remainder of the structure

may be located at the minimum ~~27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way. (Section 12.206(3))

- (iv) All dwelling units with the ~~27~~ 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the ~~27~~ 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

b. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (e1) by adding text regarding public streets and adding three footnote references. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
e1) Minimum setback from the right-of-way along a designated thoroughfare <u>and public streets</u> (feet) ^{3,11,13,14}					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

c. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (e2) by 1) replacing “existing or future back of curb” with “right-of-way”; 2) modifying the setbacks; 3) adding four new footnote references; 4) adding a new section and setbacks for “lots along right-of-way approved prior to 12-20-2010”; and 5) bolding the words, “Approved prior to 12-20-2010”. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e2) Minimum setback from existing or future back of curb <u>right-of-way</u> along local and collector streets (feet) ^{3,10,11,12,13,14}					
- Detached, duplex, triplex and quadraplex dwellings	32 <u>17</u>				
- All other buildings, including planned multi-family developments	42 <u>27</u>				

(except as provided for in Section 9.303(19)(f))

or
Lots along right-of-way **Approved prior to 12-20-2010** below:

- <u>Detached, duplex, triplex and quadraplex dwellings</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
- <u>All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

- d. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(f) Minimum side yard (feet) ^{4,11}					
-Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- Planned multi-family developments adjoining single family developed or zoned land ⁵	20	20	10	10	10
-Non-residential buildings adjoining single family zoning districts	20	20	20	20	20
-All other planned multi-family developments and all other nonresidential buildings ⁵	10	10	10	5	5

- e. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(g) Minimum rear yard (feet)					
-Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
-All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
-Planned multi-family developments adjoining single family developed or zoned land ^{5, 8,11}	50	50	50	40	40

- f. Amend Footnotes to Section 9.305(1) by modifying footnote 10 and adding four new footnotes. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

¹⁰ As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and

~~recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

¹¹ For lots which abut more than one public street refer to Section 12.102.

¹² The location of parking shall meet the minimum standards in Section 12.206(3).

¹³ Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings:

(a) A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face.

(b) In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection.

(c) The location of parking shall meet the minimum setback standards in Section 12.206(3).

¹⁴ Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

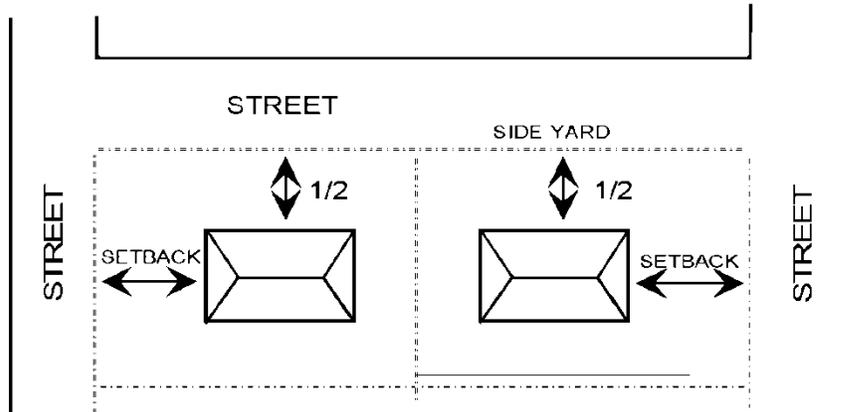
B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.102, “Special lot, setback, yard and building envelope requirements”, by modifying subsection (6); Figure 12.102(a); subsection (7); Figure 12.102(b); and subsection (8) by adding text that reads: “but not less than 10 feet from the right-of-way” to all subsections and figures. Also add two new subsections 11 and 12. All remaining subsections are unchanged. The revised subsections and figures shall read as follows:

(6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district but not less than 10 feet from the right of way in which the structure is located as illustrated in Figure 12.102(a).

Figure 12.102(a)

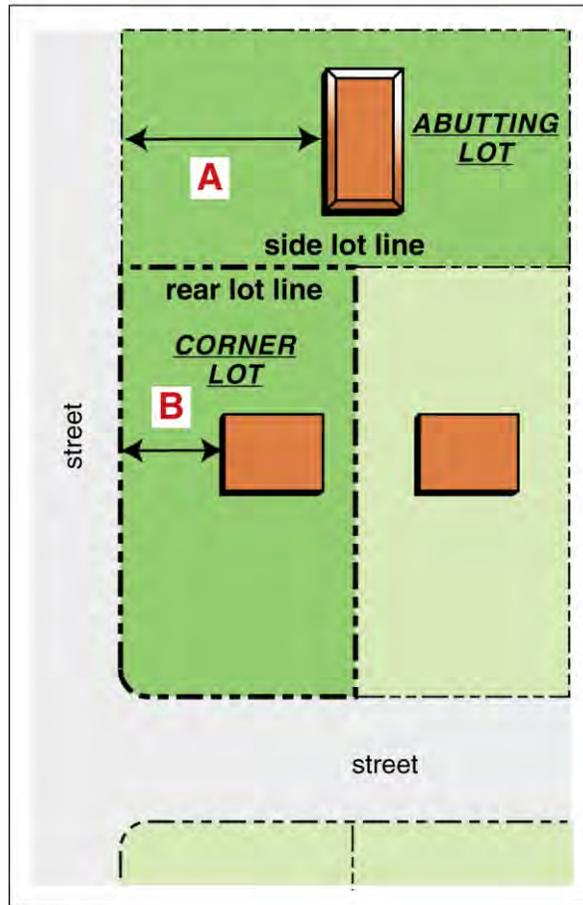


SIDE YARD IS 1/2 REQUIRED SETBACK
BUT NOT LESS THAN 10 FEET FROM THE RIGHT-OF-WAY

(Continued on next page)

- (7) If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b).

FIGURE 12.102(b)



- A** Setback
B Side yard for corner lot shall be at least 50 percent of Setback A but not less than 10 feet from the right-of-way

- (8) If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district but not less than 10 feet from the right of way.

The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, but not less than 10 feet from the right-of-way.

- (9) The location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.
- (10) All residential lots shall have a building envelope sufficient to meet the requirements of the Minimum Housing Code.
- (11) The location of parking shall meet the minimum standards in Section 12.206(3).
- (12) Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance).

2. PART 8: S.W.I.M (SURFACE WATER IMPROVEMENT AND MANAGEMENT STREAM BUFFERS)

- a. Amend Section 12.805, “Incentives”, subsection (3)(a) by 1) deleting “along a designated thoroughfare or 27 feet from the existing or future back-of-curb for all lots”; 2) add a section number reference, and 3) delete the entire second paragraph. All other subsections remain unchanged. The revised section shall read as follows:

(3) Relax lot setback requirements

For all lots within a development requiring a SWIM buffer, setback requirements as specified in Section 9.205(4) are reduced as follows:

- (a) Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots ~~along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots~~ along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)).

~~Along a local street where no curb exists, the default street type shall be a Local Residential~~

~~Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

- (b) Rear yards can be located 100 % within a SWIM buffer. Rear yards can be reduced to 30 feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.

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 _____, 2014, 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 _____ day of _____, 2014.

Insert

Tab

Item 15

REQUEST	Current Zoning: B-1SCD (business shopping center district) and B-D(CD) (distributive business, conditional) Proposed Zoning: B-D(CD) (distributive business, conditional) and B-D(CD) SPA (distributive business, conditional, site plan amendment)										
LOCATION	Approximately 3.05 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive. (Council District 1 - Kinsey)										
SUMMARY OF PETITION	The petition proposes reuse of a portion of an existing building to allow expansion of a self-storage facility.										
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Eastway II Holdings, LLC Eastway II Holdings, LLC Kevin Ammons										
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0										
STATEMENT OF CONSISTENCY	<p>A portion of this petition is found to be consistent with the <i>Central District Plan</i> and a portion of this petition to be inconsistent with the <i>Central District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • A portion of the property was previously rezoned; and. • The remaining portion of the property is recommended for retail land uses. <p>However, this petition 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"> • The use will help maintain an active retail center. <p>By a 5-0 vote of the Zoning Committee (motion by Commissioner Eschert seconded by Commissioner Ryan).</p>										
ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 5-0 to recommend APPROVAL of this petition with the following modification:</p> <ol style="list-style-type: none"> 1. Amended proposed zoning to reflect B-D(CD) and B-D(CD) SPA. 										
VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Sullivan/Nelson</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Nelson, Ryan and Sullivan</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Labovitz and Walker</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Sullivan/Nelson	Yeas:	Dodson, Eschert, Nelson, Ryan and Sullivan	Nays:	None	Absent:	Labovitz and Walker	Recused:	None
Motion/Second:	Sullivan/Nelson										
Yeas:	Dodson, Eschert, Nelson, Ryan and Sullivan										
Nays:	None										
Absent:	Labovitz and Walker										
Recused:	None										
ZONING COMMITTEE DISCUSSION	Staff provided an update of the petition and noted that the outstanding issue had been resolved. It was noted that the portion of the petition proposing B-D(CD) SPA is consistent with the adopted area plan as amended by a previous rezoning on the site, while the remaining portion is inconsistent with the adopted area plan, which recommends retail land use, but adheres to the plan's intent of maintaining active existing retail centers and is an adaptive reuse of a vacant big box retail building. A commissioner stated that the previous rezoning was successful and has not changed the look of the property.										
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**

- The subject property was included in the overall 30.5-acre Eastway Crossing Shopping Center rezoned under Petition 1989-096 to R-9(CD) (single family residential, conditional), and B-1SCD (business shopping center district), to allow a maximum of 293,847 square feet of retail uses.
- Petition 2013-073 rezoned 3.74 acres of an existing building vacated by Walmart from B-1SCD (business shopping center district) to B-D(CD) (distributive business, conditional) to allow reuse of 46,892 square feet of the overall 128,314-square foot building for a self-storage facility, rental management offices and accessory uses.
- Current petition proposes to add 2,850 square feet of building area for the self-storage facility and related accessory uses.

• Proposed Request Details

The site plan amendment contains the following changes:

- Allows a maximum of 49,742 square feet of the existing building for use as a self-storage facility. This will include the 46,892 square feet approved by petition 2013-073 and an additional 2,850 square feet.

The proposed petition contains the following provisions for the entire site:

- Reuse of an additional 2,850 square feet of an overall 128,314-square foot building to allow expansion of an existing self-storage facility.

• Public Plans and Policies

- The *Central District Plan* (1993) recognizes the existing retail land use on the site.
- The existing B-D(CD) (distributive business, conditional) zoned portion of the site is consistent with the *Central District Plan*, as amended by a previous petition. The remaining portion is inconsistent with the recommendation of the *Central District Plan*. However, adaptive reuse of a partially vacant big box building will help to maintain an active retail center.

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-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No comments received.
- **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.

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 reusing the existing building.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

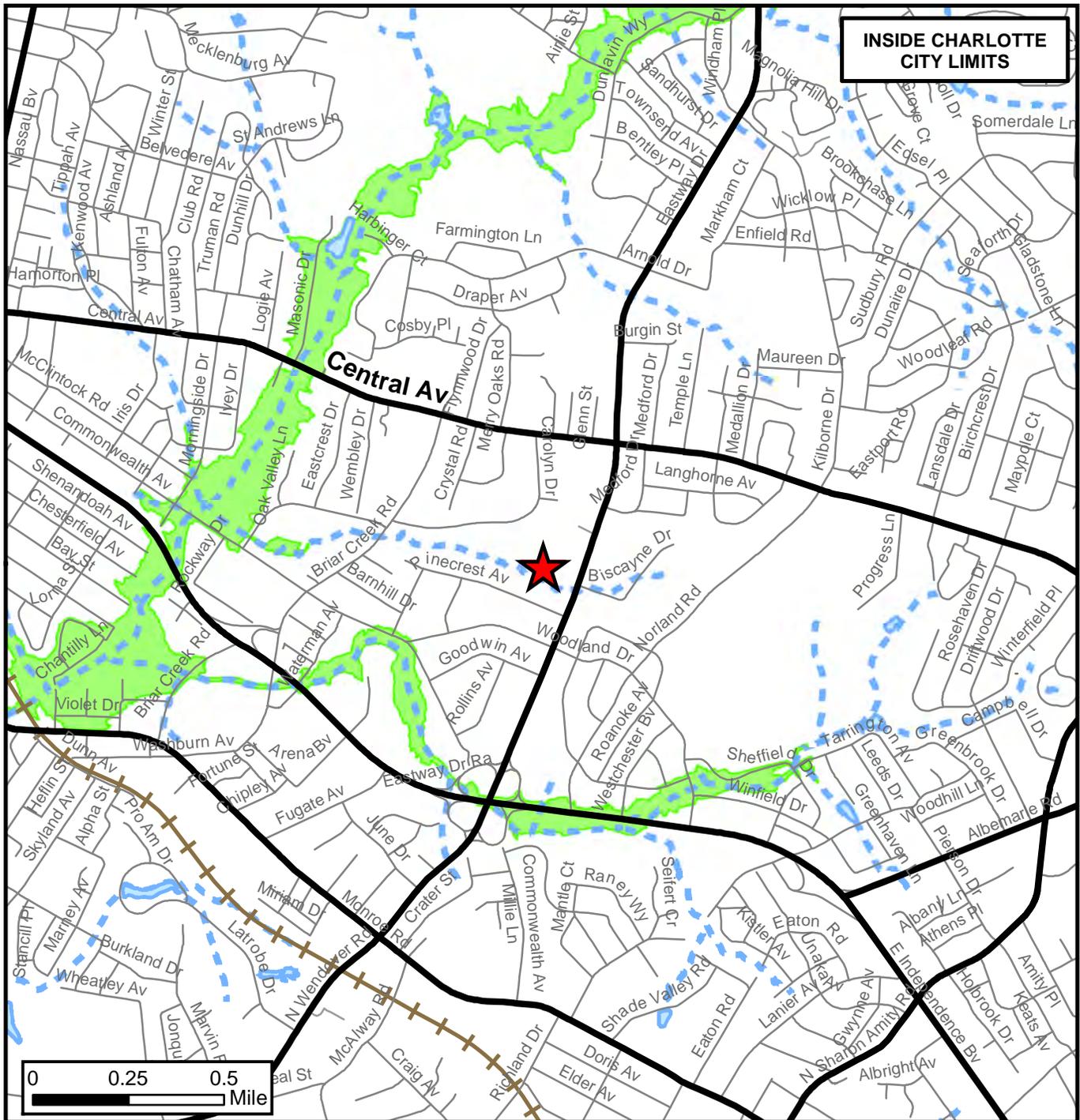
- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property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

Planner: Sonja Sanders (704) 336-8327

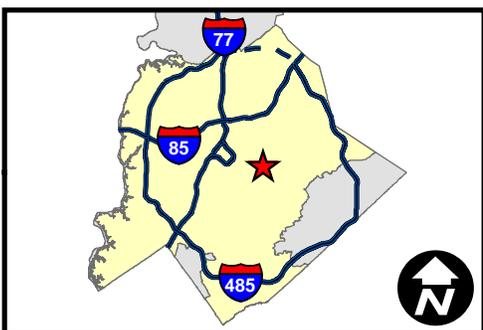
Petition #: **2014-094**

Vicinity Map

Acreeage & Location : Approximately 3.74 acres located on the west side of Eastway Drive at the intersection of Eastway Drive and Biscayne Drive.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-094

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

Insert

Map

Item 15

Insert

Tab

Item 16

REQUEST	Current Zoning: CC (commercial center) and R-3 (single family residential) Proposed Zoning: CC (commercial center) and CC, SPA (commercial center site plan amendment), with five-year vested rights
LOCATION	Approximately 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road.
SUMMARY OF PETITION	The petition proposes a multi-use use development consisting of up to 100,000 square feet of office, retail/commercial/personal services, eating, drinking and entertainment establishment uses, and up to 292 multi-family units.
STAFF RECOMMENDATION	Staff recommends approval of the petition, upon resolution of outstanding issues. The rezoning site is located within the boundaries of the draft <i>Prosperity Hucks Area Plan</i> , which has not yet been adopted by Council. The Draft <i>Prosperity Hucks Area Plan</i> identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of use to include retail/service, office, institutional and residential. The petition proposes a mix of retail and residential uses consistent with the draft plan; refinements to the draft plan presented to the public on September 23, 2014.
PROPERTY OWNERS PETITIONER AGENT/REPRESENTATIVE	Eason Family Properties, LLC, Judy Reitzel Eason, and Ruth N. Tesh Halvorsen Development Corporation (Attention: Tom Vincent) Keith MacVean/Jeff Brown, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 96

PLANNING STAFF REVIEW

• Background

- The majority of the subject site was rezoned from R-3 (single family residential) to CC (commercial center) via petition 2001-070 as part of a larger 50.75-acre site. The petition allowed up to 50,700 square feet of retail, 33,300 square feet of office, 29,000 square feet of institutional uses, plus 204 apartment units, 16 second floor residential units over retail, 74 townhome units, 200 senior independent living units, and 22 single family detached dwellings, for a total of 522 dwelling units.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum of 100,000 square feet of retail/commercial/personal services and eating/drinking/entertainment uses.
- Maximum of 292 residential dwelling units, which may be multi-family, detached, attached, duplex, triplex, or quadraplex units, or any combination. The site plan shows these residential units as multi-family, townhomes and carriage units over garages.
- A minimum of three building types must be constructed within Area E (i.e. multi-family buildings, townhome buildings, carriage house buildings).
- Site consists of eight "Development Areas," identified as Areas A through H, and contains four outparcels located in Areas C, D, G, and H.
- The allowed 292 residential dwelling units are limited to Area E.
- Proposed wet detention pond areas located in Area B and Area G.
- Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one eating/drinking and entertainment use may have an accessory drive-through window and it may be located in Development Area F or H.
- Gas stations, with or without a convenience store, are prohibited.
- Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benfield Road.

- Total number of principal buildings developed for commercial uses not to exceed ten.
- Total number of buildings developed for residential uses not to exceed 19.
- **Architectural and Site Design Standards**
 - Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows, soffits and handrails/railings. The use of EIFS will be limited to commercial buildings.
 - Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings and the street. Plaza/outdoor dining areas will be considered part of the building for the purpose of complying with this provision.
 - A prominent architectural feature that may include an entrance oriented toward the intersection of Ridge Road and Benfield Road will be provided on building constructed in Development Area C.
 - Buildings located within Development Areas A and D that front on Public Street #1 will have a minimum of 40 percent of the street facing frontage composed of clear glass windows and/or doors. Retail shops in buildings A, B and C will have operable doors oriented toward proposed Public Street #1.
 - Building #1 in Development Area E will be designed so that ground floor units facing Ridge Road and Public Street #1 will have:
 - a) an entrance from each unit to the abutting street; and
 - b) vertical shaped windows with a height greater than the width.Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
 - Building elevations for proposed commercial development identified as Major #1 in Development Area A.
- **Transportation**
 - A portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
 - Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site's frontage on Ridge Road. Traffic signal timing modifications at the intersection of Ridge Road with Benfield Road and Prosperity Church Road will be completed if necessary to coincide with petitioner's improvements.
 - Two pedestrian refuge islands will be installed by the petitioner along the site's frontage on Ridge Road, which will include landscaping if the median in Ridge Road is of sufficient width.
- **Site Design, Open Space, and Pedestrian Connectivity**
 - Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls or landscaping and berms designed to complement the building architecture of the adjacent buildings.
 - A masonry wall that will be a minimum of two feet and will not exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive-through lanes.
 - A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site's internal private streets.
 - A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
 - A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
 - A community green space to be located between Development Area E and Area A, will be designed as a pedestrian focal point and development amenity. Community green space will be located within the public street right-of-way.
 - A 22.5-foot wide Class "B" buffer will be provided abutting single family residential zoning.
 - Petitioner to track and keep a tally of the amount of nonresidential square footage constructed within each development area.
- **Other**
 - Plans and building elevations for Development Areas A, C, D, F and H must be submitted to the Planning Department for review and approval prior to the issuance of a building permit for any building located within these areas.

- Contingencies on issuance of certificates of occupancy for certain retail buildings and more than 225 residential units.
- Detached lighting limited to 20 feet in height.
- Construction of a CATS shelter pad along Ridge Road.
- Request for five-year vested rights.
- **Existing Zoning and Land Use**
 - The subject property is developed with a single family detached dwelling and the majority of the site is vacant. Surrounding properties contain a mix of commercial, single family and multi-family land uses in R-3 (single family residential), R-4 (single family residential), UR-2(CD) (urban residential, conditional), NS (neighborhood services), MX-2 (mixed use) and CC (commercial center) districts.
- **Rezoning History in Area**
 - Petition 2008-081 rezoned 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 19,320 square feet of retail and up to 43 townhomes dwelling units.
 - Petition 2007-112 rezoned 9.39 acres located east of Prosperity Church Road and south of Ridge Road from R-22MF(CD) (multi-family residential) and B-1(CD) (neighborhood business, conditional) to UR-2(CD) (urban residential, conditional) to allow up to 128 multi-family residential units at a density of 13.63 units per acre.
- **Public Plans and Policies**
 - The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
 - Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan also added a 1.4-acre tract to the area covered by the original rezoning.
 - For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the commercial square footage to be located in this area; the total commercial square footage requested for the entire site is 100,000 square feet.
 - For the area south of Ridge Road, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700 square feet of retail, and 200 independent living/multi-family units. To date, approximately 34,000 square feet of retail has been constructed. (Note: The library/institutional site, approximately half of the independent living/multi-family units and the existing 34,000 square feet of retail are outside of the area included in this rezoning.) For the part of this area that is included in the rezoning, the site plan shows a small portion of the total 100,000 square feet of commercial uses requested for this site.
 - The amount of retail in the petition north of Ridge Road is inconsistent with the *Prosperity Church Road Villages Plan* as amended by the rezoning. The residential element is generally consistent with the Prosperity Road Villages Plan as amended by the rezoning in terms of the location and overall number of dwelling units in the larger area.
 - Draft Prosperity Hucks Area Plan - The draft *Prosperity Hucks Area Plan* is an update to the *Prosperity Church Road Villages Plan (1999)* and identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places.
 - Based on the draft plan, the subject site is in a pedestrian-oriented mixed-use Activity Center. Appropriate uses include a mix of residential, office, retail, and/or institutional, designed with building entrances directly on sidewalks along the street frontages; and, parcels greater than five acres are to include a mix of two or more uses.
 - Over the past six months, staff has provided several community input opportunities designed to identify refinements to the *draft Prosperity Hucks Area Plan*, focused on the land use and community design recommendations for the Activity Center. A Community Workshop was held September 16th to 17th, 2014 with proposed refinements presented to the public on September 23rd. The proposed refinements to land use and design recommendations in the draft area plan are outlined in the *Community Workshop Summary Memorandum, available in the Prosperity Hucks Area Plan* page on www.charlotteplanning.org.
 - The proposed rezoning is consistent with the draft area plan and proposed refinements, as it provides a balanced mix of retail/commercial and residential uses, includes a variety of

residential building types, incorporates open/green space and is designed to be walkable. The proposed rezoning has retail and residential elements mixed horizontally and designed around a common open space; it also has a mix of townhome and carriage home unit types in addition to apartment buildings.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** CDOT has the following requests:
 - Add a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site's final construction plan is approved by the city. Traffic signal modification costs and easements will be determined during the construction plan review process.
 - Add a note that where there is sufficient median width to support vegetation on Ridge Road, the petitioner will construct a "landscaped" pedestrian refuge median.
 - The minimum driveway throat lengths need to be 50 feet behind the stop line for minor street connections. Major street connections will need to have 100- to 120-foot driveway throat lengths.
 - Work with NCDOT regarding an anticipated request for a traffic impact study.
 - **Vehicle Trip Generation:**
Current Zoning: 5,600 trips per day.
Proposed Zoning: 9,600 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 44 students while the development allowed under the proposed zoning will produce 32 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Delete last sentence of Note 7B and delineate wetlands on the site plan.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
-

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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail.
 2. Remove all signs as they will be permitted separately.
 3. Amend Note 5(O) with the following: "petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed per the ordinance."

4. Submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.
5. **Amend Note 2B to state "Development Areas A,C D,F and H may be developed with up to 100,000 square feet of gross floor area of uses permitted by right and under prescribed conditions, office, retail, restaurant eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district".**
6. Amend development notes to change restaurants to eating, drinking and entertainment establishments.
7. Remove the last paragraph under Note 2B.
8. **Amend Note 5F to read "Charlotte-Mecklenburg Planning Department."**
9. Amend Note 5G to remove the unnecessary "s" from Development Areas A.
10. **Amend Note 10B to delete the word "site."**
11. Provide a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
12. Amend Note 2E **as follows: "...vehicular parking and maneuvering may not be located between the proposed buildings and the building edge(s) and the street."**
13. Amend Note 5B to require a prominent architectural feature within Area C, noting that the architectural feature will include an entrance.
14. Add a note under Architectural Standards as follows: **"Any drive-through feature in Development Area A will be incorporated into the building's architectural design and materials palette. Any drive-through feature in Development Area C will be internal and will be incorporated into the building's architectural design and materials palette."**
15. Replace Note 5C **with the following: "Retail buildings B and C shall have their interior floor plans and primary exterior facades oriented toward Proposed Public Street #1. The facades of these buildings facing Proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by film, decals, other opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B and C shall have an operable door facing Proposed Public Street #1, and this door shall be the primary public entrance for the business."**
16. Amend Note 5E and building elevations to describe how the ground floor of the residential building at the corner of Ridge Road and the internal street will be designed to mimic a retail storefront condition. Street-level floor to ceiling heights should be a minimum of 12 feet.
17. Add a note that reserves the ability to adjust the orientation of the building in Development Area H should Prosperity Church Road be realigned prior to construction of the building, with staff approval, under the heading of Architectural Standards.
18. Add a note under the heading of Streetscape, Landscaping and Buffers that stipulates that no more than 35 percent of the total street frontage along each side of Public/Private Street #1 will be composed of surface parking and driveways.
19. Amend Note 8A to specify that the community green space shall have a minimum area of 20,000 square feet.
20. Amend Note 11B to state that an updated tally of the amount of nonresidential square footage constructed within each development area will be provided with each permitting submittal.
21. **Delete reference and label for "New Prosperity Church Road" and retain label as "Benfield Road."**
22. Show and label on-street parking along the frontage on Prosperity Church Road.
23. Provide consistency in referring to Proposed Street #1, as either public or public/private.
24. Specify when the pedestrian plaza will be completed.
25. Amend Note 8C to state that the petitioner will maintain the community green space unless there is an agreement with the City or County to do otherwise.
26. Address CDOT comments.

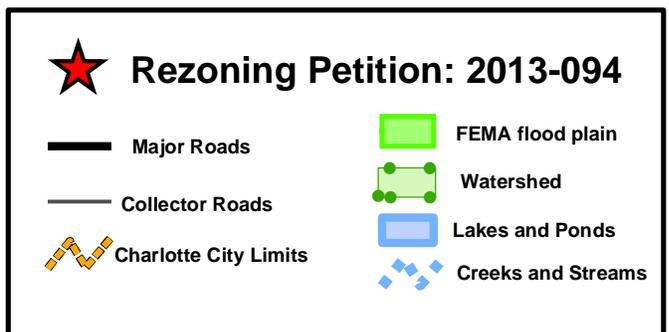
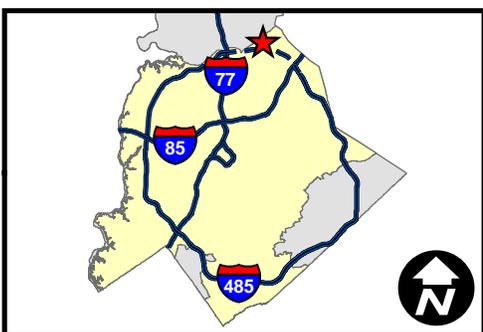
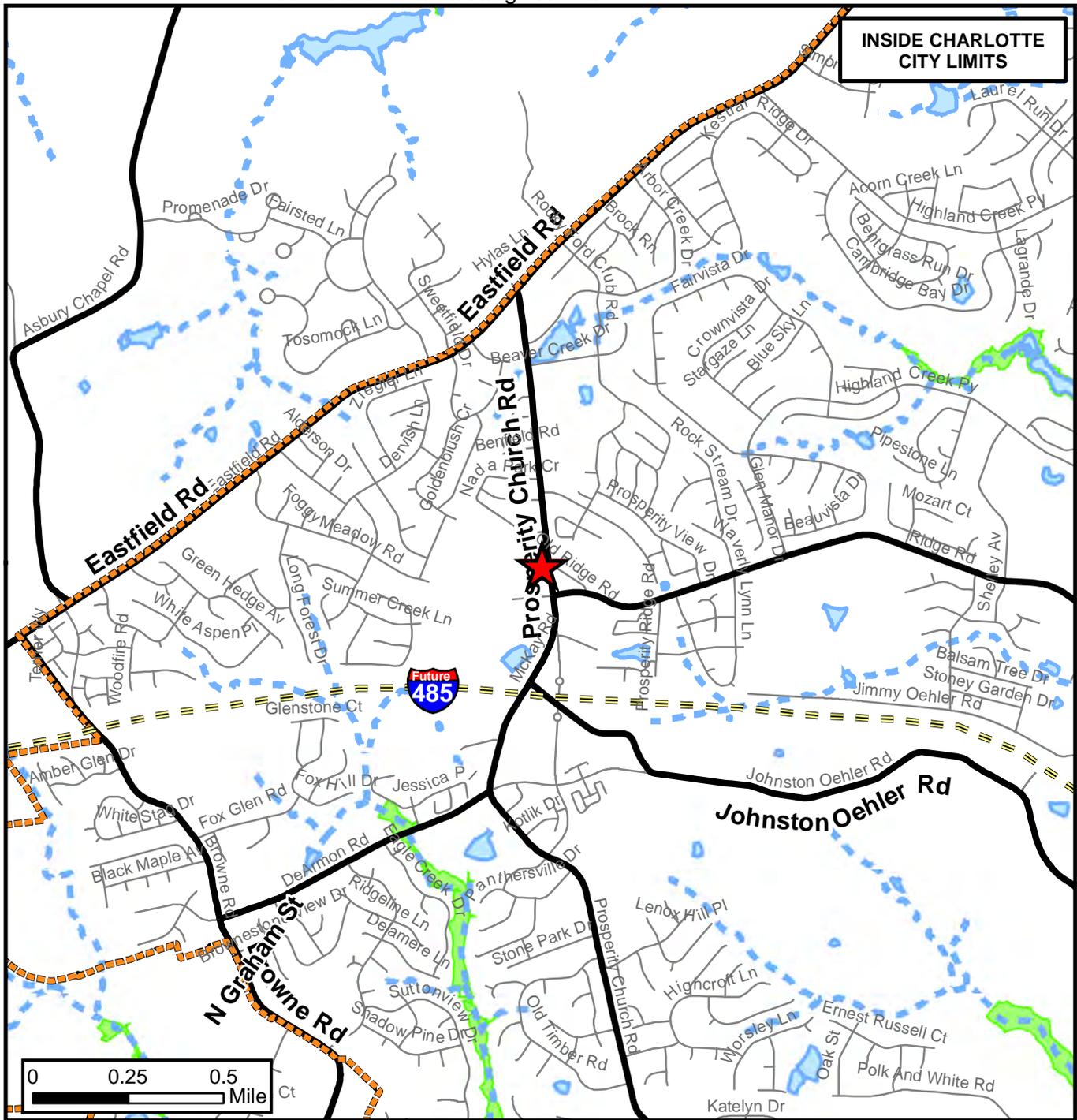
Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- 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-Mecklenburg Utilities 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 Sanders (704) 336-8327

Acreeage & Location : Approximately 33.6 acres located on the west side of Prosperity Church Road across from Ridge Road.



Insert

Map

Item 16

HALVORSEN DEVELOPMENT CORPORATION DEVELOPMENT STANDARDS
REZONING PETITION NO. 2011-0914 (PROSPERITY VILLAGE SQUARE)
09/22/14

SITE DEVELOPMENT DATA:

- **ACREAGE:** 4.33841 ACRES
- **TAX PARCEL #S:** 027-561-04, 06 AND 07
- **EXISTING ZONING:** CC AND R-3 (CC PORTION BY REZONING PETITION NO. 2001-070)
- **PROPOSED ZONING:** VACANT AND A SINGLE-FAMILY HOME.
- **EXISTING USES:** VACANT AND A SINGLE-FAMILY HOME.
- **PROPOSED USES:** USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH ACCESSORY USES, AS ALLOWED IN THE CC ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED BELOW).
- **MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:** UP TO 100,000 SQUARE FEET OF MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT, INCLUDING PERSONAL SERVICES AND OTHER COMMERCIAL USES (AS MORE SPECIFICALLY DESCRIBED BELOW), AND UP TO 292 RESIDENTIAL DWELLING UNITS (EITHER: ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE).
- **MAXIMUM BUILDING HEIGHT:** AS ALLOWED BY THE ORDINANCE, BUILDING HEIGHT TO BE MEASURED AS DEFINED BY THE ORDINANCE.
- **PARKING:** AS REQUIRED 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 HALVORSEN DEVELOPMENT CORPORATION ("PETITIONER") TO ACCOMMODATE DEVELOPMENT OF A MIXED USE COMMERCIAL AND RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 33.841 ACRE SITE LOCATED ON THE WEST SIDE OF PROSPERITY CHURCH ROAD AND NORTH AND SOUTH OF RIDGE ROAD (THE "SITE").

B. **ZONING DISTRICTS/ORDINANCE.** DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE ZONING DISTRICTS/ORDINANCE APPLICABLE TO THE SITE AT THE TIME OF THE REZONING PETITION. THE ORDINANCE, UNLESS THE REZONING PLAN SETS FORTH OTHERWISE, MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE CC ZONING CLASSIFICATION SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON SUCH PORTION OF THE SITE.

C. **GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE REZONING PLAN SHOULD BE REVISED IN CONJUNCTION WITH THE PROVISIONS OF DEVELOPMENT STANDARDS SET FORTH ON THE REZONING PLAN, AS WELL AS ANY SCHEMATIC BUILDING ELEMENTS ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED, AND THEY MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK, YARD AND BUFFER REQUIREMENTS SET FORTH ON THIS REZONING PLAN AND THE DEVELOPMENT STANDARDS, PROVIDED, FURTHER THAT ANY ALTERATIONS OR MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN. CHANGES TO THE REZONING PLAN NOT PERMITTED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY SECTION 6.207 OF 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 PORTION OF THE SITE DEVELOPED FOR COMMERCIAL USES SHALL NOT EXCEED 10 AND THE NUMBER OF BUILDINGS WITHIN SUCH PORTION OF THE SITE DEVELOPED FOR THE RESIDENTIAL USES SHALL NOT EXCEED 19. 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 SHALL BE LIMITED TO THE PRINCIPAL BUILDINGS LOCATED WITHIN THE SAME DEVELOPMENT AREA AS THE ACCESSORY STRUCTURE/BUILDING.

E. **PLANNED/UNIFIED DEVELOPMENT.** THE SITE SHALL BE VIEWED 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, SETBACKS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS, FAR REQUIREMENTS, PRIVATE/PRIVATE STREET REQUIREMENTS (EXCEPT AS SET FORTH HEREIN) AND OTHER SIMILAR ZONING STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN PETITIONER AND/OR OWNER OF THE SITE RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE PRIVATE STREET REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, PUBLIC/PRIVATE STREET 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 AS A WHOLE AND NOT INDIVIDUAL PORTIONS OR LOTS LOCATED THEREIN.

F. **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 MASTER PLANNED LARGE-SCALE 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 APPROVED 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.

NOTE: THESE DEVELOPMENT STANDARDS REPLACE AND SUPERSEDE THE PREVIOUS DEVELOPMENT STANDARDS APPROVED AS PART OF THE PRIOR REZONING PETITION FOR THIS SITE.

2. PERMITTED USES, DEVELOPMENT AREA LIMITATIONS, TRANSFER & CONVERSION RIGHTS, AND CERTAIN BUILDING EDGE TREATMENTS:

A. FOR EASE OF REFERENCE, THE REZONING PLAN SETS FORTH EIGHT (8) DEVELOPMENT AREAS AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET "AS DEVELOPMENT AREAS" ("DEVELOPMENT AREAS") AND H (EACH A "DEVELOPMENT AREA" AND COLLECTIVELY THE "DEVELOPMENT AREAS").

B. SUBJECT TO THE RESTRICTIONS, LIMITATIONS, LISTED BELOW, THE PRINCIPAL BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A, C, D, F, AND H ON THE SITE MAY BE DEVELOPED WITH UP TO 100,000 SQUARE FEET OF GROSS FLOOR AREA OF USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS, TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE CC ZONING DISTRICT.

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 CENTERLINE OF PARTY WALLS PROVIDED 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 AND OUTDOOR DINING AREAS (WHETHER ON THE ROOF OF THE BUILDINGS) OR AT STREET LEVEL, PARKING FOR OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE ORDINANCE OR THESE DEVELOPMENT STANDARDS).

C. SUBJECT TO THE RESTRICTIONS, LIMITATIONS NOTED HEREIN, DEVELOPMENT AREAS MAY BE DEVELOPED FOR UP TO 292 DWELLING UNITS (EITHER, ATTACHED, DETACHED, DUPLEX, TRIPLEX, QUADPLEX; OR MULTI-FAMILY DWELLING UNITS OR ANY COMBINATION OF THESE), TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE CC ZONING DISTRICT.

D. UP TO THREE (3) USES, IN TOTAL, WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE DEVELOPED WITHIN DEVELOPMENT AREAS A, C, D, F AND H, ONLY ONE OF WHICH SHALL BE A RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW. THE ALLOWED RESTAURANT WITH AN ACCESSORY DRIVE-THROUGH WINDOW MAY BE LOCATED ON DEVELOPMENT AREA F OR H ONLY.

E. "BUILDING EDGES" HAVE BEEN WITHIN PORTIONS OF DEVELOPMENT AREAS A, C, D, E, F AND H AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. (NOTE: THE BUILDING EDGES SHOWN CONSIST OF ONE (1) OR TWO (2) EDGES, AN EDGE FOR EACH ABUTTING STREET). THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A, C, D, E, F AND H MUST ADHERE TO THE BUILDING EDGES) TO WHICH THEY ABUT AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET (PLAZA/OUTDOOR DINING AREAS WILL BE CONSIDERED PROVISIONS) SUCH THAT VEHICULAR PARKING AND MANEUVERING MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND THE BUILDING EDGES) INDICATED. OTHER BUILDINGS CONSTRUCTED WITHIN THESE DEVELOPMENT AREAS THAT DO NOT ABUT THE BUILDING EDGES INDICATED SHALL NOT HAVE TO COMPLY WITH THIS RESTRICTION. WITHOUT LIMITING THE PROVISIONS OF SECTIONS 1 AND 2 ABOVE, THE SCHEMATIC REPRESENTATIONS OF THE DESIGN TREATMENT FOR THE DEVELOPMENT WITHIN DEVELOPMENT AREAS A, C, D, E, F, AND H GENERALLY DEPICTED ON SHEET RZ-2 ARE MERELY SCHEMATIC IN NATURE AND MAY BE ALTERED IN A MANNER CONSISTENT WITH THE BUILDING EDGES) INDICATED ON THE REZONING PLAN. CHANGES TO THE REZONING PLAN MAY BE ALTERED TO PERMIT GREATER FLEXIBILITY IN DEVELOPMENT AS ALLOWED BY THE ADMINISTRATIVE AMENDMENT PROVISIONS OF THE ORDINANCE.

F. THE FOLLOWING USE WILL BE PROHIBITED ON THE SITE: A GAS STATION WITH OR WITHOUT A CONVENIENCE STORE.

G. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDINGS A, B AND C, THESE RETAIL SHOPS A, B, AND C WILL ALSO HAVE OPERABLE DOORS "RETAIL A AND B" ON SHEET RZ-2 MUST HAVE RECEIVED A CERTIFICATE OF COMPLETION.

H. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR MORE THAN 225 OF THE ALLOWED RESIDENTIAL DWELLINGS UNITS WITHIN DEVELOPMENT AREA E AT LEAST 35,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES ALLOWED ON THE SITE MUST HAVE RECEIVED A FINAL CERTIFICATE OF OCCUPANCY (ONCE MORE THAN 35,000 SQUARE FEET OF GROSS FLOOR AREA OF NON-RESIDENTIAL USES ALLOWED ON THE SITE HAVE RECEIVED OCCUPANCY, THE REMAINDER OF RESIDENTIAL UNITS MAY RECEIVE A FINAL CERTIFICATE OF OCCUPANCY).

3. **ACCESS:**

A. ACCESS TO THE SITE WILL BE FROM RIDGE ROAD, PROSPERITY CHURCH ROAD, CARDINAL POINT ROAD (EXTENSION) AND BENFIELD ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.

B. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS 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.

C. THE ALIGNMENT OF THE INTERNAL DRIVES, VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, AND/OR PARKING LAYOUTS WITHIN THE VARIOUS DEVELOPMENT AREAS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION (CDOT) IN ACCORDANCE WITH PUBLISHED STANDARDS.

D. DUE TO THE REALIGNMENT OF PROSPERITY CHURCH ROAD ALONG THE SITE, THE EXISTING DRIVEWAY LOCATED ON THE WEST SIDE OF THE SITE AND THE CHURCH ROAD ABUTTING DEVELOPMENT AREA H IS NO LONGER NEEDED. THE PETITIONER WILL FILE A PETITION TO ABANDON THIS PORTION OF RIGHT-OF-WAY AND INCORPORATE THE ABANDONED RIGHT-OF-WAY INTO DEVELOPMENT AREA H FOR USE AS PART OF THE DEVELOPMENT OF THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

4. **TRANSPORTATION IMPROVEMENTS:**

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 FOLLOWING IMPLEMENTATION PROVISIONS:

A. THE PETITIONER SHALL COMPLETE THE FOLLOWING IMPROVEMENTS ALONG THE SITES FRONTAGE ALONG RIDGE ROAD: (i) CURB AND GUTTER; (ii) BASE COURSE AND SURFACE COURSE FOR TWO (2) ADDITIONAL LANES INCLUDING A SIX (6) FOOT BIKE LANE AND ON-STREET PARKING; AND (iii) TRAFFIC SIGNAL TIMING MODIFICATIONS AT THE INTERSECTION OF RIDGE ROAD WITH BENFIELD ROAD, AND PROSPERITY CHURCH ROAD IF NECESSARY TO COINCIDE WITH PETITIONERS IMPROVEMENTS. THESE IMPROVEMENTS ARE GENERALLY DEPICTED ON FIGURE 1 ALONG THE REDUCED SETBACK.

B. THE PETITIONER WILL PROVIDE AN EIGHT (8) FOOT PLANTING STRIP AND SIX (6) FOOT SIDEWALK ALONG RIDGE ROAD AS DEVELOPMENT OF THE SITE OCCURS.

C. ALONG THE SITES FRONTAGE ON RIDGE ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN, THE PEDESTRIAN REFUGE ISLANDS WILL INCLUDE LANDSCAPING WITH PLANTS, TREES AND BENCHES.

II. **STANDARDS, PHASING AND OTHER PROVISIONS:**

A. **CDOT/NDOT STANDARDS.** ALL OF THE FOREGOING PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF CDOT AND NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY. IT IS UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY THE PETITIONER ON ITS OWN OR IN CONJUNCTION WITH OTHER STATE OR FEDERAL AGENCY PROJECTS, INCLUDING PRIVATE/PUBLIC PARTNERSHIP EFFORT OR OTHER PUBLIC SECTOR PROJECT SUPPORT.

B. **SUBSTANTIAL COMPLETION.** REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 4.II ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 4.I.I.A ABOVE PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY CDOT) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDINGS ON THE SITE IN CONNECTION WITH RELATED DEVELOPMENT PHASING DESCRIBED IN SECTION 4.I.I.A ABOVE, THE PETITIONER SHALL OBTAIN A CERTIFICATE OF OCCUPANCY FOR CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

C. **ALTERNATIVE IMPROVEMENTS.** CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, CDOT, PLANNING DIRECTOR AND APPLICABLE NCDOT. PROVIDED, HOWEVER, THE PROPOSED ALTERNATE IMPROVEMENTS SHALL BE OF EQUAL OR BETTER QUALITY THAN THE REFERENCED TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION.

5. **ARCHITECTURAL STANDARDS:**

A. **THE MINIMUM BUILDINGS CONSTRUCTED ON THE SITE WILL BE A VARIETY OF BUILDING MATERIALS.** THE BUILDING MATERIALS USED FOR BUILDINGS WILL BE A COMBINATION OF THE FOLLOWING: GLASS, BRICK, STONE, PRE-CAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, CEMENTA/TI BLOCK (SUCH AS HARD-PLANK, EIFS OR WOOD, VINYL AS A BUILDING MATERIAL WILL NOT BE ALLOWED EXCEPT ON WINDOWS, SOFFITS AND ON HANDRAILS/RAILINGS). THE USE OF EIFS WILL BE LIMITED TO THE COMMERCIAL BUILDINGS CONSTRUCTED ON THE SITE.

B. THE BUILDING CONSTRUCTED WITHIN DEVELOPMENT C WILL INCLUDE A PROMINENT ARCHITECTURAL FEATURE THAT MAY INCLUDE AN ENTRANCE ORIENTED TOWARD THE INTERSECTION OF RIDGE ROAD AND BENFIELD ROAD.

C. THE BUILDINGS LOCATED WITHIN DEVELOPMENT AREAS A AND D FRONTING ON PUBLIC/PRIVATE STREET # 1 SHALL HAVE A MINIMUM OF 40% OF THE STREET FACING FRONTAGE COMPOSED OF CLEAR GLASS WINDOWS AND/OR DOORS.

D. IN ADDITION TO ANY DOORS/ACCESS LOCATED ON THE PARKING LOT SIDE OF RETAIL BUILDINGS A, B AND C, THESE RETAIL SHOPS A, B, AND C WILL ALSO HAVE OPERABLE DOORS ORIENTED TOWARD PROPOSED PUBLIC STREET #1.

E. **LANDSCAPING AND SEATING AREAS.** LANDSCAPING WILL BE DESIGNED TO ENHANCE THE GROUND FLOOR FACING RIDGE ROAD AND PUBLIC PARAPET STREET #1 WILL HAVE (i) AN ENTRANCE FROM EACH UNIT TO THE ABUTTING STREET; AND (ii) VERTICAL SHAPED WINDOWS WITH A HEIGHT GREATER THAN THEIR WIDTH, THE BUILDING FACADE FACING THESE STREETS WILL ALSO PROVIDE WINDOWS AND DOORS FOR AT LEAST 25% OF THE TOTAL FACADE AREA ALONG THESE STREETS. THE MAXIMUM CONTIGUOUS AREA WITHOUT WINDOWS OR DOORS ON ANY FLOOR SHALL NOT EXCEED 10 FEET IN HEIGHT OR 20 FEET IN LENGTH.

F. CONSTRUCTION PLANS WILL BE REVIEWED BY THE CHARLOTTE-MECKLENBURG DEPARTMENT PLANNING FOR COMPLIANCE WITH THE ARCHITECTURAL REQUIREMENTS OF THE REZONING PLAN PRIOR TO ISSUANCE A BUILDING PERMIT.

G. THE SERVICE AREAS OF THE BUILDINGS CONSTRUCTED WITHIN DEVELOPMENT AREAS A AND C WILL BE SCREENED FROM THE EXTENSION OF CARDINAL POINT ROAD WITH LANDSCAPING AND THE ADJACENT BUILDINGS ARCHITECTURAL FEATURES SUCH AS, BUT NOT LIMITED TO, BANDING, MEDALLIONS, CHANGES IN COLOR OR DESIGN FEATURES OR MATERIALS WILL BE PROVIDED TO AVOID A STERILE, UNARTICULATED BLANK TREATMENT OF SUCH WALLS. THE REAR FACADE OF THE BUILDING WITH A FULL PARAPET WALL AND ANY PORTIONS OF THE REAR BUILDING WALL VISIBLE FROM CARDINAL POINT ROAD WILL BE TREATED WITH ARCHITECTURAL FINISHES SIMILAR TO THE BUILDING MATERIALS USED ON THE FRONT OF THE BUILDING.

H. A LOW MASONRY WALL (2.0 TO 2.5 FEET HIGH) AND LOW ACCENT PLANTINGS WILL BE PROVIDED IN DEVELOPMENT AREAS C AND D BETWEEN RIDGE ROAD AND: (i) PARKING AREAS LOCATED TO THE SIDE OF THE PROPOSED BUILDINGS; AND (ii) MANEUVERING FOR DRIVE-THRU LANES AS GENERALLY DEPICTED ON THE REZONING PLAN.

I. 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.

J. RETAINING WALLS LOCATED ON THE SITE WILL BE ACCOMPANIED BY LANDSCAPING TO HELP SOFTEN THEIR APPEARANCE.

K. METER BANKS WILL BE SCREENED WHERE VISIBLE FROM PUBLIC VIEW AT GRADE LEVEL.

L. ROOF TOP HVAC AND RELATED MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW AT GRADE LEVEL WITHIN THE AREA OF THE SITE ADJACENT TO SUCH EQUIPMENT.

M. GROUND MOUNTED HVAC AND RELATED MECHANICAL EQUIPMENT MAY NOT BE LOCATED BETWEEN THE PROPOSED BUILDINGS AND AN ABUTTING PUBLIC STREET.

N. WITHIN DEVELOPMENT AREA E THE PETITIONER WILL CONSTRUCT A VARIETY OF BUILDING TYPES. A MINIMUM OF THREE BUILDING TYPES MUST BE CONSTRUCTED WITHIN DEVELOPMENT AREA E (E.G. MULTI-FAMILY BUILDINGS, TOWNHOME BUILDINGS, AND CARRIAGE HOUSE BUILDINGS).

O. IF THE REQUIRED 35 FOOT SETBACK IS REDUCED AS ALLOWED BY THE CC ZONING DISTRICT THE FOLLOWING DESIGN STANDARDS WILL APPLY TO NON-RESIDENTIAL BUILDINGS PLACED ALONG THE REDUCED SETBACK:

i. THE FIRST FLOOR OF ALL BUILDINGS MUST BE DESIGNED TO ENCOURAGE AND COMPLEMENT PEDESTRIAN-SCALE INTEREST AND ACTIVITY;

ii. NO STREET WALLS IN EXCESS OF 20 FEET IN LENGTH WILL BE ALLOWED;

iii. DOORS, OTHER THAN EMERGENCY DOORS, MAY NOT SWING INTO THE 14 FOOT SETBACK;

iv. THE SERVICE OR LOADING AREA OF THE BUILDING MAY NOT BE ORIENTED TOWARD THE STREET OR BE LOCATED BETWEEN THE BUILDING AND STREET; AND

v. A SIX (6) FOOT SIDEWALK WITH A PLANTING STRIP WILL BE PROVIDED ALONG THE STREET.

6. **STREETSCAPE, LANDSCAPING AND BUFFERS:**

D. A SETBACK AS REQUIRED BY THE CC ZONING DISTRICT WILL BE ESTABLISHED ALONG EXISTING AND PROPOSED PUBLIC STREETS, PROVIDED, HOWEVER, THE PETITIONER RESERVES THE RIGHT TO REDUCE THE CC DISTRICT SETBACK FROM 35 FEET TO 14 FEET AS ALLOWED BY THE ORDINANCE.

E. THE PETITIONER WILL PROVIDE A SIX (6) FOOT SIDEWALK AND AN EIGHT (8) FOOT PLANTING STRIP ALONG THE SITES FRONTAGE ON EXISTING AND PROPOSED STREETS, WHERE A SIDEWALK AND PLANTING STRIP HAS NOT BEEN PROVIDED BY OTHERS.

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 CAROLINA 28203
 PHONE: (704) 333-5131
 © 2014

NO.	DATE	REVISIONS
A	05/19/14	REVISIONS PER CITY COMMENTS
B	06/20/14	REVISIONS PER CITY COMMENTS
C	09/22/14	REVISIONS PER CITY / RESIDENT COMMENTS

CLIENT:	HALVORSEN DEVELOPMENT CORPORATION
PROJECT:	PROSPERITY VILLAGE SQUARE
CHARLOTTE, MECKLENBURG COUNTY	RIDGE ROAD
NORTH CAROLINA	1877 S. FEDERAL HIGHWAY
	SUITE 200
	BOCA RATON, FLORIDA 33426

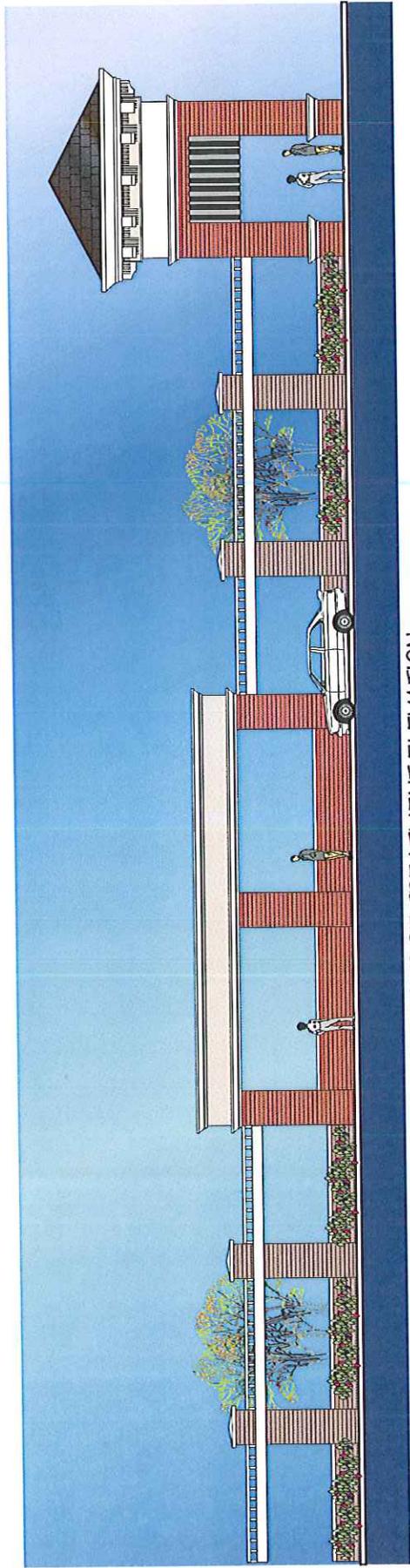
DESIGNED BY:	LRB
DRAWN BY:	DMH
CHECKED BY:	ECH
DATE:	04/03/14
PROJECT#:	018667000
RZ-3	

TITLE DEVELOPMENT STANDARDS

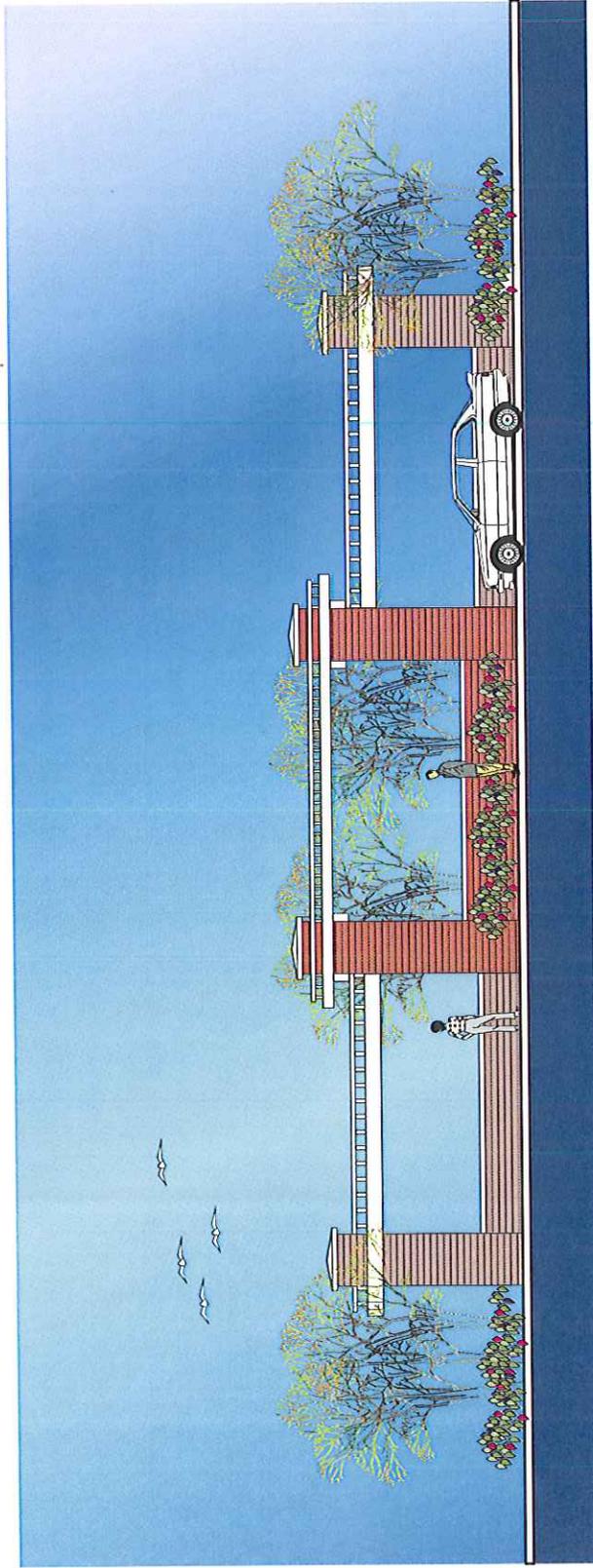
PROSPERITY VILLAGE SQUARE

NO.	DATE	REVISIONS
A	05/19/14	REVISIONS PER CITY COMMENTS
B	06/20/14	REVISIONS PER CITY COMMENTS
C	09/22/14	REVISIONS PER CITY / RESIDENT COMMENTS

DESIGNED BY:	LRB
DRAWN BY:	DMH
CHECKED BY:	ECH
DATE:	04/03/14
PROJECT#:	018667000
RZ-3	



1 MAIN STREET EDGE TREATMENT ELEVATION
SCALE 1/16" = 1'-0"



1 ROW TRELLIS FEATURE ELEVATION

SCALE 1/16" = 1'-0"



1 SOUTHWEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTHEAST STREETScape ELEVATION
SCALE: 1/8" = 1'-0"

ACS.01

PROSPERITY VILLAGE SQUARE
CHARLOTTE, NORTH CAROLINA

DATE: 11/15/2017
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT NO: 17-00000001

DATE: 11/15/2017
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT NO: 17-00000001

Insert

Tab

Item 17

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional)
LOCATION	Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to reuse an existing single family home to establish a child care center for up to 60 children.
STAFF RECOMMENDATION	Staff recommends approval of the petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Northeast District Plan</i> , which recommends single family residential up to four dwelling units per acre. However, area plans typically do not specify locations for institutional uses. In addition, the site has frontage along a major thoroughfare and the proposed use would serve the needs of the surrounding neighborhoods.
PROPERTY OWNER	North End Homes, LLC
PETITIONER	Mark Patterson
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Reuse of an existing 2,114-square foot single family home to allow a commercial child care center with up to 60 children and seven employees.
- Parking areas for employees and guests, with drop-off area proposed in front of building.
- Extension of existing driveway and installation of new curb cut to allow one-way vehicular access onto Prosperity Church Road (site entrance will be right-in movement only).
- A 22-foot Class "C" buffer along all property lines abutting residential uses and/or zoning.
- A five-foot wide sidewalk connecting from the site to the existing five-foot wide sidewalk along Prosperity Church Road.
- Any future additions will be located to the rear, will be residential in character and scale, and will not exceed 25% of the square footage of the existing building.
- All lighting will be full cut-off light fixtures.
- Freestanding lighting will be limited to 25 feet in height.

• Existing Zoning and Land Use

- The rezoning site is developed with a 2,114-square foot single family home constructed in 1983, and surrounded by primarily single family neighborhoods with some multi-family, commercial, office and institutional uses on properties zoned a variety of zoning districts.

• Rezoning History in Area

- A pending staff-initiated rezoning petition (2014-018) proposes to rezone approximately 8.81 acres located on the east side of Prosperity Church Road across from Prosperity Point Lane from R-17MF (CD) (multi-family residential) to R-4 (single family residential). This rezoning will implement recommendations within the Council District 4 Multi-family Assessment Report.

• Public Plans and Policies

- The *Northeast District Plan* (1996) recommends single family residential up to four dwelling units per acre for the rezoning site.
 - The petition is inconsistent with the *Northeast District Plan*. However, area plans do not typically recommend locations for institutional uses. The site has frontage along a major thoroughfare and the proposed use would serve the needs of the nearby neighborhoods.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 80 trips per day.
Proposed Zoning: 270 trips per day.
 - **Connectivity:** 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-Mecklenburg Utilities:** 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:** Urban Forestry comments that any existing street trees must be protected during all phases of construction.
-

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 environment by reuse of an existing structure.

OUTSTANDING ISSUES

- The petitioner should:
 1. Consider reducing the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.
 2. Remove the sign from the site plan. Add the Heading "Signage" and underneath provide a note stating that signage is permitted per the ordinance.

Attachments Online at www.rezoning.org

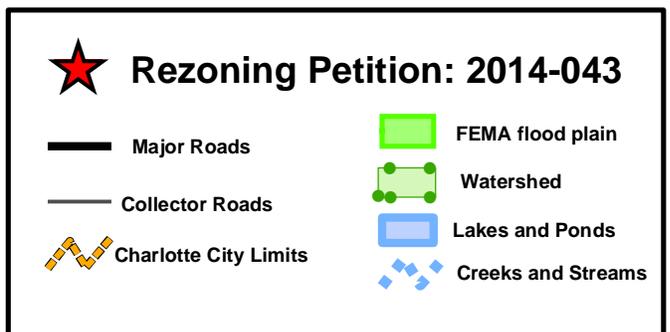
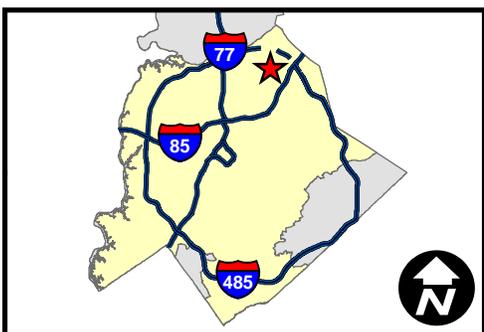
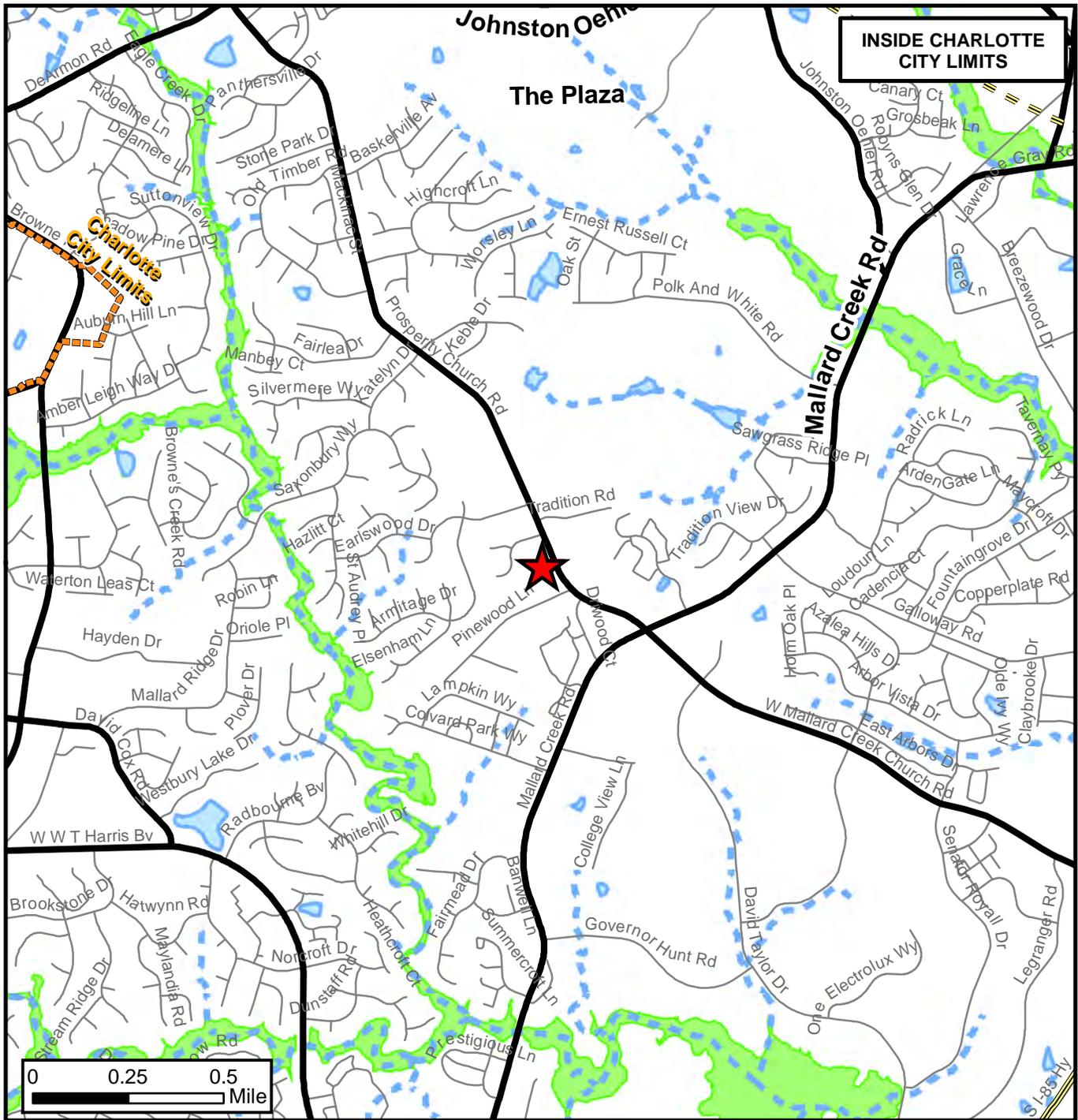
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and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

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

Petition #: **2014-043**

Vicinity Map

Acreeage & Location : Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.



Insert

Map

Item 17

SITE PLAN NOTES

(NOTE: BOLD ITEMS REVISED 7-21-14 SUBMITTAL)

1. DEVELOPMENT DATA

SITE ACREAGE: 2.71
 TAX PARCEL: 02728101
EXISTING ZONING: R3
 PROPOSED ZONING: INST (CD)
 EXISTING USE: RESIDENTIAL
 PROPOSED USE: COMMERCIAL DAYCARE
EXISTING GROSS SF: 2,114 SF
 FLOOR AREA RATIO: 35 SF PER CHILD
 NUMBER AND OR RATIO OF PARKING SPACES:
 1 PER EMPLOYEE (7 EMPLOYEES)
 1 PER 10 CHILDREN (UP TO 60 CHILDREN)

2. GENERAL PROVISIONS

THESE DEVELOPMENT STANDARDS FORM A PART OF THE TECHNICAL DATA SHEET ASSOCIATED WITH THE REZONING PETITION FILED BY MARK PATTERSON TO ACCOMMODATE REUSE OF THIS 2.71 ACRE SITE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE TECHNICAL DATA SHEET. THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE (THE "ORDINANCE"), UNLESS THE TECHNICAL DATA SHEET OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS.

ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 ALTERATIONS TO APPROVAL

4. PERMITTED USES

SITE WILL BE DEVOTED TO USE AS CHILD DAYCARE CENTER, TOGETHER INCIDENTAL AND/OR ACCESSORY USES ASSOCIATED THEREWITH, THAT ARE PERMITTED UNDER THE "ORDINANCE" BY RIGHT UNDER PRESCRIBED CONDITIONS IN THE INSTITUTIONAL ZONING DISTRICT.

5. TRANSPORTATION

ON SITE TRAFFIC CIRCULATION TO BE SIGNED AND MARKED FOR ONE-WAY COUNTER CLOCKWISE TRAFFIC FLOW.

PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.

PROPOSED DRIVEWAY CONNECTIONS TO PROSPERITY CHURCH RD. SHALL GO THROUGH ALL REQUIRED CDOT DRIVEWAY PERMITTING PRIOR TO CONSTRUCTION.

6. ARCHITECTURAL STANDARDS
 EXISTING STRUCTURE TO REMAIN.

THERE IS NO PROPOSED EXPANSION/ADDITION. HOWEVER, ANY FUTURE ADDITIONS TO THE EXISTING STRUCTURE MUST BE TO THE REAR OF THE BUILDING AND ADDED SF SHALL NOT EXCEED 25% OF THE EXISTING SF OF THE STRUCTURE. PLUS, ANY EXPANSION OR EXTERIOR RENOVATIONS TO THE CURRENT STRUCTURE WILL BE RESIDENTIAL IN CHARACTER AND SCALE.

7. STREETSCAPE AND LANDSCAPING

EXISTING SIDEWALK ON PROSPERITY CHURCH RD. IS 5' WIDE. A 5' WIDE SIDEWALK TO BE CONSTRUCTED CONNECTING EXISTING SIDEWALK WITH THE DAYCARE PER CDOT REQUIREMENT.

8. ENVIRONMENTAL FEATURES
 MALLARD CREEK WATERSHED

11. LIGHTING

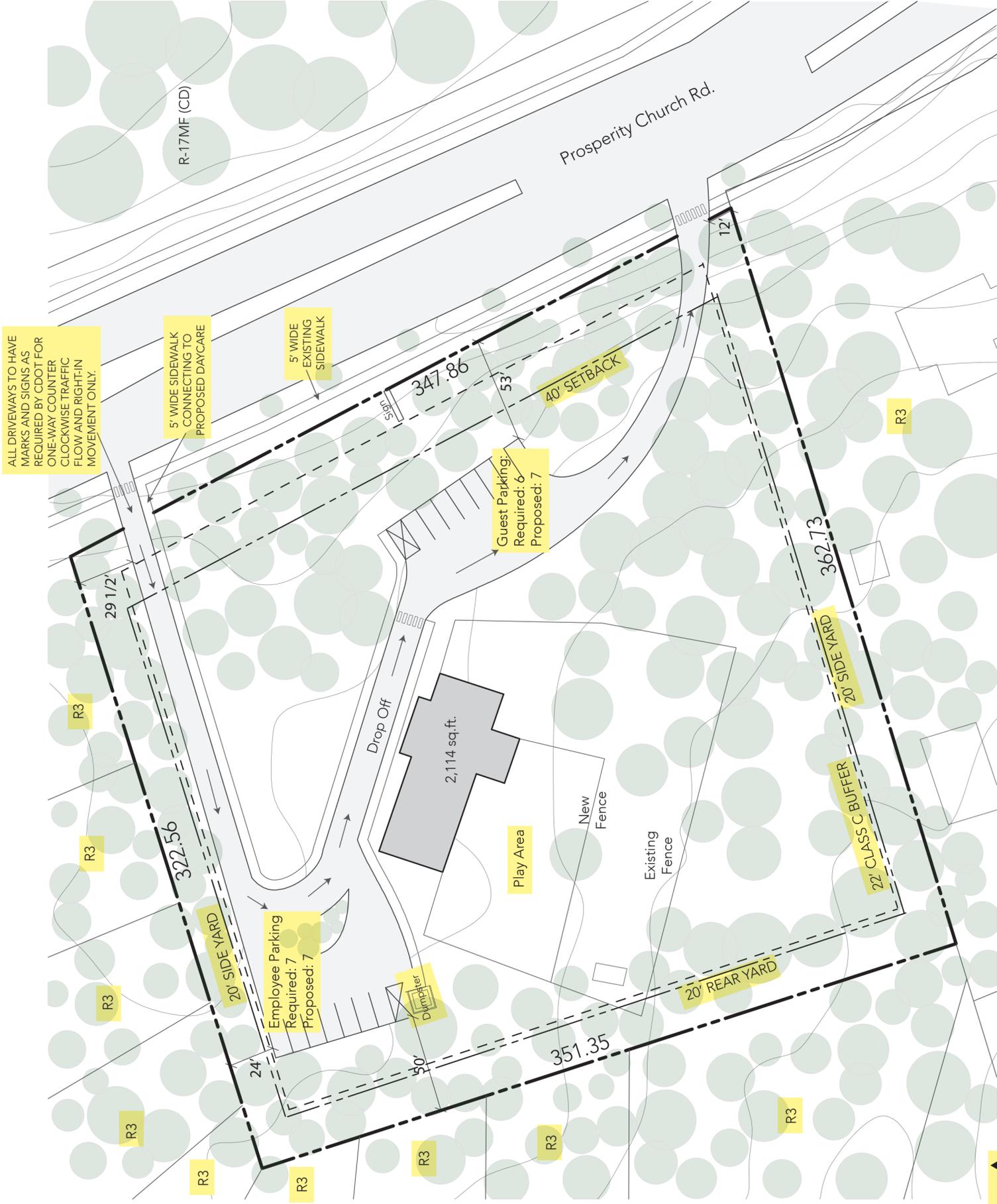
ALL HEADING LIGHTING WILL BE UNIFORM IN DESIGN AND PLACED WHERE REQUIRED.

FREESTANDING LIGHTING WILL BE LIMITED TO 25' IN HEIGHT.

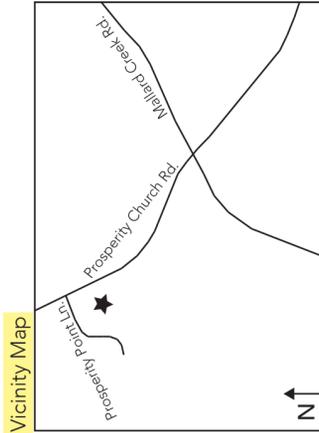
ALL LIGHTING WILL HAVE FULL CUT-OFF LIGHTING FIXTURES.

14. OTHER

PER SECTION 12.502 OUTDOOR PLAY SPACE AND EQUIPMENT MUST BE LOCATED OUTSIDE THE REQUIRED SETBACK AND SIDE YARDS.



Scale 1" = 40'



REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE

3231 PROSPERITY CHURCH RD

REZONING PETITION 2014-043

REQUEST	Current Zoning: R-3 (single family residential), I-2 (general industrial), and I-2(CD) (general industrial, conditional) Proposed Zoning: I-2(CD) (general industrial, conditional) and I-2(CD) SPA (general industrial, conditional, site plan amendment)
LOCATION	Approximately 47.84 acres located on the east and west side of Gable Road between Shopton Road and Interstate 485. (Outside City Limits)
SUMMARY OF PETITION	The petition proposes the development of up to 600,000 square feet of industrial, office distribution and warehouse uses.
STAFF RECOMMENDATION	Staff recommends approval of the petition upon resolution of outstanding issues.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Multiple (see application on website) Eastgroup Properties, LP John Carmichael, Robinson Bradshaw & Hinson, PA
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 7

PLANNING STAFF REVIEW

- **Background**

- A portion of the subject property was included in Petition 2013-21, which rezoned 43.29 acres located on the southeast corner of Steele Creek Road and Shopton Road from I-1(CD) (light industrial, conditional) to I-2(CD) (general industrial, conditional). The petition allows up to 525,000 square feet of office/distribution and light industrial uses, in eight principal buildings. The subject property was identified as Building 4 and had no assigned maximum square footage.

-

- **Proposed Request Details**

The site plan amendment contains the following changes:

- Incorporation of a 7.03 acre portion of area in Phase I identified as Building 4 into Phase 2 for entitlement purposes.

The site plan accompanying this petition contains the following provisions:

- Allow development of Phase 2 of an industrial park,
- Maximum of 600,000 square feet of I-1 (light industrial) uses that are permitted in the I-2 (general industrial) district.
- Elevations for front of buildings.
- Buffers provided abutting and directly across the public right-of-way from residentially zoned or used property.
- Access to the site provided from Sandy Porter Road and Gable Road.
- An east/west street connection will be provided between Gable Road and Sandy Porter Road.
- An administrative amendment that reduces the maximum square footage by 50,000 square feet will be submitted for Petition 2013-21.
- Detached lighting limited to 30 feet in height.

- **Existing Zoning and Land Use**

- The subject site currently contains a few single family dwellings while the majority is vacant. Properties to the north are zoned R-3 (single family residential) and B-1 (neighborhood business) and are vacant or contain single family and multi-family dwellings, and commercial uses. East of the site are parcels zoned R-3 (single family residential) and I-1(CD) (light industrial, conditional), which are developed with single family dwellings, a religious institution, a nonconforming automotive repair business or are vacant. Office/distribution and light industrial uses are currently under development, and two streets have been constructed in I-2 (CD) (general industrial, conditional) zoning on the west side of Gable Road. Interstate 485 and vacant R-3 (single family residential) zoned properties are south of the subject site.

- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - The *Steele Creek Area Plan* (2012) recommends industrial and warehouse distribution land uses for the subject property due to its proximity to I-485 and the airport.
 - The petition is consistent with the *Steele Creek Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 - Current Zoning: 1,700 trips per day.
 - Proposed Zoning: 4,400 trips per day.
 - **Connectivity:** 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:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Revise site plan to eliminate conflict created by storm water management facilities shown located over sanitary sewer.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
 - **Urban Forestry:** 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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Amend Site Development Data to delete "this site may be developed with 1,400,000 square feet of gross floor area."
 2. Delete Note C under Architectural Standards.
 3. Limit maximum building height to 40 feet.
 4. Address Engineering and Property Management comments.
 5. Amend Note C under General Provisions to state that the administrative amendment will be submitted prior to a decision being made on Petition 2014-51.
 6. A 50-foot Class "A" buffer is required along portions of the site that are directly across the public right-of-way from residentially zoned or used property, and the required buffer may only be reduced with a berm. Such conditions exist along portions of Gable Road, Shopton Road, Sandy Porter Road and I-485. Amend site plan to remove references to reduction of buffers in these areas with a fence, and either reflect the full buffer or specify installation of a berm.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report

- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Sonja Sanders (704) 336-8327

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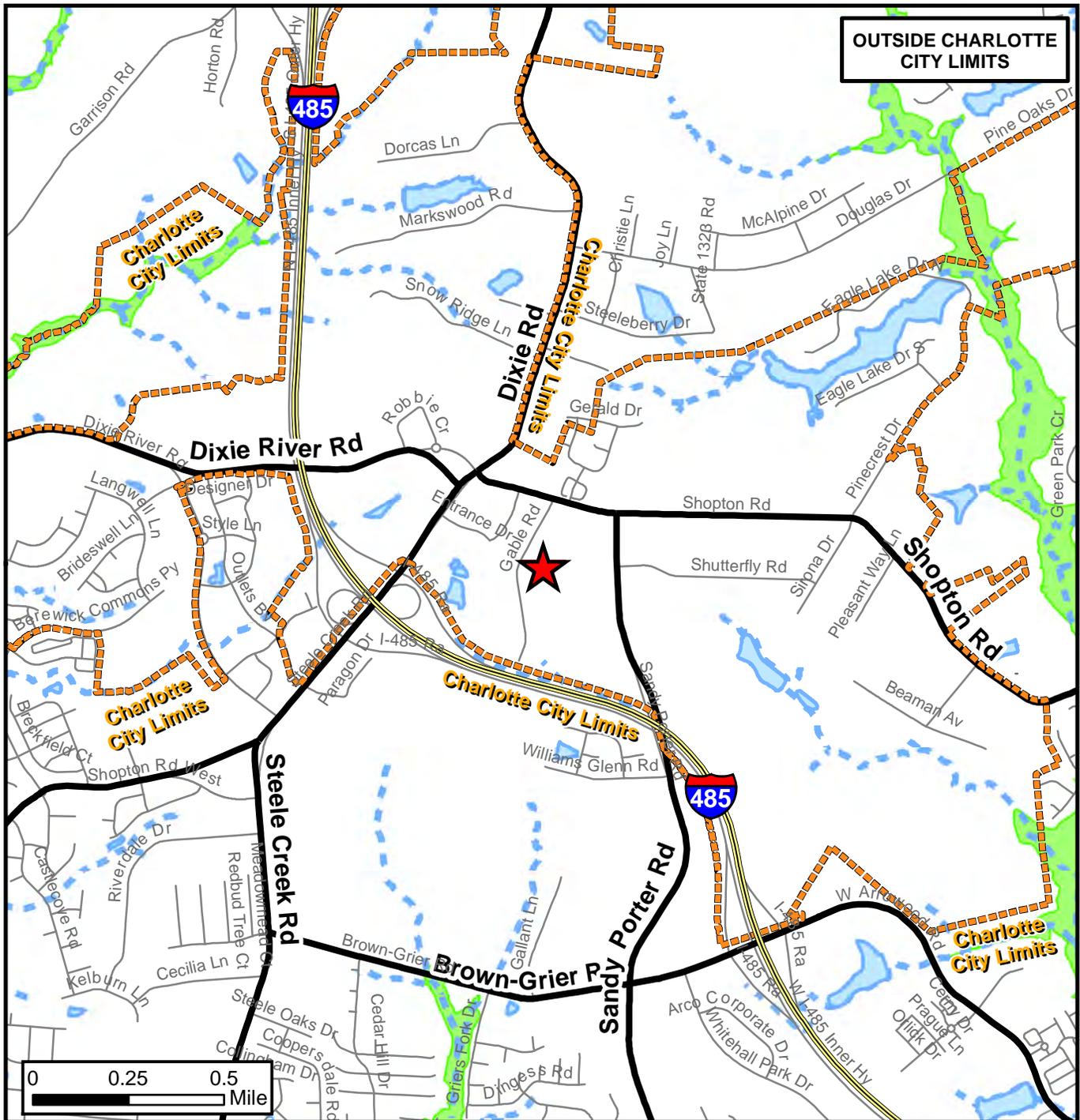
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Item 18

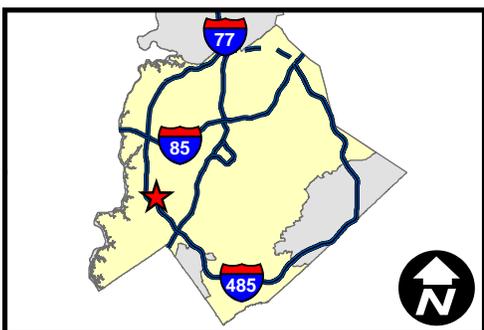
Petition #: **2014-051**

Vicinity Map

Acreage & Location : Approximately 47.84 acres generally located on the east and west side of Gable Road between Shopton Road and Interstate 485.



OUTSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-051

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

Insert

Map

Item 18

STEELE CREEK COMMERCE PARK - PHASE I

DEVELOPMENT STANDARDS

SEPTEMBER 19, 2014

REZONING PETITION NO. 2014-051

SITE DEVELOPMENT DATA:

- **ACREAGE:** 41.4784 ACRES
- **TAX PARCELS:** 201-072-04 (PORTION OF), 201-072-17, 201-072-01, 201-092-01, 201-071-11, 201-071-08, 201-071-05, 201-071-07 AND 201-071-12.
- **EXISTING ZONING:** R-3, I-2, I-2 (CD)
- **PROPOSED ZONING:** I-2 (CD), I-2 (CD) S.P.A.
- **EXISTING USES:** SINGLE FAMILY RESIDENTIAL AND VACANT LOTS.
- **PROPOSED USES:** INDUSTRIAL/OFFICE / DISTRIBUTION.
- **MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:** THE MAXIMUM FLOOR AREA RATIO FOR I-2 IS 1.00. THIS SITE MAY BE DEVELOPED TO 41,400,000 SF OF GROSS FLOOR AREA.
- **MAXIMUM BUILDING HEIGHT:** NOT TO EXCEED 45 FEET
- **PARKING:** AS REQUIRED BY THE ORDINANCE. 0.28 SPACES PER 1,000 SF OF WAREHOUSE AND 1 SPACE PER 400 SF OF OFFICE SPACE.
- **OPEN SPACE:** AS REQUIRED BY THE ORDINANCE. NOT SPECIFIED

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY EASTGROUP PROPERTIES, LP FOR AN APPROXIMATELY 47.84 ACRE SITE LOCATED ON THE EAST AND WEST SIDES OF GABLE ROAD, SOUTH OF SHOFTON ROAD AND NORTH OF INTERSTATE 485, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS 'THE SITE').
- B. THE SITE IS COMPRISED OF A PORTION OF TAX PARCEL NO. 201-072-04 AND ALL OF TAX PARCEL NOS. 201-072-17, 201-072-01, 201-092-01, 201-071-11, 201-071-08, 201-071-07 AND 201-071-12.

- C. TAX PARCEL NO. 201-072-04 IS CURRENTLY ZONED I-2 (CD) AND IS AN APPROXIMATELY 45.28 ACRE SITE (THE '2013 REZONING SITE') THAT WAS REZONED TO THE I-2 (CD) ZONING DISTRICT IN 2013 PURSUANT TO REZONING PETITION NO. 2013-021. PURSUANT TO THIS REZONING PETITION AND REZONING PLAN, THE PETITIONER IS REQUESTING THAT THE PORTION OF THE 2013 REZONING SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN BE REZONED TO THE I-2 (CD) S.P.A. ZONING DISTRICT AND INCORPORATED INTO THE SITE FOR ENTITLEMENT PURPOSES. IN THE EVENT THAT THIS REZONING PETITION IS APPROVED BY THE ZONING DISTRICT AND INCORPORATED INTO THE SITE FOR ENTITLEMENT PURPOSES, THE PETITIONER REQUESTS THAT THE REZONING DISTRICT BE REZONED TO THE I-2 (CD) S.P.A. ZONING DISTRICT TO ACCOMMODATE THE MAXIMUM GROSS FLOOR AREA LOCATED ON THE REMAINING PORTION OF THE REZONING SITE. THE PETITIONER REQUESTS THAT THE MAXIMUM GROSS FLOOR AREA OF THAT PORTION OF THE BUILDING (DESIGNATED AS 'BUILDING 6' ON THE REZONING PLAN) PROPOSED TO BE LOCATED ON THE PORTION OF THE 2013 REZONING SITE THAT IS SUBJECT TO THIS REZONING PETITION AND REZONING PLAN.

- D. A MULTI-BUILDING OFFICE, DISTRIBUTION AND WAREHOUSE PARK KNOWN AS STEELE CREEK COMMERCE PARK IS BEING DEVELOPED ON THE 2013 REZONING SITE, AND THE DEVELOPMENT PROPOSED ON THE SITE UNDER THIS REZONING PETITION AND REZONING PLAN WILL BE TWO ADDITIONAL PHASES OF STEELE CREEK COMMERCE PARK. THE TWO ADDITIONAL PHASES OF STEELE CREEK COMMERCE PARK SHALL BE DEVELOPED ON THE SITE DESIGNATED AS PHASE 2A AND PHASE 2B ON THE REZONING PLAN. THE EXISTING PHASE OF STEELE CREEK COMMERCE PARK SHALL BE REFERRED TO HEREIN AS 'PHASE 1'.

- E. THAT PORTION OF THE SITE ON WHICH BUILDINGS 6 WILL BE LOCATED MAY BE REZONED WITH THE 2013 REZONING SITE AND THE SITE SHALL BE CONSIDERED TO BE A UNANNOUNCED DEVELOPMENT. ACCORDINGLY, THE 2013 REZONING SITE AND THE SITE WILL NOT BE REQUIRED TO MEET THE REAR YARD AND SIDE YARD REQUIREMENTS OF THE I-2 ZONING DISTRICT WITH RESPECT TO LOT LINES OR PROPERTY LINES THAT ARE INTERNAL TO THE 2013 REZONING SITE AND THE SITE. DEVELOPMENT ON THE 2013 REZONING SITE AND THE SITE WILL BE REQUIRED TO MEET THE REAR YARD AND SIDE YARD REQUIREMENTS ESTABLISHED ON THE REZONING PLAN WITH RESPECT TO ALL EXTERIOR LOT LINES OR PROPERTY LINES.

- F. THE 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"). THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE I-2 ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT OF THE SITE.

- G. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE PARKING AREAS AND INTERNAL STREET NETWORK DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES. ADDITIONALLY, ACCESSORY BUILDINGS AND STRUCTURES WILL NOT BE COUNTED TOWARDS THE MAXIMUM NUMBER OF BUILDINGS ALLOWED ON THE SITE.

- H. 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, CALLED HEREIN TO THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ARE SUBJECT TO SECTION 6.2.01 OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVOTED ONLY TO THOSE USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE ZONING DISTRICT THAT ARE ALSO PERMITTED IN THE ZONING DISTRICT, AND TO ANY ACCESSORY USES RELATING THERE TO.

DEVELOPMENT LIMITATIONS

A MAXIMUM OF 600,000 SQUARE FEET OF GROSS FLOOR AREA MAY BE DEVELOPED ON THE SITE.

TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF EACH ACCESS POINT ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- B. UNLESS AND UNTIL GABLE ROAD IS IMPROVED, ACCESS TO PHASE 2A SHALL BE PROVIDED BY THE INTERNAL STREETS AND DRIVES LOCATED IN PHASE 1 AS DEPICTED ON THE REZONING PLAN.
- C. IN THE EVENT THAT PHASE 2B IS DEVELOPED, PETITIONER SHALL CONSTRUCT THE PRIVATE STREET IN PHASE 2B THAT IS DEPICTED ON THE REZONING PLAN THAT CONNECTS GABLE ROAD AND SANDY PORTER ROAD. A PUBLIC ACCESS EASEMENT SHALL BE GRANTED OVER THIS PRIVATE STREET AFTER IT IS CONSTRUCTED TO ALLOW THE PUBLIC TO UTILIZE THIS PRIVATE STREET. IF PHASE 2B IS NOT DEVELOPED, PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT THIS PRIVATE STREET.
- D. PETITIONER RESERVES THE RIGHT TO SEEK THE ABANDONMENT OF GABLE ROAD BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND MECKLENBURG COUNTY. IN THE EVENT THAT THIS OCCURS, APPROPRIATE ACCESS EASEMENTS WILL BE GRANTED BY AND TO THE ADJACENT PROPERTY OWNERS.
- E. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY BUILDING LOCATED IN PHASE 2B OF THE SITE, PETITIONER SHALL DEDICATE AND CONVEY (BY QUITCLAIM DEED AND SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF PHASE 2B OF THE SITE LOCATED IMMEDIATELY ADJACENT TO SHOFTON ROAD AS REQUIRED TO PROVIDE RIGHT OF WAY (MEASURING 40 FEET FROM THE EXISTING CENTERLINE OF SHOFTON ROAD) IF SUCH RIGHT OF WAY IS REQUIRED TO PROVIDE RIGHT OF WAY MEASURING 40 FEET FROM THE EXISTING CENTERLINE OF SANDY PORTER ROAD IF SUCH RIGHT OF WAY DOES NOT CURRENTLY EXIST. PETITIONER SHALL NOT BE REQUIRED TO DEDICATE AND CONVEY SUCH RIGHT OF WAY IF PHASE 2B OF THE SITE IS NOT DEVELOPED.
- F. IF ANY IMPROVEMENTS TO GABLE ROAD OR TO PHASE 2AS FRONTAGE ON GABLE ROAD ARE REQUIRED TO BE INSTALLED AND CONSTRUCTED BY PETITIONER PURSUANT TO THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE (THE 'SUBDIVISION ORDINANCE'), CHAPTER 19 OF THE CITY OF CHARLOTTE CODE (THE 'CODE') OR ANY OTHER APPLICABLE CITY REGULATION AS A RESULT OF THE DEVELOPMENT OF PHASE 2A, SUCH IMPROVEMENTS WILL ONLY BE REQUIRED TO BE INSTALLED AND CONSTRUCTED UPON THE ACTUAL DEVELOPMENT OF PHASE 2A.
- G. IF ANY IMPROVEMENTS TO GABLE ROAD OR TO PHASE 2BS FRONTAGE ON GABLE ROAD ARE REQUIRED TO BE INSTALLED AND CONSTRUCTED BY PETITIONER PURSUANT TO THE SUBDIVISION ORDINANCE, CHAPTER 19 OF THE CODE OR ANY OTHER APPLICABLE CITY REGULATION AS A RESULT OF THE DEVELOPMENT OF PHASE 2B, SUCH IMPROVEMENTS WILL ONLY BE REQUIRED TO BE INSTALLED AND CONSTRUCTED UPON THE ACTUAL DEVELOPMENT OF PHASE 2B.
- H. OFF STREET VEHICULAR PARKING AND BICYCLE PARKING WILL MEET THE MINIMUM STANDARDS ESTABLISHED UNDER THE ORDINANCE.
- I. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL STANDARDS

- A. SET OUT ON PAGE 3 OF THE REZONING PLAN IS A SCHEMATIC ARCHITECTURAL RENDERING OF THE FRONT ELEVATION OF THE BUILDINGS PROPOSED TO BE CONSTRUCTED ON THE SITE THAT IS INTENDED TO DEPICT THE GENERAL ARCHITECTURAL STYLE, CHARACTER, AND ELEMENTS OF THE FRONT ELEVATION OF SUCH BUILDINGS. ACCORDINGLY, THE FRONT ELEVATION OF EACH BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DESIGNED AND CONSTRUCTED SO THAT IT IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE SCHEMATIC ARCHITECTURAL RENDERING SET OUT ON PAGE 3 OF THE REZONING PLAN. CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND ELEMENTS ARE PERMITTED BASED UPON FINAL DESIGN/CONSTRUCTION DRAWINGS.

- B. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 45 FEET.
- C. DUMPSTER AND RECYCLING AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL OR FENCE WITH ONE SIDE BEING A HINGED OPAQUE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AND RECYCLING AREA ADJACENT TO A SIDE WALL OR REAR WALL OF A BUILDING, THEN THE SIDE WALL OR REAR WALL OF THE BUILDING MAY BE SUBSTITUTED FOR THE WALL OR FENCE ALONG EACH SUCH SIDE.

STREETSCAPE/LANDSCAPING/BUFFERS

- A. LANDSCAPING AND SCREENING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
- B. BUFFERS SHALL BE ESTABLISHED ON THE SITE AS REQUIRED BY THE ORDINANCE AND AS DEPICTED ON THE REZONING PLAN, AND SUCH BUFFERS SHALL CONFORM TO THE STANDARDS OF SECTION 12.302(F) OF THE ORDINANCE. PURSUANT TO SECTION 12.302(B) OF THE ORDINANCE, PETITIONER MAY REDUCE THE REQUIRED WIDTH OF ANY BUFFER BY 25% BY INSTALLING A WALL, FENCE OR BERM THAT MEETS THE STANDARDS OF SECTION 12.302(B) OF THE ORDINANCE.
- C. 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.
- D. THE BUFFERS SHALL NOT BE DISTURBED EXCEPT FOR REQUIRED DRIVEWAYS, SIDEWALKS, OR OTHER PEDESTRIAN PATHS, WALLS, FENCES, BERMS OR REQUIRED LANDSCAPING, MAINTENANCE AND THE REPLACEMENT OR THE INSTALLATION AND MAINTENANCE OF UTILITY LINES IN ACCORDANCE WITH SECTION 12.302(F) OF THE ORDINANCE.
- E. WHERE EXISTING TREES AND NATURAL VEGETATION HAVE BEEN CLEARED TO ACCOMMODATE THOSE ITEMS SET OUT ABOVE IN PARAGRAPH D, THE CLEARED UNIMPROVED AREAS WILL BE LANDSCAPED WITH TREES AND SHRUBS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

ENVIRONMENTAL FEATURES

THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

LIGHTING

- A. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING STREET LIGHTS) 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.
- B. THE MAXIMUM HEIGHT OF ANY FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE SHALL BE 30 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE STRUCTURES TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.
- D. LIGHTING FIXTURES INSTALLED ALONG THE PERIMETER OF THE SITE (EXCLUDING STREET LIGHTS) SHALL BE FULL CUT-OFF FIXTURES.

SIGNS

ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

PHASING

AS NOTED ABOVE, THE SITE SHALL BE DEVELOPED IN TWO SEPARATE PHASES DESIGNATED AS PHASE 2A AND PHASE 2B ON THE REZONING PLAN. NOTHING HEREIN SHALL OBLIGATE PETITIONER TO DEVELOP PHASE 2A OR PHASE 2B.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. 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.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM 'PETITIONER' SHALL BE DEEMED TO INCLUDE THE HERS, 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.
- C. 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.

PETITIONER



11440 CARMEL COMMONS BLVD, SUITE 209
CHARLOTTE, NORTH CAROLINA 28226
(704) 925-4030

Engineer's Seal



BURTON
ENGINEERING
ASSOCIATES
LAND PLANNERS
AND ENGINEERS



5950 Fairview Rd., Suite 100, Charlotte, NC 28210
(704) 553-8881 Fax (704) 553-9860
Firm License #1557

STEELE CREEK COMMERCE PARK
PHASE II
REZONING NOTES

Project
Sheet
Title

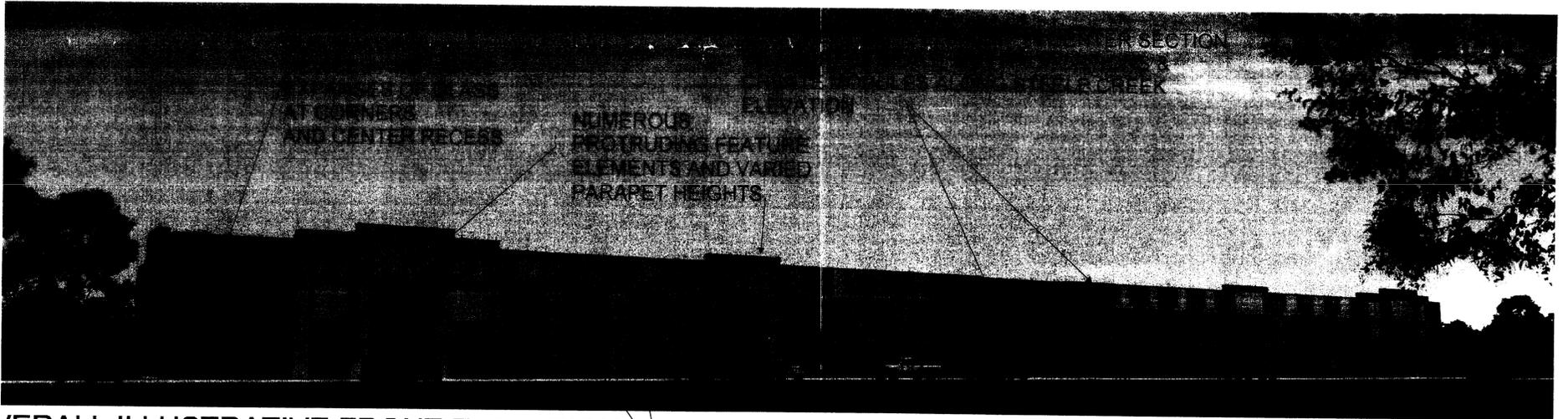
CTB
Engineer
EJR
Drawn By
9/19/14
Date

Revisions
PER CITY REVIEW 9/19/14

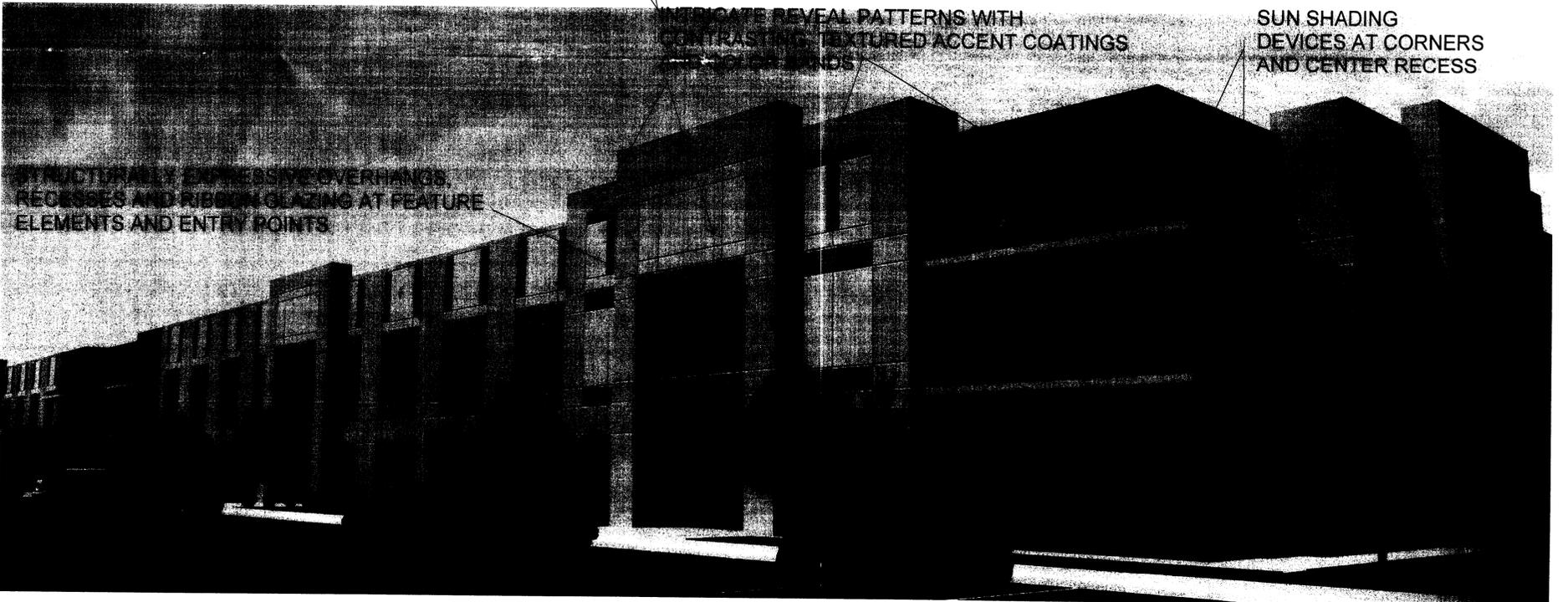
Project Number
590-001

RZ-2
Sheet 2 of 3

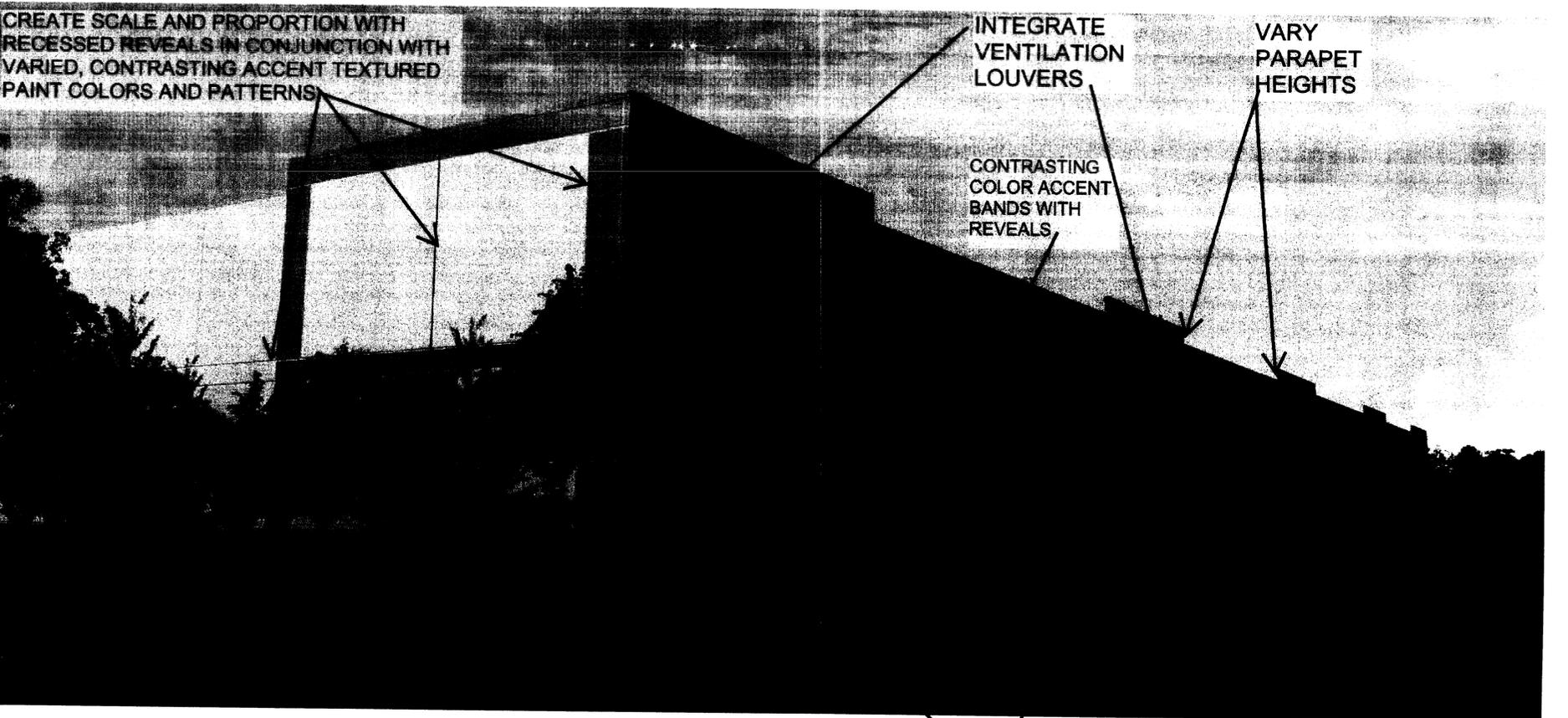
Previously
Approved
Site
Plan



OVERALL ILLUSTRATIVE FRONT ELEVATION



ENLARGED FRONT ILLUSTRATIVE ELEVATION



REAR, GABLE ROAD ILLUSTRATIVE ELEVATIONS

4' HIGH HEAVILY LANDSCAPED BERM WITH DENSE DECIDUOUS AND EVERGREEN TREES, AND CONTINUOUS SHRUBBERY

architects
msa
 merriman
 schmitt

STEELE CREEK COMMERCE PARK
 PETITION # 2013-021

APPROVED BY
 CITY COUNCIL

MAR 18 2013

Insert

Tab

Item 19

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to renovate and expand the existing building for use as an eating, drinking and entertainment establishment with outdoor seating.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of the outstanding issues. The petition is consistent with the <i>Blue Line Extension Station Area Plan</i> .
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Andrew Klenk Andrew Klenk James P. (Chip) Cannon
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Permitted use as an eating, drinking and entertainment establishment with allowable accessory uses.
- Total of 4,500 square feet consisting of renovation of the existing 1,580-square foot house and creation of additional building area to accommodate a shade garden, a 500-square foot courtyard and dining area, and area for a walk-in cooler, mechanical units, and roll-out dumpsters.
- No expanses of blank wall in excess of 20 continuous feet in length.
- Addition of ramps to accommodate and improve accessibility into the building.
- Maximum building height of 40 feet.
- Removal of existing driveway in order to create an entry garden/feature.
- Required eight parking spaces to be accommodated via three on-street parking spaces, and a lease agreement with the property owner at 3024 N. Davidson Street to allow use of a minimum of five off-site parking spaces.
- Architectural commitments pertaining to building articulation and materials, roof pitch, retention of residential character and existing front porch, and blank walls.
- Freestanding and attached lighting to have full cut-off fixtures, and freestanding lighting to be limited to 15 feet in height.
- Optional requests include:
 - Allow a minimum setback of 12 feet from back of curb.
 - Minimum planting strip of four feet (eight feet required) and a minimum sidewalk width of three and one-half feet (six feet required) along North Davidson Street to match existing conditions.
- **Existing Zoning and Land Use**
 - The rezoning site, located in the NODA community, is developed with a one-story single family home constructed in 1900 and surrounded by a mix of single family and multi-family, retail, office, personal services, and industrial activities zoned various zoning districts.
- **Rezoning History in Area**
 - There have been several rezonings in the area to MUDD (mixed use development) and TOD-M (transit oriented development – mixed-use) in order to accommodate retail, office, and mixed use developments.
- **Public Plans and Policies**
 - The *Blue Line Extension 36th Street Station Area Plan* (2013) recommends transit supportive uses

for this and adjacent parcels, with a height limit of 50 feet. The Plan also identifies this section of North Davidson Street as a "retail street," with active uses at the ground level. The property is located within a ¼ mile walk of the 36th Street Transit Station.

- The petition is consistent with the *Blue Line Extension 36th Street Station Area 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.
 - **Vehicle Trip Generation:**
Current Zoning: 10 trips per day.
Proposed Zoning: 350 trips per day.
 - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** 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.

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 building and infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Add a note under Permitted Uses clarifying that the outdoor eating/activity area will not be in use after 11:00 p.m. Otherwise, show and label the required 100-foot separation of the outdoor seating/activity area from the nearest abutting residential use located in a single family zoning district or the required Class "A" buffer along the corresponding side and rear property lines.
 2. Given the request is to reuse and expand the existing building to accommodate a restaurant, the optional request should be revised to provide a minimum five-foot wide sidewalk where possible, and a minimum three-foot wide planting strip to allow this treatment.
 3. Add information under Development Site Data specifying the existing building square footage and proposed additional building square footage and label existing and proposed buildings on site plan.
 4. Label the width of the planting strip on the site plan.
 5. Revise the portion of note "I" that indicates there are eight spaces on-street for parking and show only the number directly located in front of the subject property.
 6. Amend the site plan to acknowledge that abutting Parcel No. 08307113 is now zoned TOD-MO (transit oriented development - mixed-use, optional).
 7. Provide a copy of the draft parking lease agreement. The lease agreement must be recorded with the Register of Deeds upon submittal of plans through the plan review process. The developer must be able to clearly demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. Note that staff is concerned that the ordinance requirements may not be met with the proposed on-street parking and proposed lease agreement. In addition, staff is concerned that the abutting property that is part of this agreement will be unable to meet its own parking requirement and demand due to this arrangement.
 8. Amend notes to replace "restaurant" with "eating, drinking, and entertainment establishment."

9. **Removed Note A under "General Provisions" as it is covered by Note B.**
 10. Add a note that any additions to the existing structure will be similar in character to the existing residential structure.
 11. Clarify if **Note C under Architectural Standards is referring to the "shade garden" shown on the site plan** and if the shade garden is covered or enclosed.
 12. Note on site plan the material of the trash area enclosure and its height.
 13. Note on site plan the surface material of the path for roll-outs.
 14. Provide at least two bike parking spaces that are long-term, which means either under a roof or in bike lockers.
 15. Provide a note on the site plan stipulating that trash/recycling will be removed on a daily basis or be stored in a refrigerated enclosure to reduce odors because of the close proximity of residential properties.
-

Attachments Online at www.rezoning.org

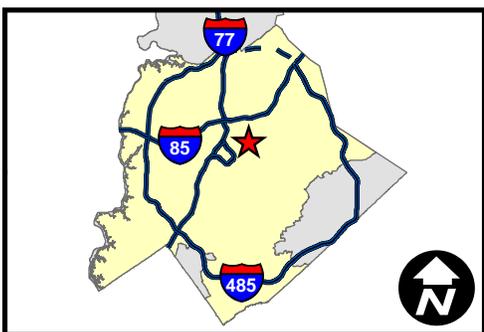
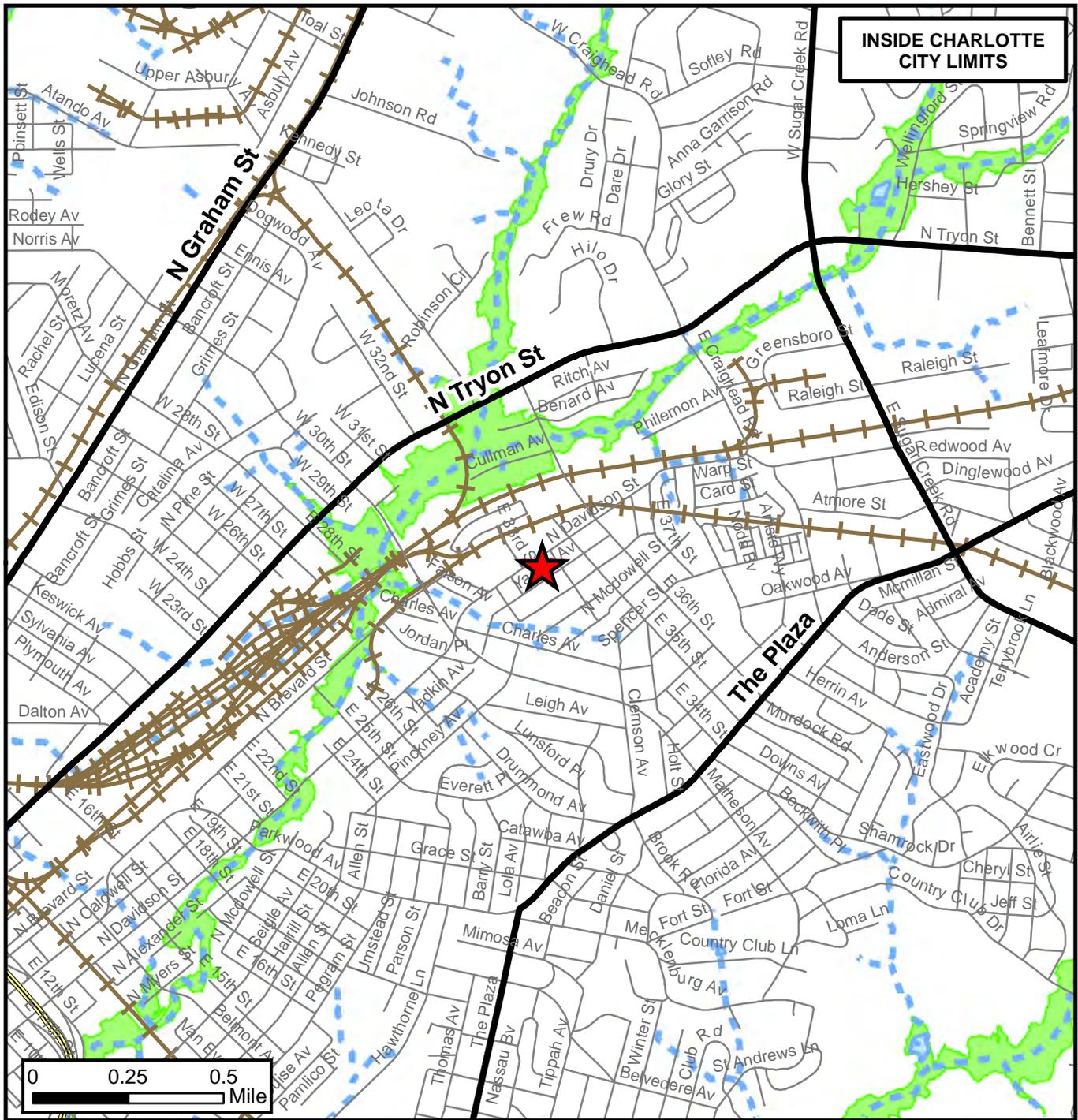
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering 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 #: **2014-055**

Vicinity Map

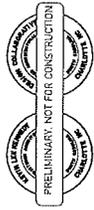
Acreage & Location : Approximately 0.23 acres located on the east side of North Davidson Street between East 33rd Street and East 34th Street.



Insert

Map

Item 19



**3032 North Davidson St
Charlotte, NC**
Prepared for: 3032 North Davidson LLC

Submittal Date: 04.23.2014
Mark: Date: Description:

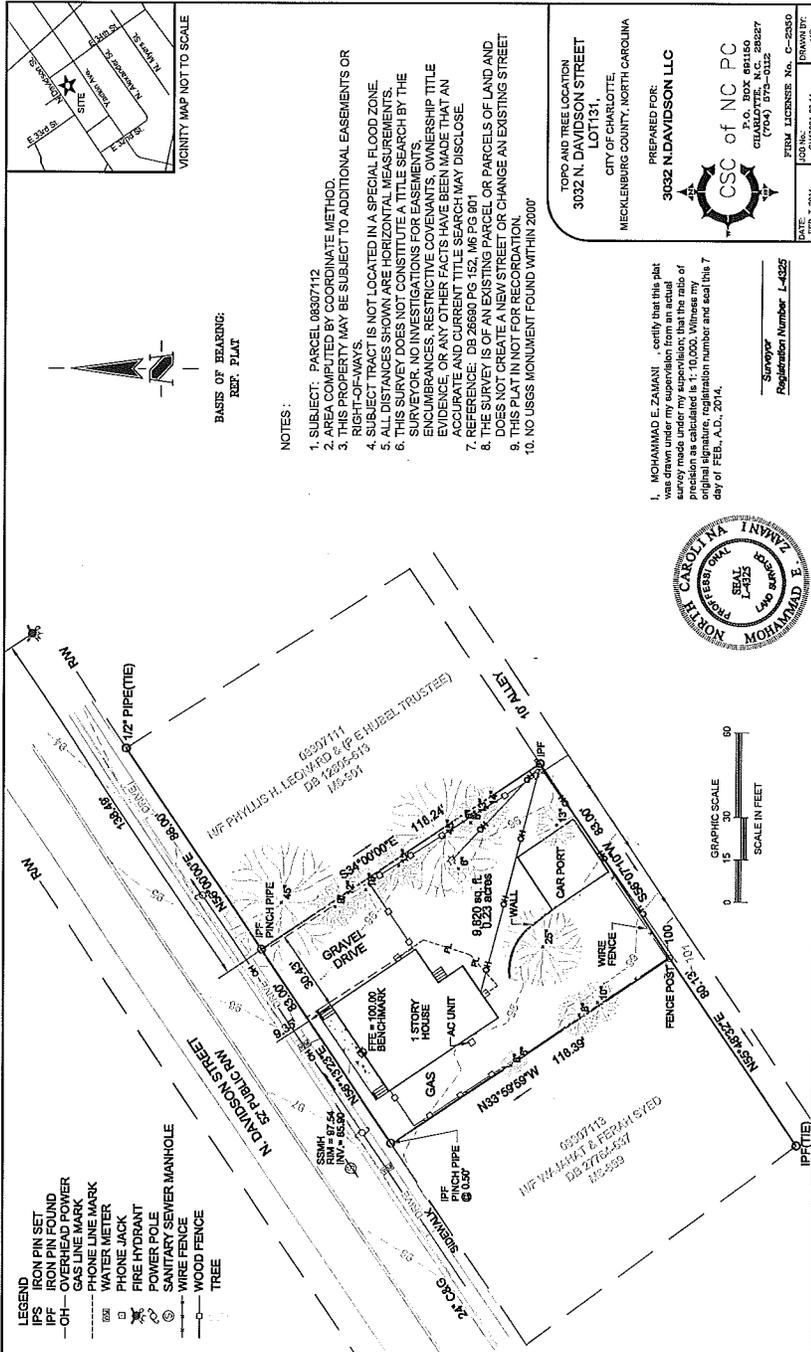
This drawing is the property of cluck and shall not be reproduced or used in any way without the express written consent of cluck. It is to be used for the project and site only. It is not to be used for any other project or site. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

Project Name: Project Name / 13_000
CAD File Name: CAD_Name.vwx

Existing Conditions Survey

Receiving Platfile # 2014-000

RZ-01



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Item 20

REQUEST	Text amendment to Sections 9.304, 9.405, 9.504, 9.604, 9.704, 9.804, 9.8504, 9.904, 9.1004, 9.1104, 9.1207, 10.811, 10.906, 11.204, 11.404, 12.419, and Table 9.101 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to allow outdoor dining associated with an eating, drinking and entertainment establishment to encroach into a site's setback and side yards when abutting public streets, if prescribed conditions are met.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.
PETITIONER AGENT/REPRESENTATIVE	Brazwells Premium Pub, Britton McCorkle Robert L. Brandon, Planning & Zoning Consultants
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

• Proposed Request Details

The text amendment contains the following provisions:

- Adds outdoor dining as a permitted accessory use, when associated with an eating, drinking and entertainment establishment, with prescribed conditions:
 - Outdoor dining shall be permitted to encroach into the required setback or side yard when abutting a public street, according to the street type abutting the property:
 - Local (Class VI): 100 percent encroachment
 - Collector (Class V): 100 percent encroachment
 - Minor arterial (Class IV): 75 percent maximum encroachment
 - Major arterial (Class III): 50 percent maximum encroachment
 - Commercial arterial (Class III-C): 0 percent encroachment
 - Limited access arterial (Class II): 0 percent encroachment
 - Freeways, expressway (Class I): 0 percent encroachment
 - Type 2 eating, drinking and entertainment establishments shall meet the prescribed conditions in Section 12.546 for eating, drinking and entertainment establishments.
 - Outdoor dining areas shall be located on private property, behind the public sidewalk, and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10 feet from the existing or proposed back of curb.
 - Outdoor dining areas located in the required setback or side yard abutting a public street shall be located on a patio, at grade, and contain no temporary or permanent roof with supporting structures.
 - Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities.
 - Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings.
 - The square footage of outdoor dining areas shall be included in the calculations for the total square footage of the establishment for parking requirements, unless there are exceptions noted in the district.

• Public Plans and Policies

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to provide a range of choices for entertainment and encourage a more pedestrian-oriented form of development.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Accessory Outdoor Dining Permitted on Private Property and in the Setback/Yards 2014-73

Purpose/Background: The purpose of this text amendment is to allow outdoor dining as an accessory use in the setback and yards when associated with an eating, drinking and entertainment establishment, with prescribed conditions.

Current Regulations	Proposed Regulations	Rationale
<ul style="list-style-type: none"> Eating, drinking and entertainment establishments are permitted by right or with prescribed conditions in the multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF), urban residential (UR-2, UR-3, and UR-C), institutional (INST), research (RE-1, RE-2 and RE-3), office (O-1, O-2, and O-3), business (B-1, B-2, B-D, and BP), mixed use (MX-1, MX-2, MX-3), mixed use development (MUDD), uptown mixed use development (UMUD), commercial center (CC), transit oriented development (TOD), urban industrial (U-I), and industrial (I-1 and I-2) zoning districts. 	<ul style="list-style-type: none"> Eating, drinking and entertainment establishment regulations remain unchanged. Adds “outdoor dining” as a permitted accessory use in all the districts where eating, drinking and entertainment establishments are permitted, with prescribed conditions: <ul style="list-style-type: none"> Must meet the prescribed conditions associated with an eating, drinking and entertainment establishment. Outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way (unless an encroachment agreement is approved by the Charlotte Department of Transportation. If no sidewalk exists, then the outdoor dining area shall be located a minimum of 10’ from the existing or proposed back of curb. Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures. Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities; Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings; The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements; Outdoor dining shall be permitted to encroach into the setback or yards, 	<ul style="list-style-type: none"> Encourages a more pedestrian-oriented form of development and provides a range of choices for eating and entertainment.

according to the public street type abutting the property according to the following table:

<u>Thoroughfare Classification</u>	<u>Maximum Encroachment Percentage</u>
<u>Freeway or Expressway (Class I)</u>	<u>0</u>
<u>Limited Access Arterial (Class II)</u>	<u>0</u>
<u>Commercial Arterial (Class III-C)</u>	<u>0</u>
<u>Major Arterial (Class III)</u>	<u>50</u>
<u>Minor Arterial (Class IV)</u>	<u>75</u>
<u>Collector (Class V)</u>	<u>100</u>
<u>Local (Class VI)</u>	<u>100</u>

Petition No. 2014-73
Petitioner: Brazwells Premium Pub, Britton McCorkle

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, "Table of Uses", by adding a new row titled "Outdoor dining associated with an Eating, Drinking and Entertainment Establishment", either Type 1 and/or Type 2, under the "Accessory Uses & Structures headers of the multi-family, urban residential, institutional, research office, business, mixed use, MUDD, UMUD, TOD, urban industrial and industrial zoning districts with a "PC" under the designated districts. The revised table entries shall read as follows:

MULTI-FAMILY					
	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
ACCESSORY USES & STRUCTURES					
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

URBAN RESIDENTIAL				
	UR-1	UR-2	UR-3	UR-C
ACCESSORY USES & STRUCTURES				
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>		<u>PC</u>	<u>PC</u>	<u>PC</u>

INSTITUTIONAL	
	INST
ACCESSORY USES & STRUCTURES	
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)	<u>PC</u>

RESEARCH			
	RE-1	RE-2	RE-3
ACCESSORY USES & STRUCTURES			
Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 and Type 2)	<u>PC</u>	<u>PC</u>	<u>PC</u>

OFFICE BUSINESS							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
ACCESSORY USES & STRUCTURES							
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)	<u>PC</u>						

MIXED USE			
	MX-1	MX-2	MX-3
ACCESSORY USES & STRUCTURES			
Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)	<u>PC</u>	<u>PC</u>	<u>PC</u>

MUDD & UMUD COMMERCIAL CENTER TRANSIT ORIENTED DEVELOPMENT						
	MUDD	UMUD	CC	TOD-R	TOD-E	TOD-M
ACCESSORY USES & STRUCTURES						
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

URBAN INDUSTRIAL INDUSTRIAL			
	U-I	I-1	I-2
ACCESSORY USES & STRUCTURES			
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only) operated by an employer on the site for the convenience of his employees only</u>	<u>PC</u>		
<u>Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 and Type 2)</u>		<u>PC</u>	<u>PC</u>

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.304, “Permitted accessory uses and structures”, by adding a new item (9.5), “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)”. All other entries remain unchanged. The new entry shall read as follows:

(25) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

3. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.405, “Urban Residential Districts; accessory structures” by modifying the title to read “Urban Residential Districts; accessory uses and structures”, and adding a new paragraph allowing outdoor dining associated with

an Eating, Drinking and Entertainment Establishment, as an accessory use. The revised section shall read as follows:

Section 9.405. Urban Residential Districts; accessory uses and structures.

Accessory structures are allowed in all urban residential districts in accordance with Section 12.106. However, accessory structures are exempted from Section 12.106 with respect to shared property lines when a joint application is made by adjoining property owners.

Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

4. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures”, by adding a new item (6.5), titled “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)”. The new entry shall read as follows:

(6.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

5. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.604, “Permitted accessory uses and structures” by adding a new item (9.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only)”. The new entry shall read as follows:

(9.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 only).

6. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures”, by amending item (10) by replacing “RESERVED” with “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” and a reference to Section

12.546. The revised entry shall read as follows:

- (10) ~~(RESERVED)~~ Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

7. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.804, “Permitted accessory uses and structures”, by adding a new item (10.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. Other items remain unchanged. The new entry shall read as follows:

- (10.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

8. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8504, “Mixed Use Development District; accessory uses” by adding a new entry, in alphabetical order, titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. The new entry shall read as follows:

- Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

9. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.904, “Uptown Mixed Use District; accessory uses” by adding a new entry (1.8) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”, and a reference to Section 12.546. The new entry shall read as follows:

- (1.8) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

10. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses”, by adding a new item (2.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only)” operated by an employer on the site for the convenience and use of employees only. The new entry shall read as follows:

(2.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 only) operated by an employer on the site for the convenience and use of employees only.

11. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1104, “Permitted accessory uses and structures”, by adding a new item (2.5) titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishments (Type 1 or Type 2)””, and a reference to Section 12.546. All other entries remain unchanged. The new entry shall read as follows

(2.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

12. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1207, “Accessory Uses” by adding a new item (4.5), titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)””, and a reference to Section 12.546. The new entry shall read as follows:

(4.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, “Uses” by modifying item (3), “Eating, Drinking and

Entertainment Establishments (Type 2)” by adding “and outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 2) are...” to the sentence. The revised item (3) shall read as follows:

- (3) Eating, Drinking and Entertainment Establishments (Type 2), and outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 2), are subject to the regulations of Section 12.546.

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.906, “Accessory Uses”, by adding an introductory sentence and numbering the items. Add a new item (2) that allows “outdoor dining associated with an Eating, Drinking and Entertainment Establishment” to the list of permitted accessory uses”, and adds a reference to Section 12.546. The revised section shall read as follows:

Section 10.906. Accessory Uses.

The following accessory uses are permitted:

- (1) Accessory uses and structures clearly incidental and related to the principal use or structure on the lot are allowed, with the following exception:

Drive-through service lanes are only permitted if allowed in the underlying zoning district. Drive-through windows shall only be located on the same site as the principal use, and shall be located to the rear of the principal use, to minimize visibility along public rights-of-way. Freestanding drive-through lanes are prohibited. Principal uses with drive-through service windows shall meet the following requirements:

- (a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.
- (b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

- (2) Outdoor dining associated with an Eating, Drinking and

Entertainment Establishment (Type 1 or Type 2) is only permitted if allowed in the underlying zoning district. Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.204, “Permitted accessory uses and structures”, by adding a new item (10.5), “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment. The new entry shall read as follows:

(10.5) Outdoor dining associated an Eating, Drinking and Entertainment Establishments:

a. Type 1 only in multi-family and attached buildings.

b. Type 2 allowed in MX-2 and MX-3 only, subject to the regulations of Section 12.546.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.404, “Permitted accessory uses and structures”, by adding a new item (5.3), titled, “Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2)”), and a reference to Section 12.546. All other entries remain unchanged. The revised entry shall read as follows:

(5.3) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.

D. CHAPTER 12: DEVELOPMENT REGULATIONS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Add a new Section 12.419, titled, “Outdoor dining”. The new section shall read as follows:

Section 12.419 Outdoor dining

Outdoor dining associated with an Eating, Drinking and Entertainment Establishment shall meet the following prescribed conditions:

- (1) Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment that is allowed in the zoning district shall meet the prescribed conditions of Section 12.546;
- (2) All outdoor dining areas shall be located on private property, behind the public sidewalk and out of the public right-of-way, unless a public right-of-way encroachment agreement is approved by the Charlotte Department of Transportation, in accordance with Chapter 19, Article IX of the City code, allowing outdoor dining in the public right-of-way. If no public sidewalk exists, then the outdoor dining area shall be located a minimum of 10' from the existing or proposed back of curb;
- (3) Outdoor dining areas located in the required setback shall be located on a patio, at grade, and contain no temporary or permanent roof with roof supporting structures;
- (4) Outdoor dining areas shall be located outside of all sight-distance triangles, and shall not block fire hydrants, driveway access, doors, or utilities;
- (5) Awnings that are supported only by a building wall and umbrellas are permitted, but shall not interfere or conflict with Tree Ordinance required plantings;
- (6) The square footage area of outdoor dining areas shall be calculated in the square footage of the establishment, for parking requirements;
- (7) Outdoor dining shall be permitted to encroach into the setback or yards, according to the public street type abutting the property according to the following table:

<u>Thoroughfare Classification</u>	<u>Maximum Encroachment Percentage</u>
<u>Freeway or Expressway (Class I)</u>	<u>0</u>
<u>Limited Access Arterial (Class II)</u>	<u>0</u>
<u>Commercial Arterial (Class III-C)</u>	<u>0</u>
<u>Major Arterial (Class III)</u>	<u>50</u>
<u>Minor Arterial (Class IV)</u>	<u>75</u>
<u>Collector (Class V)</u>	<u>100</u>

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 ____, 2014, 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 ____ day of _____, 2014.

Insert

Tab

Item 21

Note: The petitioner is requesting a one-month deferral of the public hearing until November 17, 2014.

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow up to 28 attached residential units, at a density of 10.8 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the residential use called for in the <i>South District Plan</i> . In addition, the site meets the criteria set forth in the <i>General Development Policies</i> for an increase in density up to 17 dwelling units per acre.
PROPERTY OWNER	5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston
PETITIONER AGENT/REPRESENTATIVE	Crossroads Realty Group, 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: 10

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum of 28 attached dwelling units, with 400 square feet of private open space per unit.
- Building height not to exceed two stories and 40 feet in height.
- Minimum of two parking spaces per unit will be provided via either an attached or detached one or two-car garage.
- Visitor parking located along **the site's internal driveways**.
- Total of principal buildings not to exceed 12.
- No surface parking between the proposed buildings and Fairview Road or Closeburn Road.
- A 14-foot setback along Closeburn Road measured from the back of the proposed curb.
- A 23 to 29-foot setback along Fairview Road measured from the back of the existing curb.
- A garden wall measuring up to eight feet in height **will be provided along the site's frontage** on Closeburn Road and Fairview Road. The garden wall will be constructed with materials similar to those allowed for the residential buildings and will provide openings to break up the wall.
- Access to the site will be provided via a private 20-foot wide driveway on Fairview Road and a 20-foot driveway on Closeburn Road. Access to each unit will be from an internal private drive or alley.
- Building materials consist of brick, stone, precast stone, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, and decorative block and/or wood.
- A minimum 65 percent of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of brick, stone, precast stone, decorative block, or stucco.
- Vinyl siding is prohibited as an exterior building material except for windows, soffits, garage doors and handrails/railings.
- Units abutting Closeburn Road will be oriented so that either front doors or side of units front the street. Units abutting Fairview Road will be constructed so the side of the units will be oriented toward the street. The rear of units may not be located along Fairview Road or Closeburn Road.
- A six-foot sidewalk will be provided along Closeburn Road and Fairview Road. An eight-foot planting strip will be provided along Closeburn Road and a 13-foot planting strip along Fairview Road.

- A minimum five-foot sidewalk will be provided along one side of the internal private drives.
- Up to 50 feet of right-of-way from the centerline of Fairview Road will be dedicated to the City of Charlotte.
- A pedestrian refuge island will be constructed in the existing landscape median on Fairview Road near the intersection of Closeburn Road.
- Detached lighting will be limited to 15 feet in height.
- **Existing Zoning and Land Use**
 - The subject properties are currently developed with single family homes and a duplex/triplex unit. Surrounding uses include single family, multi-family and office uses in R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), R-17MF and R-22MF (multi-family residential), UR-C(CD) (urban residential, conditional), MUDD-O (mixed use development, optional) and O-1 (office) districts.
- **Rezoning History in Area**
 - Recent rezonings approved in the area include:
 - Petition 2011-09 approved a MUDD-O (mixed use development, optional) site plan amendment for 7.81 acres located on Carnegie Boulevard to modify the existing approved building layout, increase the number of multi-family units, and reduce the building height.
 - Petition 2009-082 rezoned 0.55 acres located on the north side of Fairview Road from R-3 (single family residential) to O-1(CD) (office, conditional) to allow reuse of an existing single family home as an office.
 - Petition 2009-035 rezoned approximately 4.0 acres located on the southwest corner of Park South Drive and Fairview Road from R-43MF (multi-family residential) to MUDD-O (mixed use development, optional) to add 50 age restricted residential units and 10,000 square feet of ground floor retail to a site that contained a 163-unit age restricted housing tower.
- **Public Plans and Policies**
 - The *South District Plan* (1993) recommends single family residential land uses at this location.
 - The *General Development Policies* (GDP) (2003) support residential densities up to 17 units per acre.

Assessment Criteria	Density Category - up to 17 du/a
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	3 (Medium)
Road Network Evaluation	1 (Yes)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 13

- The proposed request is consistent with the *South District Plan* and the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 80 trips per day.
Proposed Zoning: 170 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce three students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is one student.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Charlotte-Mecklenburg Utilities:** 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.
-

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*.
 - The site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 - Provide details of the garden wall.
 - Provide a minimum five-foot planting strip between the back of sidewalk and the proposed wall on both street frontages. Utilize the five-foot planting strip for a variety of plant materials that will provide visual interest and address the solid spans of blank wall.
 - Provide a minimum 20-foot setback from the future back of curb on Fairview Road.
 - Remove text from Note 1.c. as follows: "**Changes to the Rezoning Plan** ~~not permitted by the Rezoning Plan~~ will be reviewed and approved as allowed by **Section 6.207 of the Ordinance.**"
 - Modify note 3.b. to state: Vehicular access to each until will be from an internal private drive or alley."
-

Attachments Online at www.rezoning.org

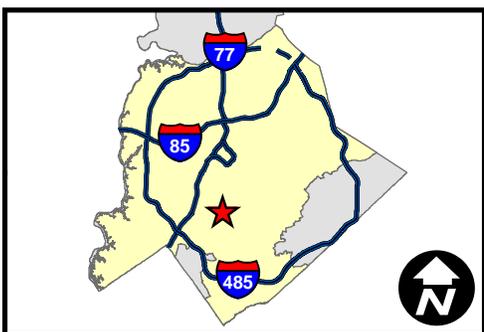
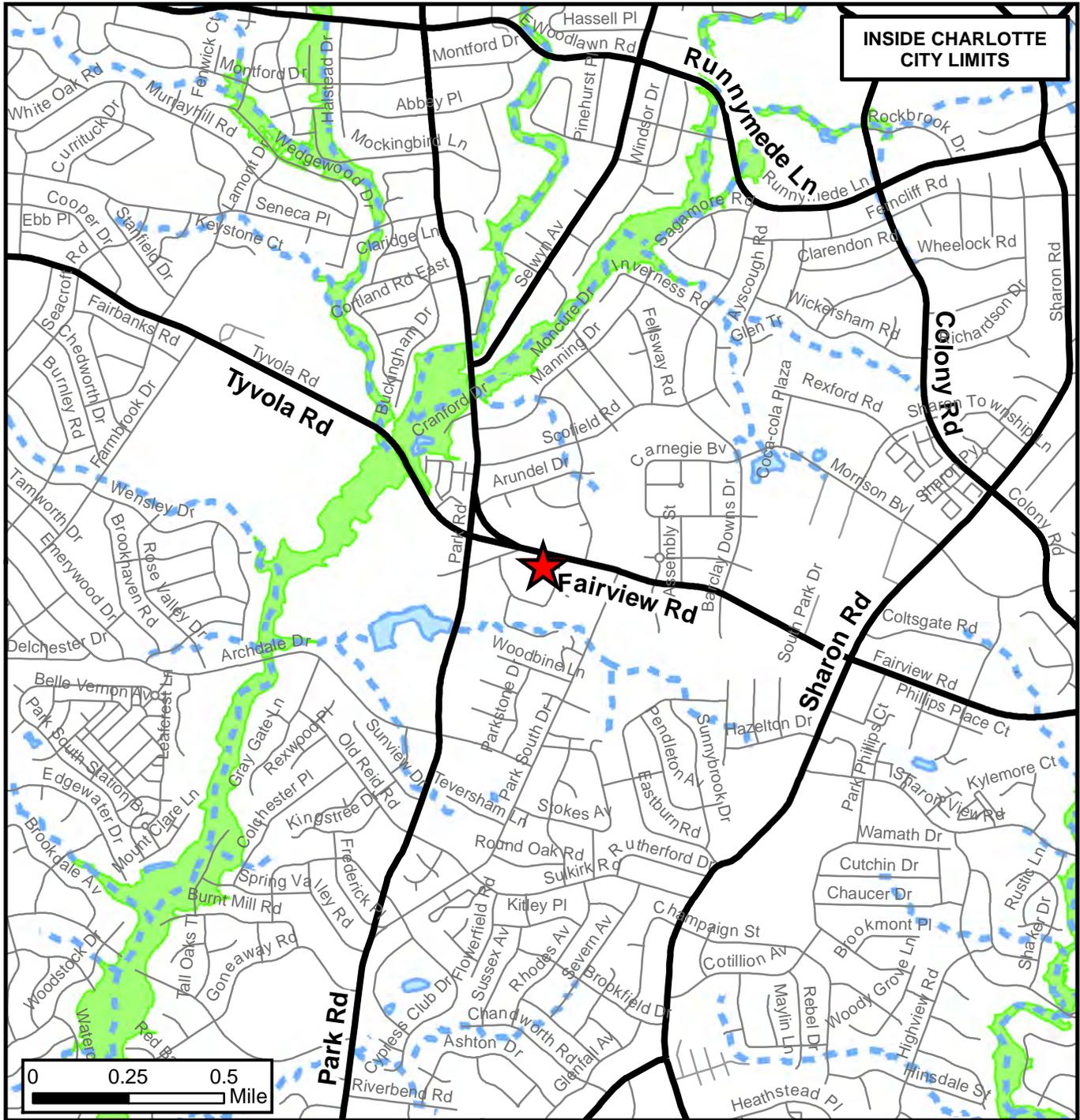
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-075**

Vicinity Map

Acreage & Location : Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive.



★ Rezoning Petition: 2014-075

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

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Map

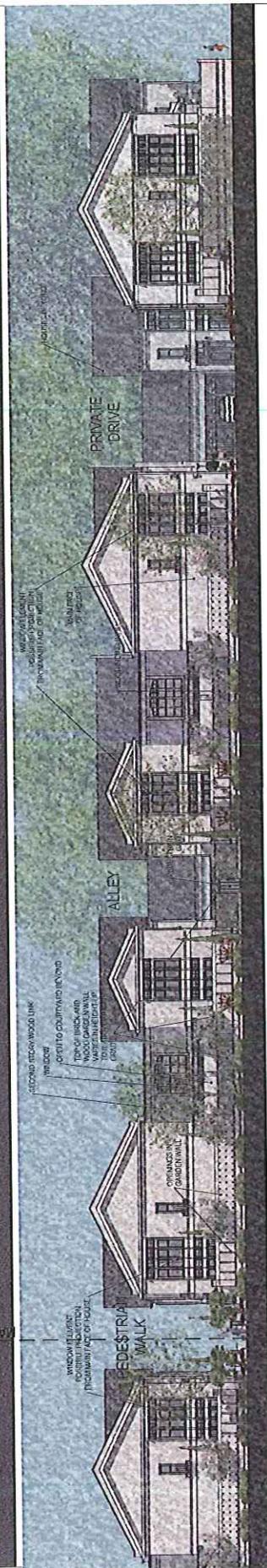
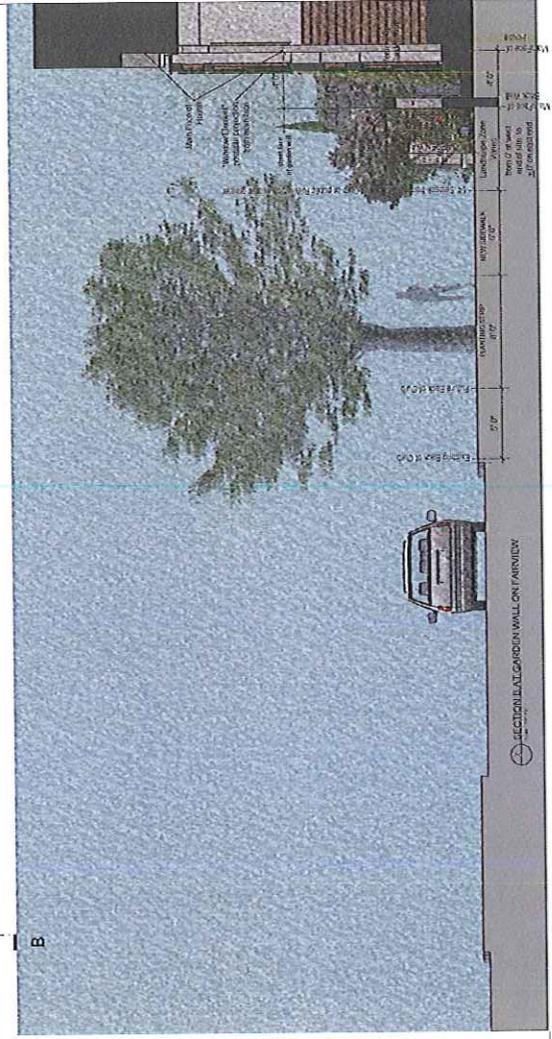
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Garden Wall on Fairview Road

FAIRVIEW AT CLOSEBURN

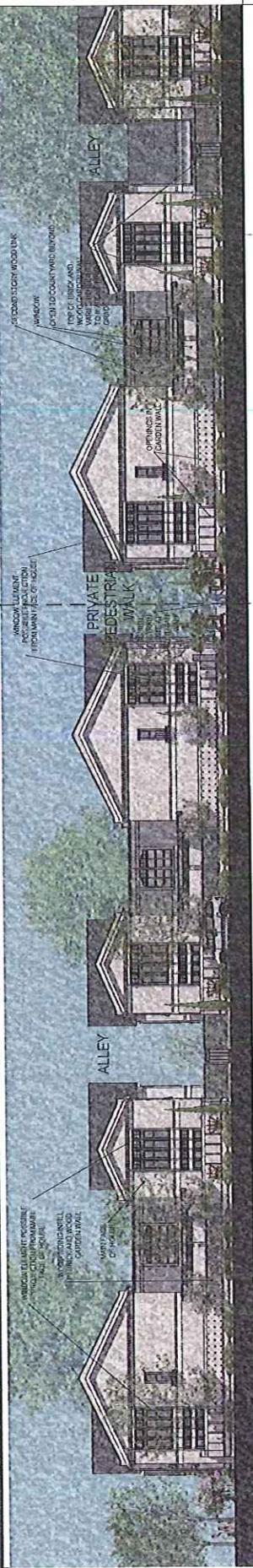
PROCESS DESIGN STUDIO

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ARCHITECT: PROCESS DESIGN STUDIO
 PROJECT: FAIRVIEW AT CLOSEBURN
 SHEET: GARDEN WALL ON FAIRVIEW ROAD
 DATE: 10/2023

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Item 22

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: B-2(PED) (general business, pedestrian overlay)
LOCATION	Approximately 0.50 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow all uses permitted in the B-2(PED) (general business, pedestrian overlay district).
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is inconsistent with the <i>Belmont Revitalization</i> Plan, which recommends industrial land uses. However, the site is separated from the existing industrial land uses by railroad tracks, and the requested district is consistent with the zoning and development pattern of the abutting property to the south.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Cole Properties & Investments, Inc. Campus Works/ Mallie Colavita Jim Gamble & David Malcolm: McAdams Company
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**
This is a conventional rezoning petition with no associated site plan.
- **Existing Zoning and Land Use**
 - The subject property is currently vacant. The surrounding properties are zoned B-2 (general business) and I-2 (general industrial) and are vacant or developed with various commercial and industrial structures.
- **Rezoning History in Area**
 - Petition 2013-059 rezoned property located northwest of the site from I-2 (general industrial) to MUDD-O (mixed use development, optional) to allow the development of 150 multi-family units and 10,000 square feet of commercial space.
- **Public Plans and Policies**
 - The *Belmont Revitalization Plan* (2003) recommends industrial uses for the subject parcel.
 - This petition is inconsistent with the *Belmont Revitalization Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petition will allow a wide range of trip generation based on the existing and proposed zoning classifications.
 - **Connectivity:** 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 eight students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is eight students.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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*.
 - There is no site plan associated with this conventional rezoning request.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

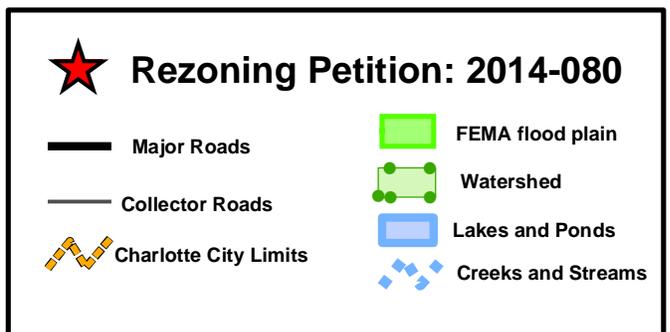
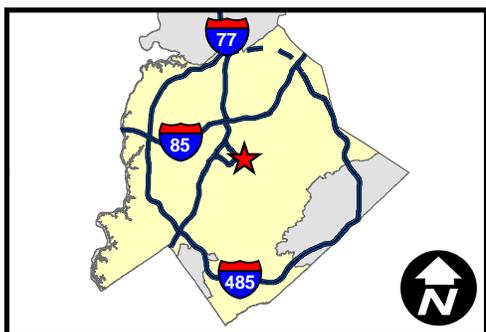
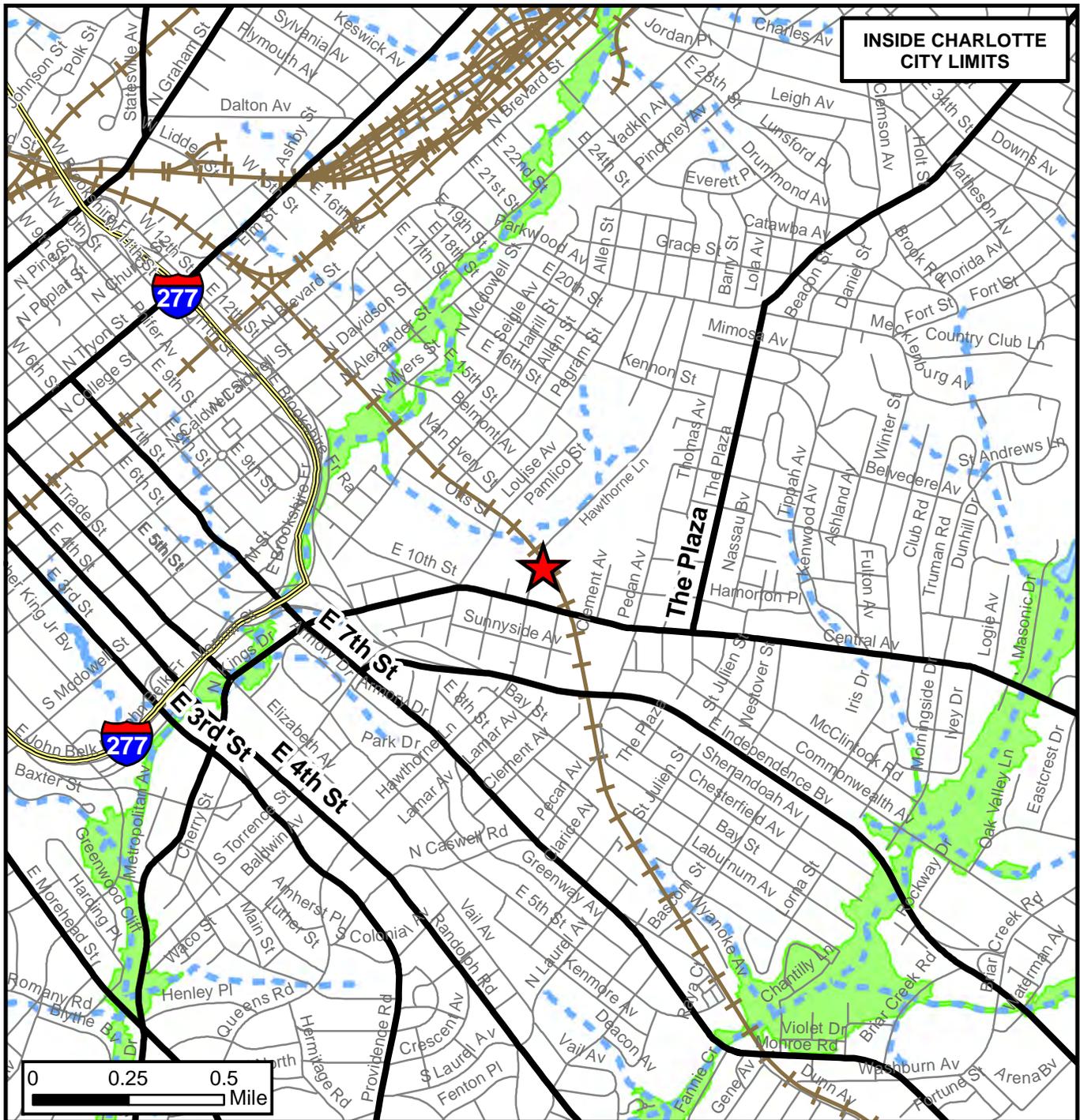
- Application
- Locator Map
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

Petition #: **2014-080**

Vicinity Map

Acreage & Location : Approximately 0.497 acres located on the east side of Hawthorne Lane at the intersection of Hawthorne Lane and Seaboard Coast Line Railroad.



Insert

Map

Item 22

Insert

Tab

Item 23

REQUEST

Current Zoning: MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area)

Proposed Zoning: MX-2(INNOV)(LWCA) SPA (mixed use, innovative, Lake Wylie Critical Area, site plan amendment), MX-2 (INNOV)(LLWCA) SPA (mixed use, innovative, Lower Lake Wylie Critical Area, site plan amendment), and NS(LLWCA) SPA (neighborhood services, Lower Lake Wylie Critical Area, site plan amendment)

LOCATION

Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area.
(Outside City Limits)

SUMMARY OF PETITION

The petition proposes a site plan amendment to allow the modification of development standards for density, lot widths and sizes, transportation improvements, and proposed street cross sections.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the *Dixie Berryhill Strategic Plan* as amended by petition 2005-014.

PROPERTY OWNER

Provident Development Group, Inc., DR Horton, Inc., and REO Funding Solutions III, LLC.

PETITIONER AGENT/REPRESENTATIVE

Provident Land Services
Tom Waters and Keith MacVean

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 59

PLANNING STAFF REVIEW

• **Background**

- The subject property is a part of 596 acres located on both sides of Amos Smith Road rezoned by Petition 2005-014. The approved rezoning allows up to 1,030 residential units, at a density of 1.7 units per acre, 30,000 square feet of retail uses, and 70,000 square feet of office uses or a school. Development standards include the following:
 - A mixture of single family and townhomes residential units throughout the proposed development.
 - Three development options for Parcel K, which allowed retail development.
 - A 50-foot landscape buffer along both sides of Amos Smith Road.
 - A 30-foot landscape screening area along Duke Power Right-of-way.
 - A 100-foot landscape buffer along the Norfolk Southern Railroad Line.
 - A 100-foot watershed buffer.
 - Details of the typical lots widths and dimensions.
 - Limited the number of possible docks allowed on the lake in Parcel G-1 and G-2 to 14.
 - Cross sections of proposed residential and collector streets.
 - Transportation improvements consisting of:
 - New parallel bridge to existing Amos Smith Road Bridge across the Norfolk Southern Railway.
 - Installation of curb, gutter, sidewalks, and 10-foot trail along Amos Smith Road.
 - Large truck turnaround off-site south of the intersection of Amos Smith Road and Midsomer Road.
 - Construction of turn lanes and possible traffic signal at Old Dowd Road and Amos Smith Road.
 - Construction of turn lanes at Old Dowd Road, Sam Wilson Road, and Wilkinson Boulevard.

- Signal improvements and re-striping at Wilkinson Boulevard and I-485 southbound ramps.
 - Provision of a new public street from Johnston Road to the southern property boundary.
- **Proposed Request Details**

The site plan amendment contains the following changes:

 - Overall total allowed residential dwelling units on the site will be 1,030 for a density of 2.60 units per acre.
 - Modifications to Parcel A to:
 - Decrease the number of single family attached units from 262 to a maximum of 90.
 - Add possible boat storage area.
 - Add possible open space area for the overall development.
 - Modification to Parcel B to:
 - Reduce the minimum lot width from 65 feet to 50 feet.
 - Modification to Parcel E to:
 - Add possible boat storage area.
 - Modifications to Parcel G-1 and H to:
 - Add common docks and associated parking areas.
 - Remove the limitation on the number of docks that may be built.
 - Modifications to Parcel I to:
 - Remove the options for a school or office use and replace with a maximum of 60 single family dwelling units.
 - Install a 20-foot landscape buffer along the eastern edge adjacent to the existing residential homes.
 - Modifications to the general notes for Parcel G-1, G-2, D and H:
 - Remove the requirement that lots cannot be mass graded.
 - Remove the requirement that homebuilders are required to use crawl spaces, stem walls, and various techniques to minimize tree disturbance.
 - Removal of required approval of site plans by the architectural review committee.
 - Modifications to Parcel K (retail parcel) to:
 - Remove two of the three development scenarios shown on the 2005 approved site plan.
 - Add that attached and detached lighting will be fully shielded and full cutoff fixtures.
 - A modification to the amenity areas:
 - Removes the requirement for play areas to be installed once 480 units have been permitted.
 - Modifications to architectural restrictions:
 - Removes the requirement for 6/12 roof pitches.
 - Removes the requirement for building foundations to be masonry materials.
 - Removal of the requirement for the 100-foot buffer against the lake for Parcels G-1 and H.
 - Modifications to the transportation improvements:
 - Removal of the requirement to install a parallel bridge to the existing Amos Smith Road bridge across Norfolk Southern Railway.
 - Provision of 35 feet of private right-of-way to the Hendrix Property.
 - Installation of a directional signage for oversized trucks that there is no outlet along Amos Smith Road and redirect them to towards Old Dowd Road.
 - Modification to the Innovative Requests:
 - Changes to the proposed cross-sections of Amos Smith Road and Midsomer Road, to allow no curb and gutter to be installed.
 - Eight-foot planting strip and five-foot sidewalk, and a 10-foot multi-use trail along Amos Smith Road.
 - Eight-foot planting strip and a five-foot sidewalk along one side of Midsomer Road.
 - **Existing Zoning and Land Use**
 - The subject property is currently zoned MX-2(INNOV)(LWCA) (mixed use, innovative, Lake Wylie Critical Area), MX-2(INNOV)(LLWCA) (mixed use, innovative, Lower Lake Wylie Critical Area), and NS(LLWCA) (neighborhood services, Lower Lake Wylie Critical Area) and is vacant. The surrounding properties are zoned R-5(LWCA) (single family, Lake Wylie Critical Area), MX-2(LLWCA) (mixed use, Lower Lake Wylie Critical Area), R-MH(LWCA) (residential, manufactured homes, Lake Wylie Critical Area), I-1(LLWCA) (light industrial, Lower Lake Wylie Critical Area), and I-2(LLWCA) (general industrial, Lower Lake Wylie Critical Area) and are vacant or developed with residential and commercial structures.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.

- **Public Plans and Policies**

- The *Dixie Berryhill Strategic Plan* as amended by petition 2005-014 recommends a mix of land uses including residential and retail for the subject site.
 - The petition is consistent with the *Dixie Berryhill Strategic Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** Petitioner should clarify the development entitlements under permissible development section and clarify building materials under general provisions.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
Current Zoning: 14,100 trips per day.
Proposed Zoning: 8,300 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 607 students, while the development allowed under the proposed zoning will produce 394 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** In order to provide service for parcels under review, the petitioner will need to work with CMUD Installation and Development Services Group.
 - **Engineering and Property Management:** Petitioner should provide a wetlands letter for the subject property.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

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*.
 - Facilitates the use of alternative modes of transportation by providing a 10-foot shared-use path.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide the number of residential units for each parcel area and an overall total.
 2. Provide a detail of the typical lots.
 3. Under "Architectural restrictions," add the note from the 2005 rezoning that commits to 6/12 roof pitches.
 4. Add a note which requires foundations to be masonry under "Architectural restrictions".
 5. Add a note under Parcel K specifying the spacing of the proposed pedestrian lighting.
 6. Add a note that open space areas will be provided in each development area and indicate the size of the open space.
 7. Under General Notes, **the following should not be deleted:** "lots in parcel G-1, G-2, D, and H will not be mass graded".
 8. Under Amenity Areas, add a note that "play areas and amenity areas will be provided once 480 homes have been permitted."
 9. Add the following note Under Watershed-Undisturbed Lake Buffer that was approved as a part of the 2005 rezoning: "For Parcels G-1 and H, each individual lot with private lake frontage will have a 100-foot undisturbed buffer and the deeds to purchasers of these lots will contain restrictions which require that this buffer remain **undisturbed in accordance with the Ordinance's** watershed regulations. This 100-foot buffer will be increased in width to 150 feet in those areas where slopes adjacent to the lake are greater than 50 percent."

10. Clarify if the open space in Development Area A is private or public and provide the acreage.
 11. Petitioner should provide a wetlands letter for the subject property.
 12. Clarify if there will be an architectural review committee for the overall development as the notes on the revised site plan are unclear. Also, indicate when submittal to the review board is required.
-

Attachments Online at www.rezoning.org

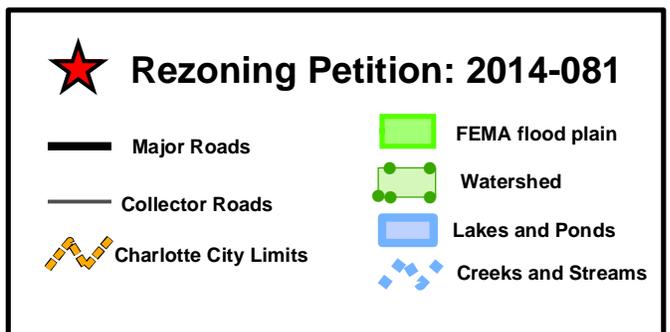
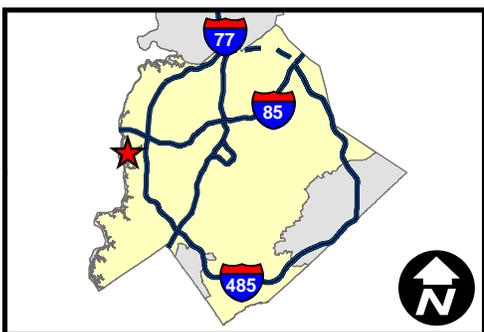
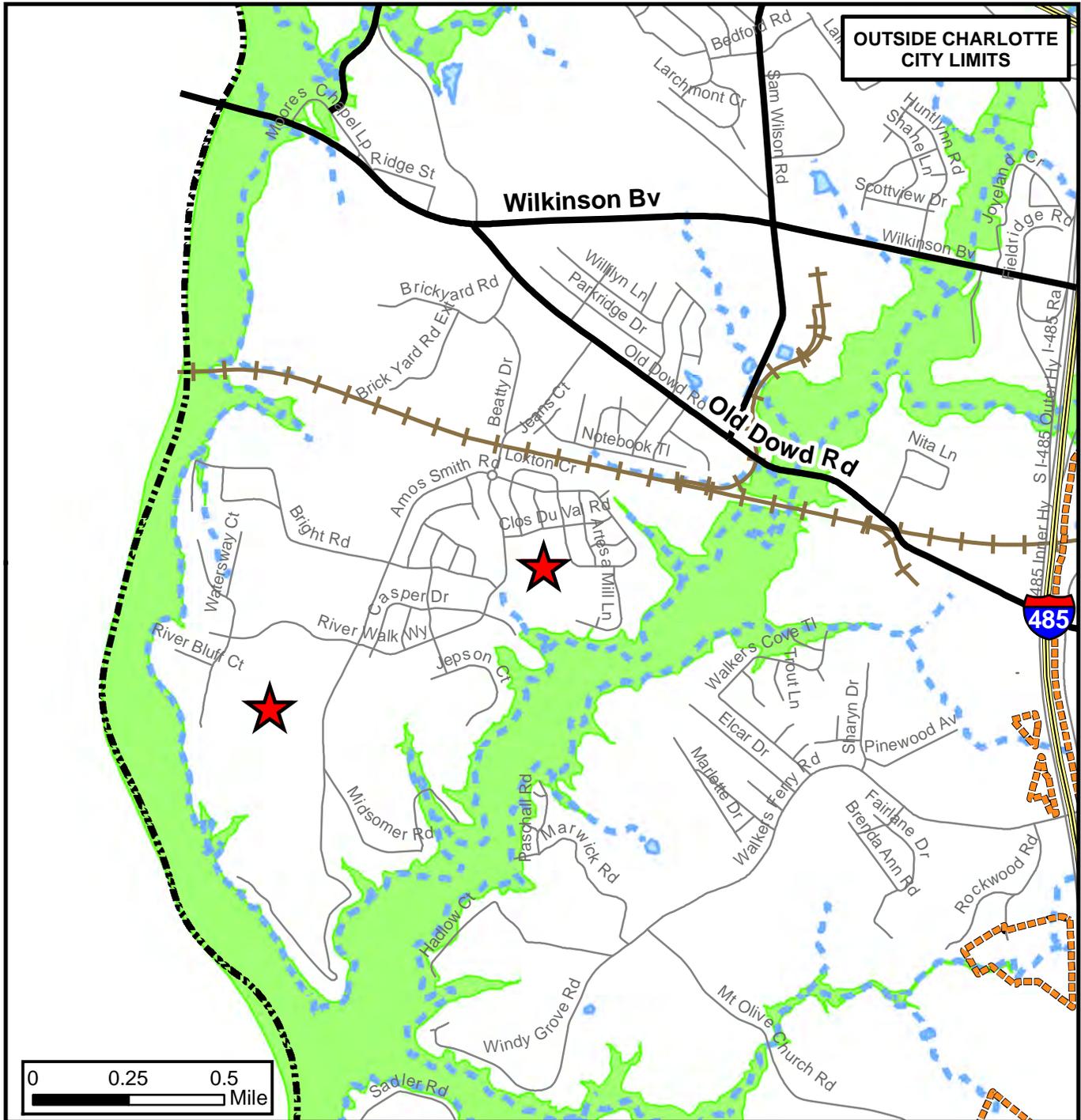
- Application
- Site Plan
- Locator Map
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- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

Petition #: **2014-081**

Vicinity Map

Acreage & Location : Approximately 391 acres generally located on the east and west side of Amos Smith Road, south of Old Dowd Road and south of the Southern Railroad in this area.

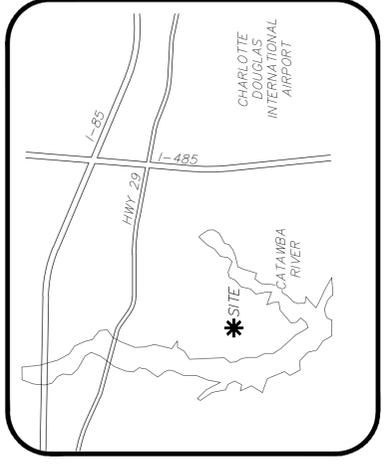


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Map

Kgo "45"



VICINITY MAP
 NTS

SITE DEVELOPMENT DATA

Site Acreage: +/- 390.75 Ac.
 Tax Parcels: Provident Development Group, Inc.
 113-073-49
 DR Horton, Inc. 113-073-50
 113-073-46
 113-221-79
 REO Funding Solutions III, LLC
 113-351-03 113-221-81
 113-221-80 113-221-17
 113-221-19 113-082-49
 113-222-01 113-222-05
 113-073-41 113-073-40
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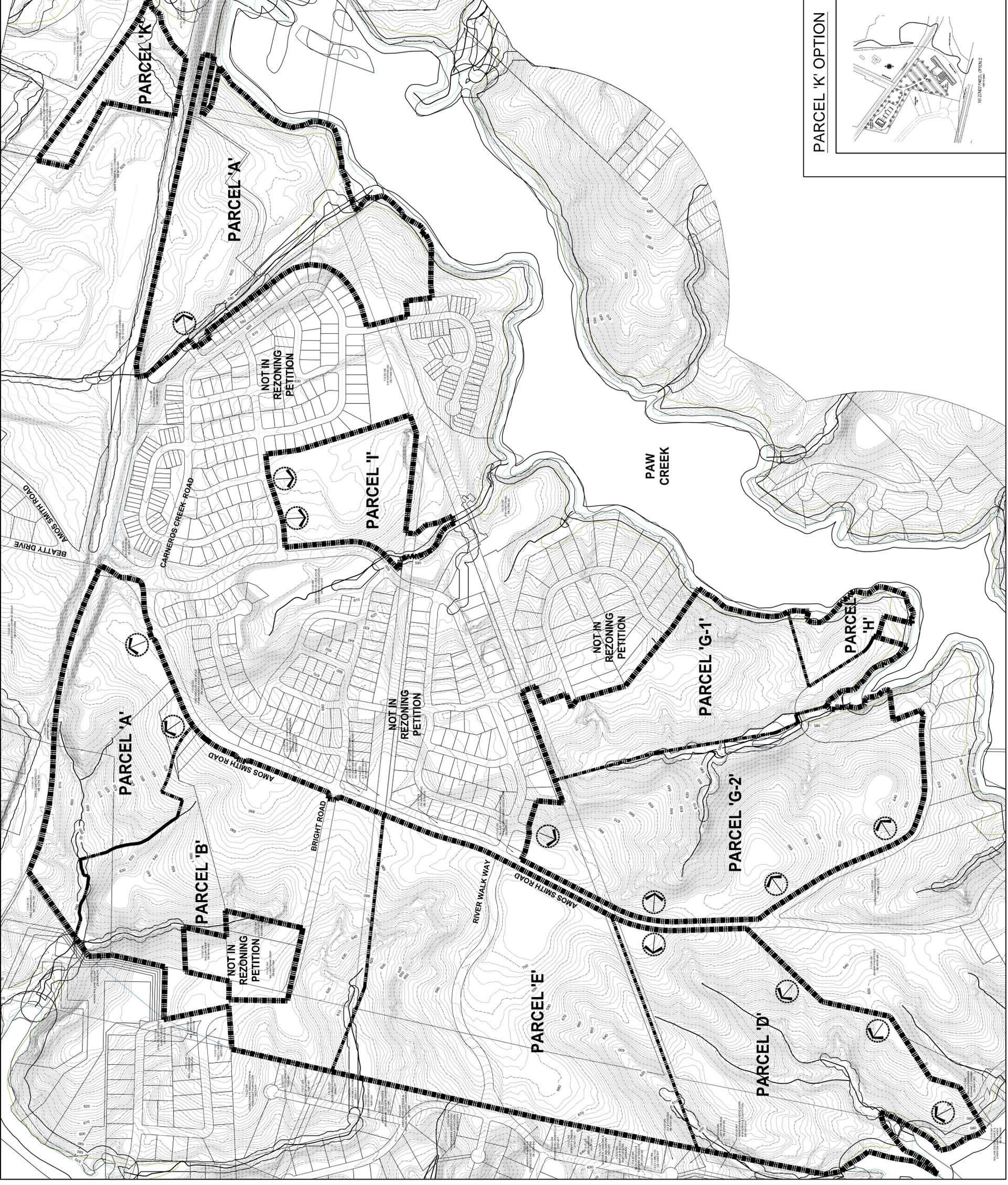
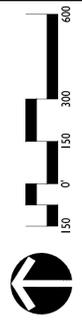
Existing Zoning: MX-2 (INNOV) (LWCA & LLWCA)
 NS (LWCA & LLWCA)

Proposed Zoning: MX-2 (INNOV) (SPA)(LWCA & LLWCA)
 NS (SPA)(LWCA & LLWCA)

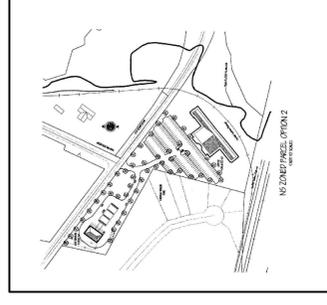
Existing Uses: Vacant
 Proposed Uses: Residential/ Commercial

SITE LEGEND

- SITE ACCESS
- PARCEL BOUNDARY



PARCEL 'K' OPTION



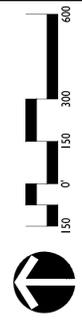
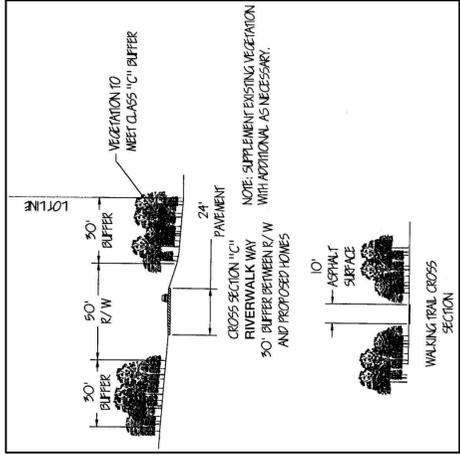
REVISIONS:
 09.19.14 - REVISE PER STAFF COMMENTS

THE VINEYARDS
 TURNSTONE GROUP, LLC
 SCHEMATIC SITE
 REZONING PETITION NO. 2014-081

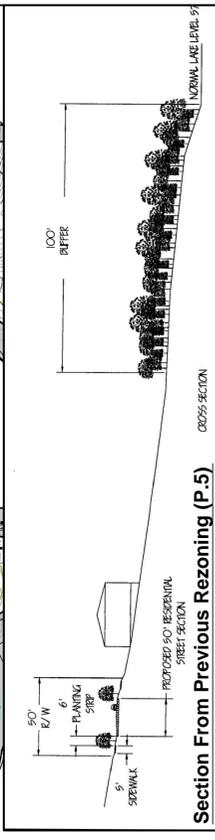
ALLOWABLE DENSITY:
 Currently Entitled Lots: 1,030 lots
 Completed/ Planned Lots: 432 lots
 Remaining Lots from 2005-014: 598 lots

- Pods 'A', 'B', 'E', 'D', 'G-1', 'G-2', and 'H' will be limited to 598 total lots.
 - Pod 'I' will be limited to an additional 60 lots.

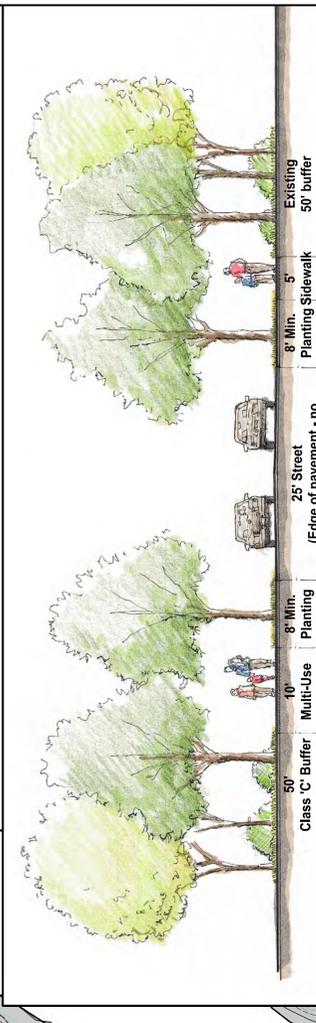
Sections From Previous Rezoning (P.5)



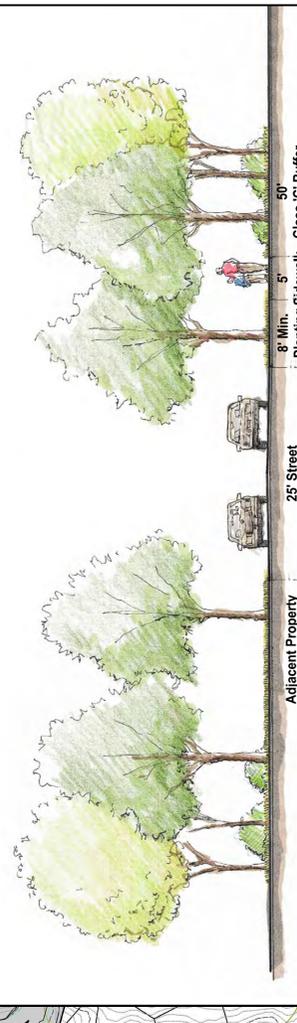
Section From Previous Rezoning (P.5)



Street Section "A" (Amos Smith Road)



Street Section "B" (Midsomer Road)



II. GENERAL PROVISIONS

A. The Development of the Site will be governed by the Technical Data Sheet, these Development Standards, the Schematic Site Plan, and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Technical Data Sheet or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the MX-2 District zoning classification shall govern the development of the Parcels included in this petition and the regulations established under the Ordinance for the NS District zoning classification shall govern the development of Parcel K.

B. The development depicted on the Schematic Site Plan is intended to reflect the arrangement of proposed uses on the Site. However, subject only to the provisions of Section III below, the exact configurations, placements, and sizes of individual site elements may be altered or modified during design development and construction document phases. This allowance applies to all site elements, including building areas, open space areas, recreation areas, and the configurations of lots and streets.

III. SUMMARY OF REQUEST

This proposal is intended to accommodate development on the Site of a master planned community composed of a mixture of detached single-family homes, attached single family homes, (town homes for sale) neighborhood services, interconnected with open space, pedestrian, and/or vehicular linkages.

III. PERMISSIBLE DEVELOPMENT

A. Residential Development

This Rezoning Petition requests that the remaining undeveloped pools from the original Rezoning Petition No. 2005-014 be altered to reduce lot width, but not increase the overall density for the originally rezoned Parcel. Parcel I. The following parcels are either partially developed or have not yet been developed and are included with this Rezoning Petition:

- Parcel A
 - Parcel B
 - Parcel D
 - Parcel E
 - Parcel G-1
 - Parcel G-2
 - Parcel H
 - Parcel I
 - Parcel K
- The following is the breakdown of allowable density for the site:
- | | |
|--------------------------|------------|
| Currently Entitled Lots: | 1,030 lots |
| Completed/ Planned Lots: | 432 lots |
| Remaining Lots: | 598 lots |

1. Parcel A

- a. Development of Parcel A, of the Site shall be restricted to attached single family homes (town homes for sale/detached dwellings) or detached single-family homes, together with incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. No more than 90 attached single family homes (town homes for sale) attached dwelling may be constructed within Parcel A.
- b. The minimum permitted unit width for any town home unit shall be 20 feet.
- c. The minimum permitted lot width within this Parcel for detached single family home lots shall be 50 feet.
- d. Parcel A may contain an open space area for the residents of the Site.
- e. A boat storage area may be located within Parcel A.

2. Parcel B

Development of Parcel B of the Site shall be restricted to single family homes, together with any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. Minimum lot width within this Parcel shall be 50 feet.

3. Parcel D

Development of Parcel D of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 80 feet.

4. Parcel E

Development of Parcel E of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.

5. Parcel G-1

Development of Parcel G-1 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 80 feet.

- a. A boat storage area may be located within Parcel E.

6. Parcel G-2

Development of Parcel G-2 of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 65 feet.

7. Parcel H

- a. Development of Parcel H of the Site shall be restricted to detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.
- b. DOCKS
Community or common use boat docks are permitted within this Parcel and shall conform to the applicable requirements of Section 12.515 of the Ordinance. Any community or common use docks shall also satisfy all other applicable local, state, or federal regulations.

Common boat docks may be provided for purchase and rental to the residents of "The Vineyards" only. Proof of home ownership is required to own or rent these boat docks. Additional fees may be charged for the use of these facilities by the homeowner's association.

- c. PRIVATE DOCKS WATER FRONT LOTS
Individual homeowners with private lake frontage in Parcel H will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.

8. Parcel I

- a. The proposed use for Parcel I - detached single family homes and any incidental or accessory uses related thereto, as permitted under the Ordinance in the MX-2 District. The minimum permitted lot width within this Parcel shall be 60 feet.
- b. A 20 foot landscape buffer will be provided along the eastern property line of Parcel I, this buffer will contain seven (7) trees and 25 shrubs per 100 linear feet as generally depicted on Sheet RZ-2 of the Rezoning Plan. Existing vegetation that is preserved along this property boundary may be used to meet the planting requirements of the buffer.

9. General Notes

- a. All residential development will be "for sale".
- b. COMMUNITY BOAT STORAGE, PARCELS B and E :
Community boat storage may be provided in Parcels B and E for use of residents and their guests. Fees may be charged by the homeowners association to members for the use of these facilities. Security for the boat storage areas is part of the offering and will include a six-foot security fence and electronic gate access with night light at entrances.

c. TYPICAL LOT WIDTHS

Typical lot widths are designated for each parcel. The setback for the minimum lot width may be increased to greater than the minimum front setback.

- d. Within Parcels G-1, G-2, D and H, One representative from the Catawba Colony Community Association will serve in an advisory capacity to the Architectural Review Committee of the Vineyard at Lake Wylie Community Association for Parcels G-1, G-2, D and H.

A. Neighborhood Services - Commercial Development

1. PARCEL K

Parcel K may be devoted to retail convenience sales, including sales of gas, dry-cleaning, library, general medical and professional offices and any other commercial use permitted in the NS zone. No fast food windows will be allowed and drive through service windows will be limited to financial institutions.

Buildings constructed on an out parcel will be designed as part of the overall development within this Parcel in terms of consistent landscaping, signage, and architectural style. More than one use or type of use may locate on an out parcel so long as the uses are located within the same structure. No more than one gasoline sales facility will be permitted with Parcel K.

3. Up to 30,000 square feet of space may be developed within Parcel K.

4. Lighting will be pedestrian friendly with a maximum height of 20 feet. Lighting will be designed to prevent spill over of light into residential areas.

5. Internal sidewalks and vehicular circulation will provide internal connectivity.

6. Any detached lighting fixture will be limited to 30 feet in height with Parcel K.

7. Attached and detached lighting will be downwardly directed, and will be a fully-shielded and full cut-off fixture.

B. Amenity Areas

1. Amenity areas, as depicted with this Petition and with the previous Petition, will or have been provided throughout the Site for common use by the residents for the community, their families and guests. Amenities include community gardens, grape vines/fruit and/or vegetable gardens, public or private parks, pedestrian trails, boardwalks, and community recreational facilities. Common areas are to be maintained by a homeowners association. The common dock facilities and amenity areas are owned by the residents and member of the Vineyards at Lake Wylie Homeowner Association and their guests. Such facilities may not be made available for use by the general public.
2. Amenities include but are not limited to the following: Amenity Center, Common Dock facility, Boat Ramp, Picnic areas Walking/jogging trails, play areas, swimming pool, sports fields and courts.

a. Development of Pedestrian Walk and Trails

1. The Petitioner will provide pedestrian connection between various elements of the Site.

- ii. Pedestrian connections within the Site will be developed on a phase by phase basis in accordance with normal subdivision standards. Soft surface trails of varying widths may be located throughout the Site, along creek bottoms, along stream corridors, within environmentally sensitive areas, along Duke Power line rights of way, and selected alignments within common open space areas, all as generally depicted on the Technical Data Sheet.
- iii. Soft surface trails may be either natural masonry or primitive trails. Wooden footbridges and catwalks for minor stream crossings and wetlands area will also be provided, where appropriate. The alignment of the trail system depicted on the Schematic Site Plan is for illustrative purposes only and actual locations of these trails will be determined in the field so as to avoid trees worthy of preservation.
- iv. Maintenance of trails and walks in Common Open Space areas will be the responsibility of the Home Owners Association.

b. Picnic Areas

- a. A minimum of two (2) picnic areas for general use by residents and their guests will be provided within the Site. No more than 480 certificate of occupancy for homes built on the Site may be issued unless and until both these areas have been completed.

c. Play Areas

- a. Play areas will be provided within the Site with actual play equipment to be determined by buyer profile to assure maximum and appropriate use of apparatus.

d. Open Space Areas

- i. Petitioner will satisfy or exceed the open space requirements of the Ordinance. Open space areas depicted on the Technical Data Sheet represent approximate locations and the extent of the areas to be set aside to meet the open space requirement of the Ordinance. The exact locations of the open space areas will be determined through detailed designs and subsequent administrative review of developments plans.
- ii. The open space areas will be developed with a combination of active and passive recreation areas, trail pathways, and other amenities consistent with the purpose and provisions of this Petition.
- iii. Open space areas created within the residential Parcels will either be organized as common open space that is owned and maintained by a property owners association, or be deeded out to individual owners subject to restrictive covenants designed to preserve these open space areas, or be dedicated to the general public.

c. Owners Associations

1. Developments taking place within each of the residential parcels will be subject to covenants and restrictions governed by a Master Owners Association. Documents will be filed with the plat for the parcels and the conditions of these documents shall be subject to the Rezoning Plan as adopted by the Charlotte City Council and any such other covenants, restrictions and by laws as the Petitioner may deem necessary or advisable for the effective administration of the Master Owners Association or to insure compliance with local, state and federal laws.
2. Individual Parcels which contain one or more of the following features:
 - a. Specialized amenities;
 - b. Open space uniquely associated with that Parcel;
 - c. Private street and
 - d. Private utilities
 May be governed by separate sub-owners associations. Except as otherwise provided in the next succeeding paragraph, each owner of property within the residential Parcels must be a member of the Master Owners Association and may be a member of a sub-owners association.
3. Common open space not otherwise owned and maintained by a sub-owners association shall be owned and maintained by the Master Owners Association.
4. Any amenity provided for one or more Parcels that may be constructed within a residential element may be privately owned and operated and in such case the property shall be responsible for the operation, maintenance and preservation of its grounds and facilities.

IV. GENERAL PROVISIONS

A. Architectural Restrictions

1. All detached single family homes and town homes constructed on the Site must satisfy the following minimum standards:
 - a. Building Front Elevation - 25% minimum masonry (including rock and stone), fiber cement siding and/or organic material front elevations. Organic materials may include wood, cedar shingles, cedar siding, etc.
 - b. Garages - Each detached single family home constructed on the Site will have a garage which accommodates at least two cars and all attached town homes will have one or two car garages.
 - c. Architectural Front Facade materials - Up to 30% of the homes in any Parcel may have vinyl siding if the home includes a usable front porch. A usable porch shall be at least 6 feet deep in depth and 75 square feet in area.
3. The minimum width of a single car garage town home unit will be 20 feet. The minimum width of a two-car garage town home will be 28 feet.

4. The following architectural restrictions apply to Parcel G-1 only:
 - a. **Minimum dwelling size:** Waterfront Lots Min. total heated area Min. Gross ground floor heated area 1 - Story 2,000 square feet 1 ½ Story, Bi-level, Tri-level 2,250 square feet main floor for level 1, lower two floors for tri-level 2 Story, 2 ½ Story 2,600 square feet main floor for level 1, upper two floors for tri-level 2 Story, 2 ½ Story 2,800 square feet for Bi-level, upper two floors for tri-level 2 Story, 2 ½ Story 2,400 square feet
 - b. PRIVATE DOCKS WATER FRONT LOTS: Individual homeowners with private lake frontage in Parcel G-1 will be permitted to apply for individual residential boat docks in the same fashion that existing lake front homeowners may apply for such permits.
 - c. Common Docks may also be constructed along "Paw Creek Cove" within Parcel G and/or H. A parking area for these common docks may also be constructed within these Parcels

B. Monumentation and signage

Signing and entry monuments will meet or exceed the requirements of the Ordinance.

C. Parking

1. Each town home unit will also have a driveway in front of its garage measuring a distance of 20 feet from the back of the street right-of-way or sidewalk, whichever is greater. A single car garage town home unit will have a maximum drive way width of 10 feet with a minimum planting island between driveways of 10 feet. A two-car garage town home unit driveway width will be a maximum of 20 feet, with a minimum planting island between driveways of 10 feet.
2. Two parking spaces will be provided for each residential attached or detached unit.

D. Lighting

1. Pedestrian lighting fixtures limited to 15 feet in height may be installed in pedestrian areas, except for pedestrian trails in undisturbed or natural areas.
2. Light fixtures along public streets are exempt from the foregoing height limits.

E. Temporary Sales Centers

Temporary sales centers with temporary parking may be provided throughout the Site. The structures may not serve as a temporary or permanent residence.

F. Dumpsters

All non-residential dumpsters on the Site will be screened with a solid enclosure with gates.

G. Site Access

The number of vehicular access points to the Site shall be located as generally depicted on the Technical Data sheet.

The placement and configuration of each access point is subject to any minor modifications required to accommodate final site and architectural construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation or the Charlotte Department of Transportation. Configuration of intersections within the proposed development to be determined in conjunction with the Charlotte Department of Transportation during the subdivision plan review process.

H. Road Improvements

The petitioner agrees to provide for the construction/installation of the following roadway improvements as part of the development project before more than 480 attached/detached lots may be platted:

- a. Wilkinson Boulevard and Sam Wilson Road
 - i. Widen the Northbound approach to provide an exclusive right turn lane with 250 feet of storage with appropriate tapers;
 - ii. Restripe/Widen the southbound approach to accommodate the south leg widening and maintain minimal shift through the intersection (the Petitioner will verify that the northbound Sam Wilson Road through lane transition is not more than six (6) feet through the intersection, and if additional right-of-way is needed to meet these requirements, the Petitioner will provide for the same);
 - iii. Modify the signal to include a protected left turn phase for the northbound right turn movement and
 - iv. The Petitioner will enter into a Traffic Signal Modification Agreement with CDOT and submit funds to CDOT to modify the existing traffic signal at Wilkinson Boulevard and Sam Wilson Road to provide permitted/overlap phasing for the northbound right turn movement.
- b. Sam Wilson Road and Old Dowd Road
 - i. Construct a southbound right turn lane on Old Dowd Road with 150 feet of storage with appropriate tapers;
 - ii. Construct a southbound left turn lane on Sam Wilson Road with 275 feet of storage with appropriate tapers; and
 - iii. Construct a westbound right turn lane from Old Dowd Road onto Sam Wilson Road with 125 feet of storage with appropriate tapers.
- c. Paved K

The Petitioner as Part of the development Parcel K and prior to the issuance of the first certificate of occupancy for any building constructed on Parcel K will make the following roadway improvements:

- i. Construct the fourth northbound approach leg to provide three (3) travel lanes (a 150 foot exclusive right turn lane with appropriate taper, a combination through-left turn lane with 250 feet of internal storage length, and one receiving lane);
 - ii. Construct a 150 foot westbound Old Dowd Road left turn lane with appropriate tapers;
 - iii. Conduct the preparation of a traffic signal warrant study by a North Carolina Profession engineer to determine the need to install a signal at the intersection (CDOT or CDOTV); at their sole discretion will determine, after the review of the traffic signal warrant study if the traffic signal installation is justified and should be installed;
 - iv. If CDOT or NCDOT determine that the traffic signal is needed the Petitioner shall enter into a Traffic Signal Developer Agreement with CDOT to fund up to \$100,000 toward the design, purchase of equipment and implementation of a traffic signal;
 - v. Make the necessary intersection geometric improvements as specified in the ITS (if not already constructed by others) to make the intersection site-ready for the traffic signal construction by CDOT; and
 - vi. Insure that the signalized intersection has the proper traffic control in place before the new traffic signal is installed and becomes operational.
- The Petitioner will install signage along Amos Smith Road informing truck drivers using Amos Smith Road that there is no outlet and will direct them to use the Site's roadways (e.g. Roundabout, Riverwalk Way) to return to Old Dowd Road and Wilkinson Boulevard.
- The petitioner agrees to provide for the construction/installation of the following roadway improvements as part of the development project before the NS parcel may be platted and/or through the NCDOT Driveway Permit Approval process:

- a. Sam Wilson Road and Old Dowd Road
 - i. Construct the 4th leg to the intersection as a driveway for the neighborhood services center with a combination through-left lane and an exclusive right lane
 - ii. Construct a westbound left turn lane on Old Dowd Road with 150 feet of storage with appropriate tapers for access to the neighborhood services center
 - iii. Re-stripe the southbound through movement to terminate as a combination through-left lane
 - iv. Install a traffic signal, when appropriate NCDOT/CDOT/MUTCD warrants are satisfied with permitted/protected phasing for the eastbound left movement only.
- d. The Petitioner will provide a 35 foot private right-of-way from the end of Midsommer Road to Hendrix Property for access as generally depicted on the Rezoning Plan.

1. Water & Sewer

- Wastewater Collection and Treatment
 - In view of the location of this Site in the Lake Wylie Watershed, all development on the Site may only be served with wastewater collection and treatment provided by the Charlotte-Mecklenburg Utilities Department which will utilize pump stations designed to meet Charlotte-Mecklenburg design criteria for pump stations. If these pump stations are required in close proximity to the lake, they will be equipped with the following protection devices:
 - On-site generator with weekly automatic exerciser
 - Audible and visible high water alarms, high water auto-dialer
 - Power surge protection and lightning protection and
 - 24-hour storage capacity.
 - The developer proposes the use of low-pressure sewer systems at various locations as necessary on the site. The Site's Master Owner's Association will maintain these individual lift stations under a common written agreement with a contractor who can respond to service calls within twenty-four (24) hours. Each lift station will be equipped with audible and visual alarms and the maintenance provider's name and phone number must be prominently displayed on the lift station.
 - Pump stations will be provided as required to serve the phasing of the development.

J. Storm Water Management / Erosion Control

- The Site is located within the Critical Area, as defined by the the Lower Lake Wylie Watershed and Lake Wylie Watershed overlay districts and corresponding development regulations. The site is also subject to the City of Charlotte's Post Construction Ordinance and is located within the Western Catawba District. As such the project will adhere to said regulations and ordinances. The Petitioner reserves the right to utilize either or both of the low-density and/or high-density development standards as described and allowed for within the respective ordinances and corresponding districts.
- Additionally, the project will adhere to the City of Charlotte Sediment and Erosion Control Ordinance including guidelines for development within sensitive watersheds. The Petitioner shall employ an enforcement officer to monitor compliance with erosion control, buffer and watershed protection requirements as well as the requirements specified as part of the rezoning approval. The enforcement officer shall be empowered to take the actions necessary to ensure the prompt correction of all problems detected.
- The Petitioner shall create and implement a contractor/builder/homeowner education and outreach program in the community to foster a commitment to environmental stewardship both during construction, and permanently.
- The Petitioner will require all contractors and sub-contractors providing site development work to complete Charlotte-Mecklenburg's Certified Site Inspector Program.
- The location, size, and type of storm water management systems are subject to review an approval as part of the full development plan submitted an 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.
- Water supply throughout the entire development will be connection to the Charlotte-Mecklenburg Utilities Department (CMUD) system.

K. Utilities Rights of Way

Portions of the Site lie within Duke Power and/or Piedmont Natural Gas rights of way. Subject to proper authorization, streets, trails, landscaping, vines, gardens, parks and other uses may be permitted within the rights of way. Any such uses shall be subject to the same restrictions as those in the area generally depicted on the Schematic Site Plan of the Site and, with proper authorization, occur within the Duke Power and/or Piedmont Natural Gas rights of way.

L. Environmental

- Watershed**
 - These Development Standards provide extensive provisions in response to concerns about water quality in Lake Wylie. The following restrictions are proposed on development to significantly reduce the impact of the development proposed for the Site on the watershed area.
 - This Site includes the separation between the Upper and Lower Lake Wylie Watersheds. A buffer at least 100 feet in width will be provided along the entire lake front property line in these watersheds. With the limited exceptions herein below provided in this Section, the entire buffer width will remain undisturbed.
 - All development occurring on the Site shall conform with the requirements of the applicable Lake Wylie or Lower Lake Wylie Watershed District Critical Area's regulation. The Petitioner agrees to provide additional buffer land along certain selected portions of the shoreline within the project area generally depicted on the Technical Data Sheet, such that width of the Lake Wylie Watershed District Critical Area buffer and the additional provided buffer will total a minimum of 100 feet.
 - No dwelling units may be located within the required shoreline buffer or the additional shoreline buffer.
 - Soft surface trails and accessories to the trails, including accessory structures and benches, boardwalks, trash receptacles, shelters, lighting and signage will be permitted within the additional shoreline buffer.
 - Limbing up of trees and removal of smaller or dead trees within the shoreline buffer and the additional shoreline buffer are permissible to the extent authorized in the watershed regulations applicable to the shoreline buffer and will be regulated by restrictive covenants.

2. Irrigation Management Plan (Community Gardens)

- An irrigation plan shall be developed to ensure that irrigation runoff from managed crops to surface waters is prevented and to reduce subsurface losses of nutrients and pesticides. This irrigation plan shall be based on a water budget, weather conditions and soil moisture data obtained from on-site instrumentation. Use of any existing wells, or construction of new wells for irrigation purposed shall comply with the Mecklenburg County Groundwater well regulations. Abandonment of any existing wells within the project site shall also comply with these same rules and regulations.
- Water Quality Management Zones shall be established by the Vineyard's plant type and soils, with specific strategies developed for each zone.

3. Nutrient Management Plan (Community Gardens)

- A nutrient management plan must be developed to limit nutrient applications to levels equal to or less than crops and vegetation nutrient uptake in order to minimize nutrient transportation via surface runoff, subsurface interflow, or deep percolation.
- Slow release fertilizers are to be used predominantly to reduce nitrogen loss below the root zone. Occasional spot application of liquid fertilizers shall be allowed.
 - Fertilizer applications are to be commensurate with turf grass growth requirements based on species and cultivar, climate, soil conditions, and chemical formulation.
 - Nutrient applications are not to exceed turf and plant uptake requirements during any growing season.
 - Fertilizers are to be incorporated into the soil/turf whenever possible to reduce exposure to runoff and enhance absorption.
 - The potential for off-site transport of nutrients must be assessed prior to application and measures must be taken to prevent negative water quality impacts.

4. Integrated Pest Management (IMP) (Community Gardens)

- An IMP Plan shall be developed to minimize toxic chemical transport via surface water runoff, subsurface interflow, or deep percolation.
- The IMP Plan shall be integrated with irrigation and nutrient management plans.
- Action thresholds shall be developed and implemented below which no applications are used in order to reduce pesticide use.
- Pest specific products are to be used which are less toxic, less mobile, and less persistent.
- Pest specific treatment shall be used wherever possible to avoid broadcast treatments.
- Pesticides should be incorporated into the soil/turf wherever possible to reduce exposure to runoff and enhance absorption.
- Application of toxic chemicals shall be prohibited to sensitive zones such as wetlands.
- The potential for off-site transport of pesticides shall be assessed prior to application and measures must be taken to prevent negative water quality impacts.

5. Swim Buffers

- All swim buffers shall be provided and development adjacent and within said buffers shall be in accordance with the SWLM Ordinance.

6. Tree Save

- The petitioner shall comply with the City of Charlotte adopted Tree Ordinance, as it may apply to required Tree save areas on site. The developer will provide a tree save plan with details with the erosion control plans submitted for approvals during the preparation of construction documents for the development of the individual parcels within the project.
- The area east of the existing gas main easement to Pow Creek will not be developed, including trails, picnic tables, or other structural elements, except for storm water management BMPs. The area will become a blue heron rookery preserve.

V. INNOVATIVE STANDARDS

- The Petitioner acknowledges that the Innovative Process is a separate process that may only be pursued after its Rezoning Petition has been approved and that subsequent (Innovative) site plan approval by the Zoning Committee of the Charlotte-Mecklenburg Planning Commission will be required. The Petitioner, in accordance with the provisions of the Section 11.2.06 of the Ordinance, Innovative Development Standards, may propose modifications to only the following standards:

- Street type and construction standards, including private streets
- Front, side and rear yards
- Sidewalk types

- The innovative provisions of the MX-2 zoning district regulations of the Ordinance shall apply to parcels A through J to the extent provided on the Technical Data Sheet and these Development Standards.

C. The following is a list of possible request for innovative standards:

- Street type and construction standards, including private streets:
 - The Petitioner proposes to improve the existing section of Amos Smith Road from Midsummer Road up to the intersection of Elyse Manor Court to a residential street with a sidewalk, with a minimum width of 25 feet from edge of pavement with a 60 foot right of way. A tree and a 10 foot wide sidewalk on the western side of the road, with the tree being located to meander so as to save as many of the existing trees as possible. The sidewalk and trail will be separated from the edge of pavement by an eight (8) foot planting strip. The width of the planting strip may be reduced to allow the sidewalk or trail to meander to save existing trees. The width of the planting strip may not be less than five (5) feet. (The 10' trail to be maintained by the HOA.) These improvements are to occur on a phased basis as the development progresses. Methods of construction will be determined at the site plan/construction document phase.
 - Midsummer Road – the Petitioner proposes to improve the existing section of Midsummer Road from its terminus at the southern end to the intersection with Amos Smith Road along the northern side of the existing road up to City standards for a residential street section, with ditches 25 feet wide from edge of pavement to edge of pavement with a 50' right of way). A five (5) foot wide concrete sidewalk with a eight (8) foot planting will be constructed on the northern side of the road. These improvements are to occur on a phased basis as the development progresses. Methods of construction will be determined at the site plan/construction document phase.
- Conduct Neighborhood Meetings with the City and/or CMUD to discuss the proposed private roads. If agreed, these roads will be owned by private roads. If unagreed they may be public roads. Trash removal on these private roads will be through private contractors and consist of curbside roll-out containers. Private gated streets will meet public street design standards.
- A 50 foot wide landscape screen will be established along both sides of Amos Smith Road which abut the Site to preserve the rural characteristics of the road. Existing trees will be used toward creating a Class C' buffer. This landscape screen will continue along the northeast side of Midsummer Road, all as generally depicted on the Schematic Site Plan.
- Rear yards: Petitioner proposes a minimum interior rear yard for detached single family of 15 feet. Zero lot line units will have a minimum of 7 feet between buildings.
- Sidewalk types:
 - The Petitioner will propose a network of linkages that may include any combination of sidewalks, and/or trails to connect various portions of the site.
 - Sidewalks will be provided on both sides of all streets.
- Lot widths:
 - Minimum lot width may be measured at a setback greater than the minimum 20' setback on street curves, cul-de-sacs and lots with a shared private drive.
- Minimum Street Frontage:
 - In Parcel G-1 the minimum street frontage may be 15 feet in areas where there is a shared private drive.

VI. AMENDMENTS TO REZONING PLAN

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

VII. 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, unless amended in the manner provided under the Ordinance, be binding upon and future to the benefit of the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- At the time of submittal of each site plan, developments will be subject to current standards, ordinances, and development requirements in place at the time, unless modified by an approved innovative standards plan.
- Throughout these Development Standards, the terms "Petitioner", "Developer", and "Owner" shall be deemed to include the successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.

Previously
Approved
Site
Plan

Copyright Reserved
 The Contractor and user shall be responsible for all dimensions, DO NOT scale this drawing. Any errors or omissions shall be reported to the Designer immediately. The Designer shall not be responsible for any errors or omissions in this drawing. The Designer shall not be responsible for any errors or omissions in this drawing. The Designer shall not be responsible for any errors or omissions in this drawing.

Legend

- BUFFER
- PROPERTY LINE
- FLOOD PLAN LINE
- 100 YEAR FLOOD PLAN AREA

NOTES

- EXISTING DEMOLITION LANDFILL LOCATIONS (PERMIT NO. 60-AH) PER SURVEY RECORDED IN REAL ESTATE BOOK 6165, PAGE 279-280

Notes

1. THIS PLAN IS NOT FOR RECORDECTION, CONVEYANCES OR SALES.

2. SITE, PROPERTY BOUNDARIES, RIGHTS OF WAY, TOPOGRAPHIC INFORMATION, ETC. OF THIS DRAWING ARE BASED ON THE SURVEY RECORDS OF MECKLENBURG COUNTY, NC. NO FIELD SURVEYS OR VERIFICATION OF THIS INFORMATION HAS BEEN CONDUCTED. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THIS INFORMATION.

3. THIS PLAN IS NOT FOR RECORDECTION, CONVEYANCES OR SALES.

Revisions

NO.	DATE	BY	APP.	DESCRIPTION
1	06.07.05	JM	SL	ISSUED FOR PLANNING COM. COMMENTS
2	06.07.05	JM	SL	REVISED SITE PLAN SUBMITTAL
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94	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
95	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
96	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
97	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
98	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
99	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL
100	06.08.05	JM	SL	REVISED SITE PLAN SUBMITTAL

Permit/Seal

Permit No. _____
 Seal _____
 Title _____
 Date _____

Client/Project

PROVIDENT DEVELOPMENT GROUP, INC.
 6707 FAIRVIEW ROAD, SUITE B
 CHARLOTTE, NC 28210
 (704) 387-0167
 APPROVED BY CITY COUNCIL
 DATE 7/18/05

EXISTING CONDITIONS

THE VINEYARD AT LAKE WYLIE
 PETITION NO. 2005-014

Scale

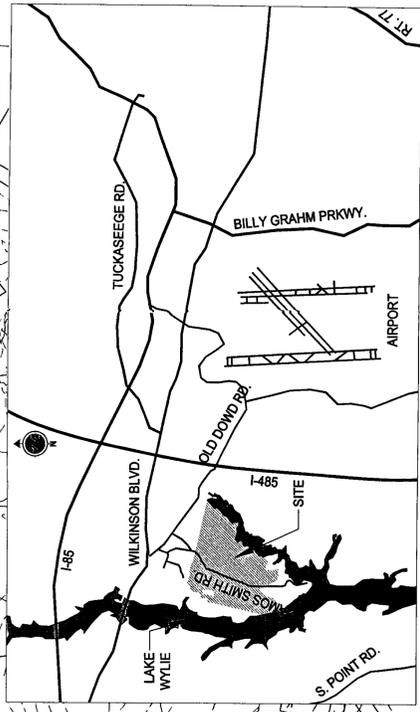
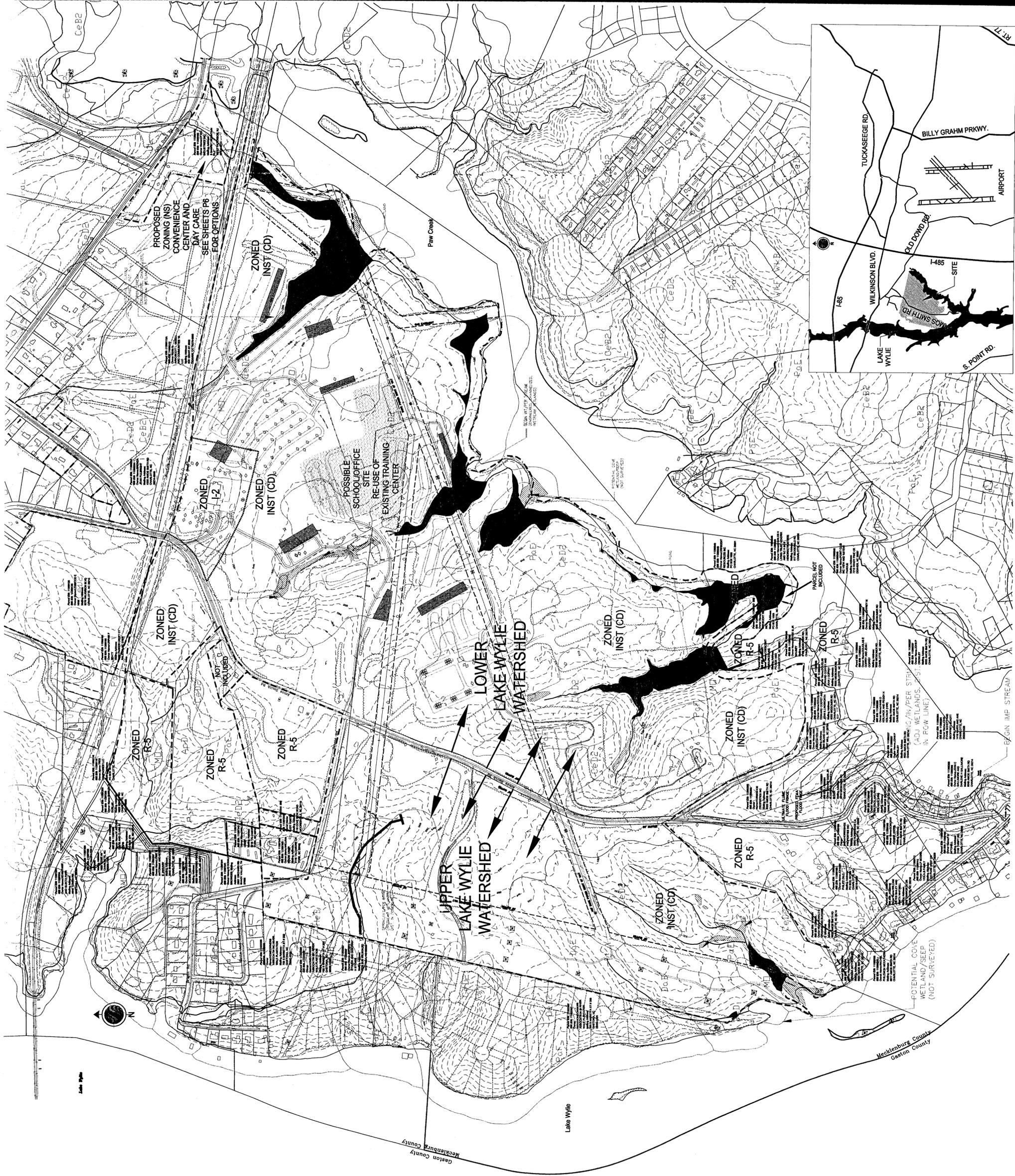
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Sheet

P1

Revision

0





Stantec

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The Contractor shall verify and be responsible for all dimensions. DO NOT SCALE. Any errors or omissions shall be reported to Stantec immediately. No liability shall be assumed for any errors or omissions. The Contractor shall be responsible for all dimensions. DO NOT SCALE. Any errors or omissions shall be reported to Stantec immediately. No liability shall be assumed for any errors or omissions. The Contractor shall be responsible for all dimensions. DO NOT SCALE. Any errors or omissions shall be reported to Stantec immediately. No liability shall be assumed for any errors or omissions.

Legend

Notes

NOTE: PROPERTY BOUNDARIES, RIGHTS OF WAY, TOPOGRAPHIC INFORMATION, ETC. OF THE DATA HAS BEEN PERFORMED AND IS ACCURATE TO THE BEST OF OUR KNOWLEDGE. THIS PLAN IS NOT FOR RECREATION, CONVEYANCES OR SALES.

REVISION	BY	DATE	DESCRIPTION
1	RL	03.07.07	REVISED PER PLANNING COMM. COMMENTS
2	RL	03.08.20	REVISED SITE PLAN SUBMITTAL
3	By	April, 2008	YAM/DO

PRELIMINARY
 NOT TO BE USED FOR CONSTRUCTION

SUBMITTED FOR RE-ZONING 4-11-05

Client/Project
 PROVIDENT DEVELOPMENT GROUP, INC.
 6707 FAIRVIEW ROAD, SUITE B
 CHARLOTTE, NC 28210
 (704) 367-0167

Charlotte NC U.S.A.

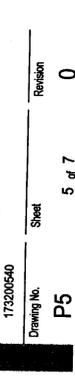
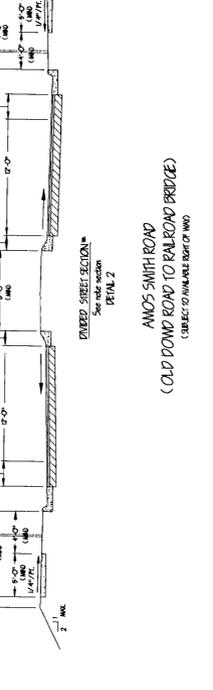
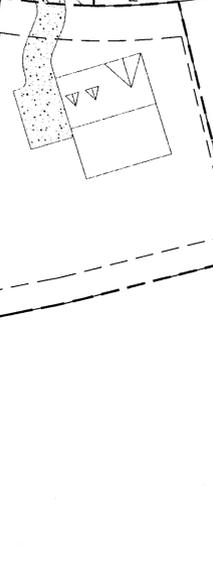
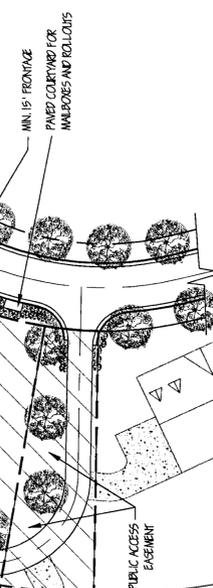
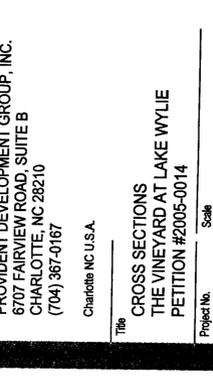
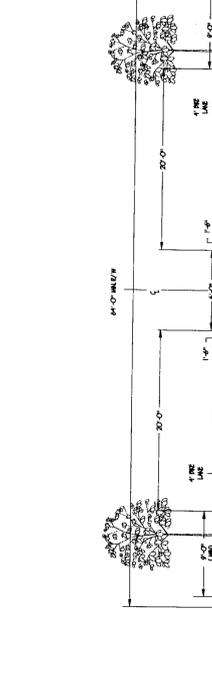
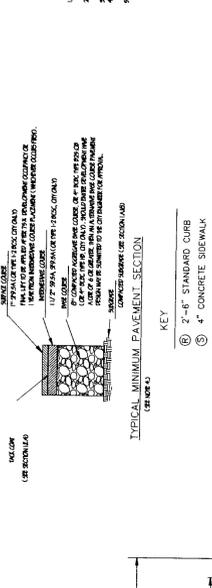
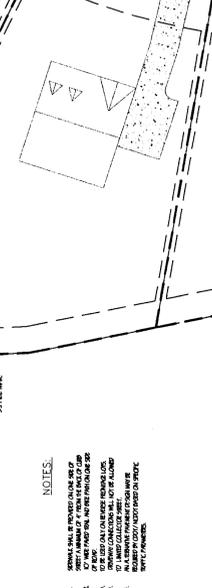
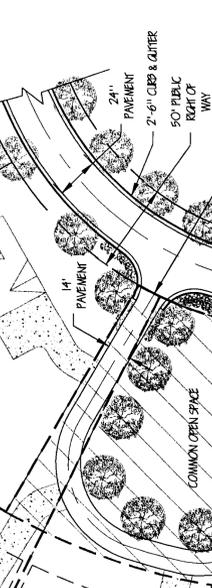
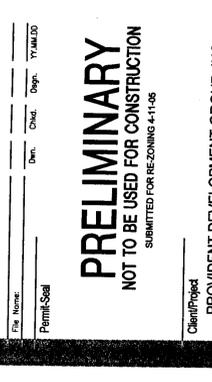
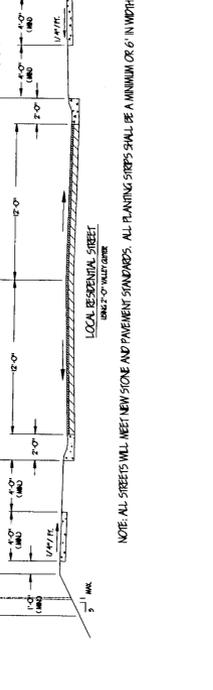
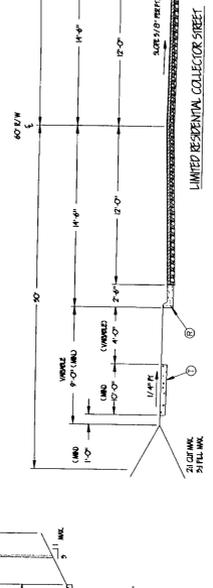
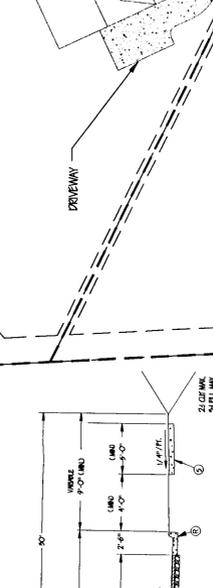
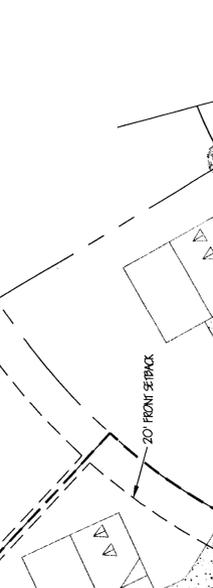
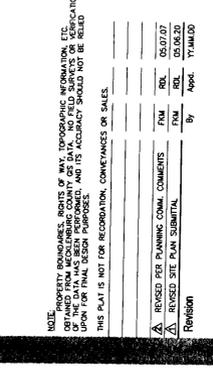
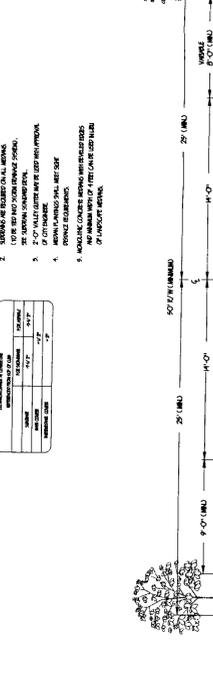
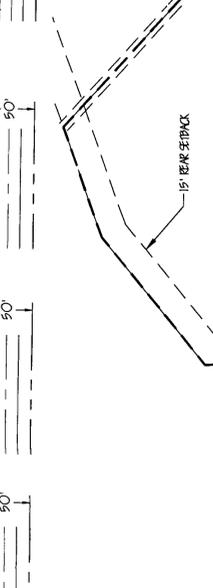
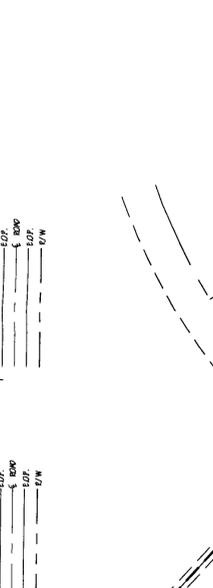
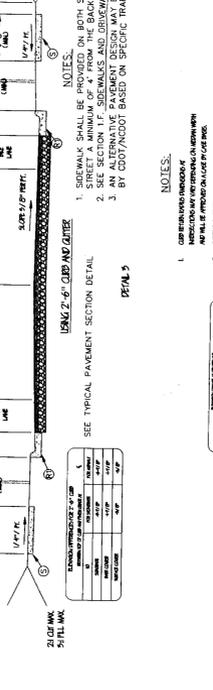
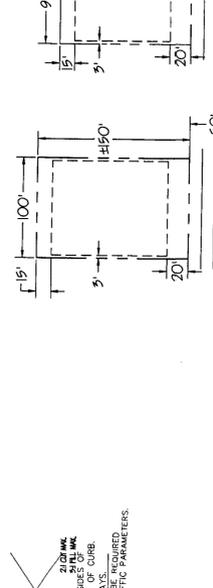
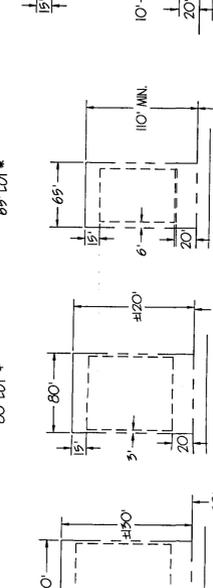
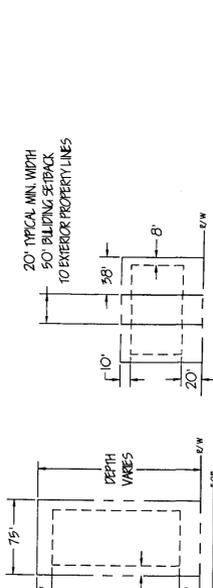
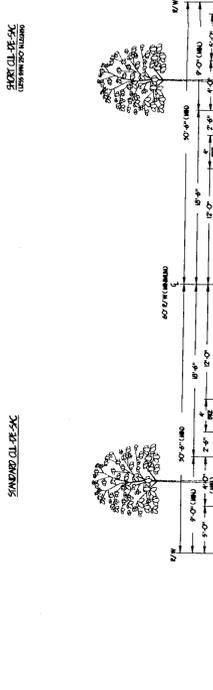
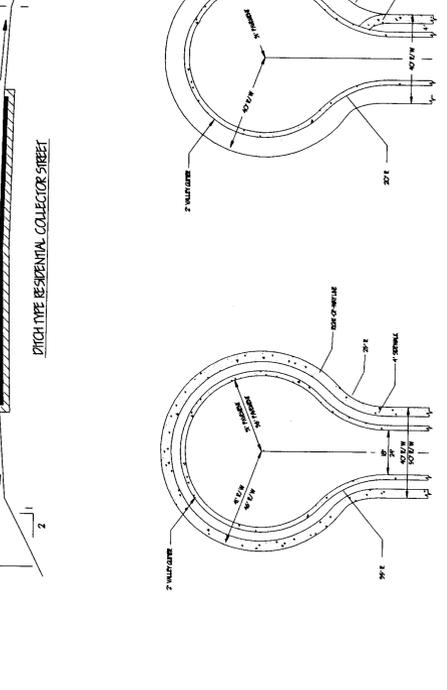
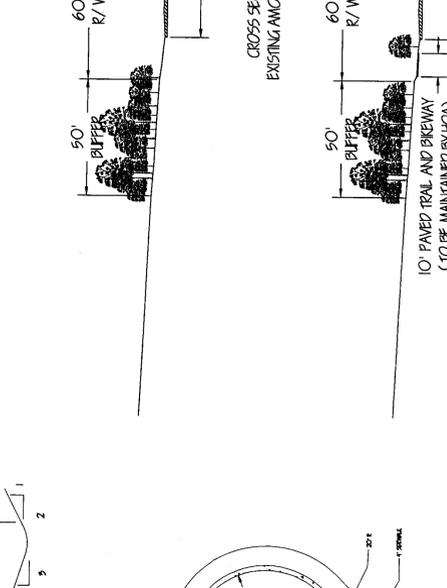
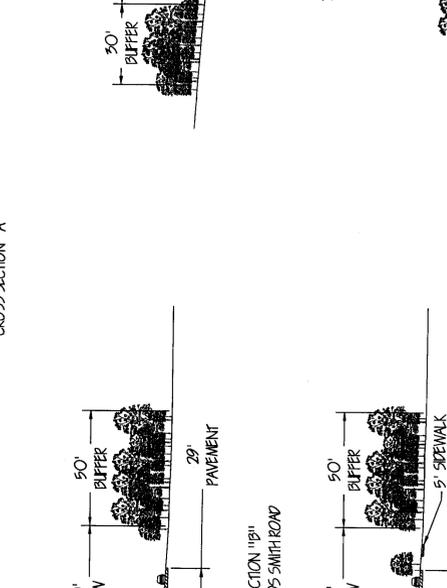
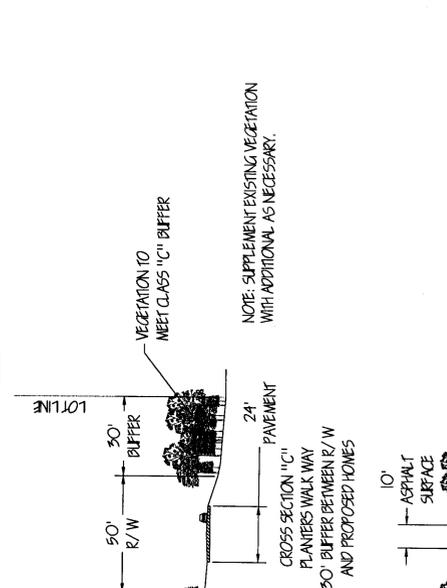
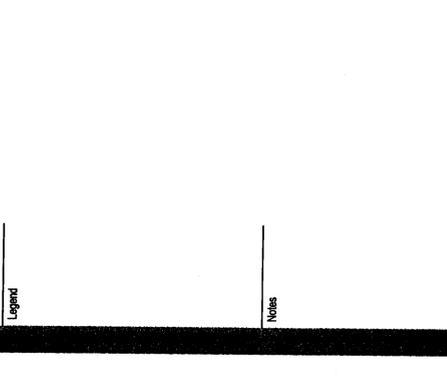
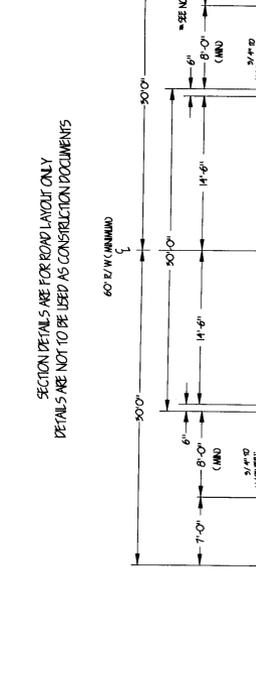
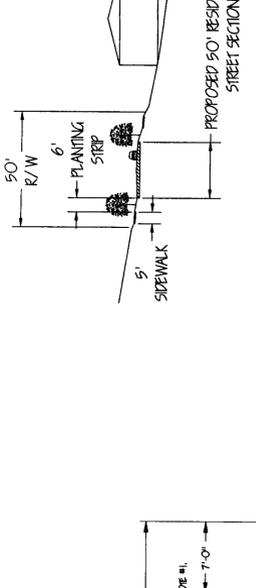
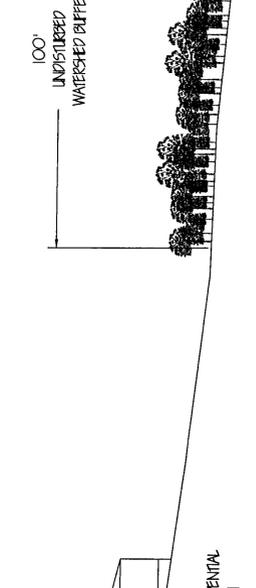
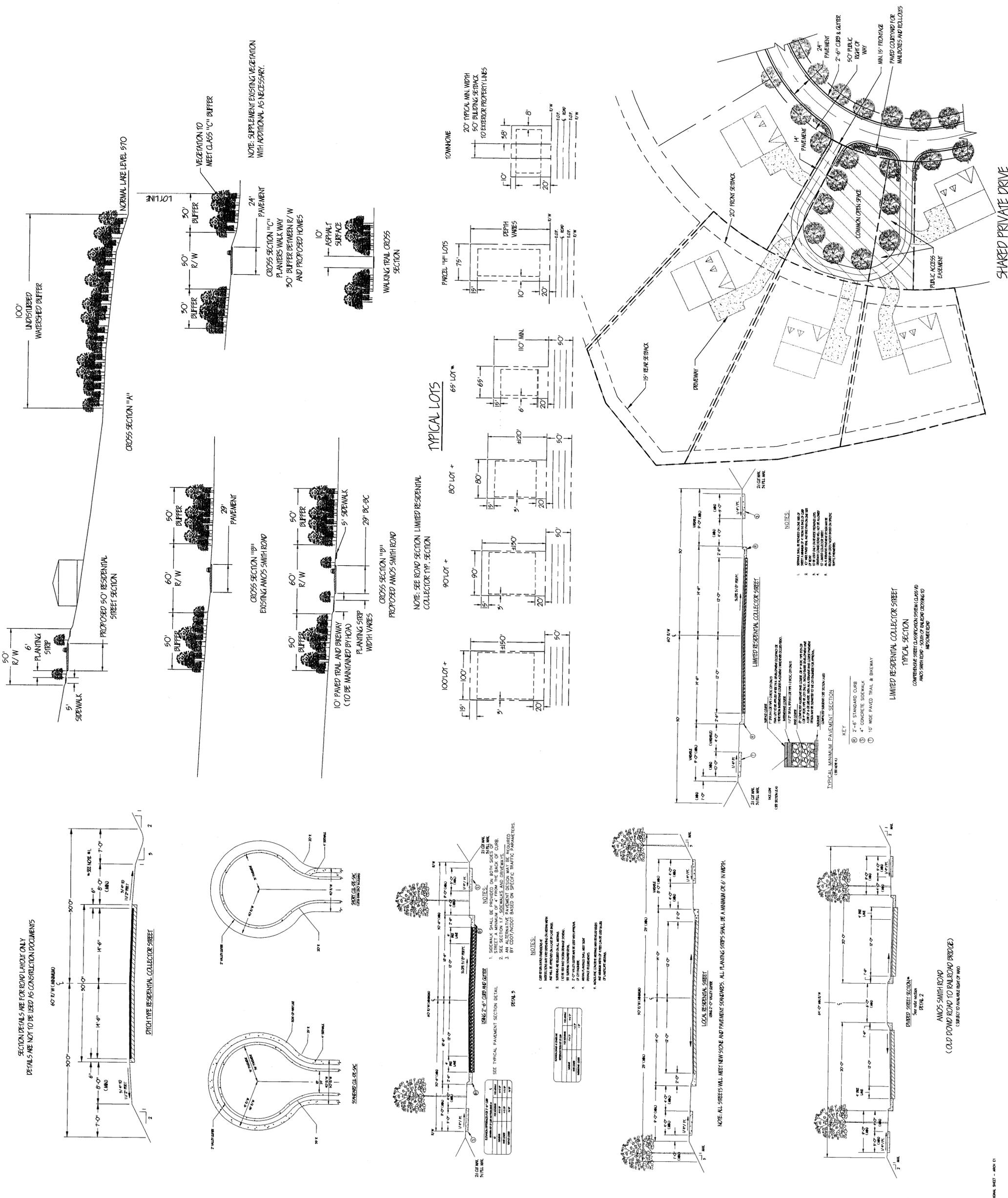
Title
 CROSS SECTIONS
 THE VINEYARD AT LAKE WYLYE
 PETITION #2005-0014

Scale

Project No. 173200540

Sheet P5

Revision 0



Insert

Tab

Item 24

REQUEST	Current Zoning: UR-2(CD) HD (urban residential, conditional, historic district overlay) Proposed Zoning: TOD-RO HD (transit oriented development - residential, optional, historic district overlay)
LOCATION	Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes 12 townhomes at a density of 16 dwelling units per acre.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Dilworth Land Use and Streetscape Plan</i> which recommends residential land uses up to 47.3 dwelling units acre. The proposed density of 16 units per acre is less than the density of 47.3 units per acre called for by the plan, and meets the minimum density requirement of 15 dwelling units per acre for TOD (transit oriented development).
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Betsy S. Bullard New Carolina Income Properties, LLC Matthew G. Majors, Axiom Architecture
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

• Background

- The subject property was part of rezoning petition 2007-099, which was approved by City Council in December of 2007. This petition rezoned 1.1 acres located at the corner of Euclid Avenue and Tremont Avenue to UR-2(CD) HD (urban residential, conditional, historic district overlay) to allow for 52 condominiums at a density of 47.3 units per acre. As the properties are located in the Dilworth Historic District, the developer was required to get plan approval from the Historic District Commission. However, development plans went to the Commission for review but were never submitted for final approval, and the properties were not redeveloped.
- A site plan amendment, Petition 2013-027, was filed for the same property and was subsequently approved by City Council in May of 2013 to allow the residential units to change from ownership to rental and to modify the parking and building layout. The Historic District Commission denied the submitted development plans and the properties were not redeveloped.
- Petition 2014-006 was approved in February 2014 and rezoned a 0.35 acre portion of the larger 1.1 acres included with Petitions 2007-099 and 2013-027 on East Tremont Avenue. This approved petition rezoned the 0.35 acre site to TOD-RO HD (transit oriented development - residential, optional, historic district overlay) to allow for 12 multi-family units at a density of 35.2 units per acre. This development plan was approved by the Historic District Commission.
- The subject petition is for the remaining 0.75 acres of the original 1.1 acre site.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Development of 12 multi-family residential units in two buildings at a density of 16 units per acre.
- Maximum height of 50 feet, not to exceed three stories along Tremont Avenue and 2.5 stories along Euclid Avenue.
- Approximately 20% open space.
- An eight-foot planting strip and six-foot sidewalk along Tremont Avenue and Euclid Avenue.
- Building materials to include masonry; stone; and wood lapped shingles and board/batten siding.
- Architectural elements consist of porch elements on most townhomes, exterior balconies on all units, enhanced trim and detailing at casings and cornerboards, large windows, individual

- garages for all units and parking from an internal drive.
 - Elevations for the frontage along Tremont Avenue and Euclid Avenue.
 - Detached lighting limited to 20 feet in height, with full cut-off type fixtures.
 - Optional requests include:
 - Parking ratio of two spaces per unit.
 - Reduction of the required buffer when abutting an existing residential structure or residential zoning from ten feet to five feet. Planting requirements to be maintained, with addition of a six-foot high privacy fence.
 - Increase in the allowed maximum of two parking spaces per unit by 10% to provide two parking spaces for community/visitor parking.
 - **Existing Zoning and Land Use**
 - An office building and a multi-family building with 11 units exists on the site.
 - The site is located within the Dilworth Historic District Overlay.
 - The site is adjacent to properties zoned TOD-RO HD (transit oriented development – residential, optional, historic district overlay), TOD-M(CD) HD (transit oriented development – mixed-use, conditional, historic district overlay), O-2 HD (office, historic district overlay), R-22MF HD (multi-family residential, historic district overlay) and R-5 HD (single family residential, historic district overlay). Current land uses adjacent to the site include a mixture of single family and multi-family residential, a mixed use development, and office uses.
 - **Rezoning History in Area**
 - There have been a number of rezonings north, west, and south of the site to allow for transit oriented developments within the East/West Boulevard Transit Station Area.
 - **Public Plans and Policies**
 - The *Dilworth Land Use and Streetscape Plan* (2006), as amended by rezoning petition 2013-027, recommends multi-family residential uses at a density of 47.3 units per acre. The property is located within ½ mile walk of the East/West Boulevard Transit Station.
 - The petition is consistent with the *Dilworth Land Use and Streetscape 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.
 - **Vehicle Trip Generation:**
Current Zoning: 360 trips per day.
Proposed Zoning: 200 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 40 students, while the development allowed under the proposed zoning will produce nine students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
 - **Charlotte-Mecklenburg Storm Water Services:** 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.
-

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 building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Show the five-foot side yard line adjacent to the R-22MF (multi-family residential) zoned parcel to the northeast.
 2. Clarify under "Optional Provisions" Note a. by amending the second sentence as follows: "Buffer requirements of 6 trees and 20 shrubs per 100' will be maintained with the addition of a 6' high privacy fence rather than a masonry wall."
 3. Extend the five-foot wide buffer along the entire boundary with the adjacent R-22MF (multi-family residential) property. Include a note stating that: "The buffer area within the proposed tree save will be supplemented with additional plantings as necessary to meet the requirements of the Zoning Ordinance."
 4. Delete "Fire Protection" sections on the site plan.
 5. Show and label open space and specify improvements/amenities.
 6. Under "Parks Greenways and Open Space" delete Notes a., b. and c.
 7. Under "Environmental Features" delete Note c.
 8. Under "Transportation" delete Notes b., d., and e.
 9. Under "Permitted Uses" delete Note c.
 10. Under "Development Data Table" delete Note h.
-

Attachments Online at www.rezoning.org

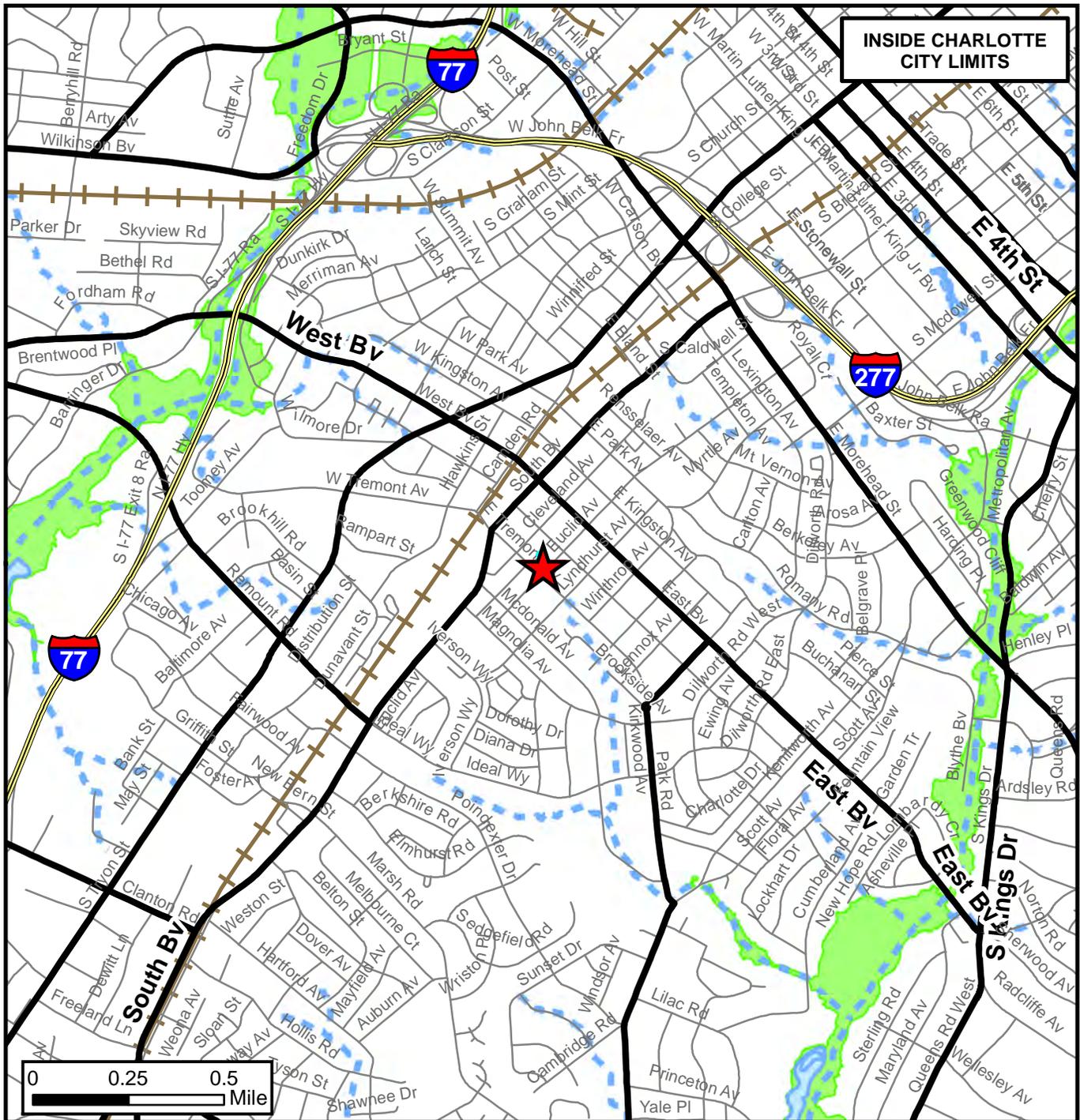
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities 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

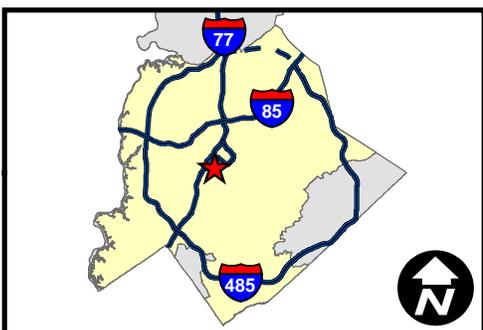
Petition #: **2014-085**

Vicinity Map

Acreage & Location : Approximately 0.75 acres located on the northeast corner at the intersection of East Tremont Avenue and Euclid Avenue.



INSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-085

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

Insert

Map

Item 24

DEVELOPMENT DATA TABLE

- a. SITE AREA - 0.75 ACRES
- b. PARCEL ID NUMBERS - 124-066-07 AND 124-066-08
- c. EXISTING ZONING - TOD-RO HD-O (Downtown)
- d. PROPOSED ZONING - TOD-RO HD-O
- e. EXISTING USE - SINGLE FAMILY AND MULTIFAMILY
- f. PROPOSED USE - MULTIFAMILY (RESIDENTIAL ONLY)
- g. MULTIFAMILY DWELLING UNITS = 12
- h. NON-RESIDENTIAL SQUARE FOOTAGE - "NON-APPLICABLE"
- i. PROPOSED F.A.R. = 1.00
- j. MAXIMUM HEIGHT OF 30' - NOT TO EXCEED THREE STORIES - SHOWN WITH 2 1/2 STORES AND 50' ALLOWED EUCD
- k. PARKING REQUIRED - 1 CAR PER UNIT (TOD-R) = 12 CARS
 PARKING PROVIDED - 26 SPACES (SEE OPTIONAL REQUEST BELOW)
 MAX ALLOWED = 18 PER UNIT + 25% INCREASE = 24 TOTAL CARS
- l. OPEN SPACE - APPROX. 20% OF SITE EXCLUDING PARKING AND SIDEWALKS

GENERAL PROVISIONS

- a. ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 - ALTERATIONS TO APPROVAL

OPTIONAL PROVISIONS

- a. REQUEST TO REDUCE SIDE YARD BUFFER FROM 10' TO 5' MIN. BUFFER REQUIREMENTS OF 6 TREES AND 20 SHRUBS PER 100' WILL BE MAINTAINED WITH THE ADDITION OF A 6' HIGH PRIVACY FENCE.
- b. REQUEST FOR 10% INCREASE IN ORDINANCE MAXIMUM FOR PLANTING PER UNIT FROM 22 SHRUBS TO 24 SHRUBS. REQUEST FOR ADDITIONAL INCREASE FOR COMMUNITY/STREET PARKING OVERFLOW.

PERMITTED USES

- a. ALLOWED USES = MULTIFAMILY RESIDENTIAL
- b. PROHIBITED USES = NON-RESIDENTIAL
- c. OTHER RESTRICTIONS (N/A)

TRANSPORTATION

- a. 8' PLANTING STRIP AND 6' SIDEWALK TO BE CONSTRUCTED WITHIN EXISTING 60' RW.
- b. TRANSPORTATION IMPROVEMENTS (N/A)
- c. PARKING TO BE STRUCTURED - BELOW PRIMARY STRUCTURE
- d. TRANSIT FACILITIES (N/A)
- e. RIGHT-OF-WAY ABANDONMENT (N/A)

ARCHITECTURAL STANDARDS

- a. SEE BUILDING MATERIALS KEY NEXT TO BUILDING ELEVATION FOR NOTES.
- b. TWO NEW TWO & THREE-STORY TOWNHOUSE BUILDINGS WILL BE ON THE SITE
- c. URBAN DESIGN AND ARCHITECTURAL ELEMENTS INCLUDE: GROUND LEVEL MASONRY PATIO WALLS WITH CONNECTIVITY TO PUBLIC WALKWAYS; BALCONIES TO WINDOWS FROM THE PRIMARY BALCONIES AND THEY MAY ENCLOSE 2 FEET INTO THE SETBACK PROVIDED THEY ARE 10 FEET MIN ABOVE GRADE PER SECTION 9.04B OF THE CHARLOTTE ZONING ORDINANCE. OTHER ELEMENTS INCLUDE LARGE WINDOWS AND ENHANCED TRIM AND DETAILING AT CASINGS AND CORNERBOARDS. AN INTERIOR DRIVE SERVICES 3 TOWNHOMES WITH SMALL FRONT GARDENS. ALL UNIT PARKING IS FED TO INDIVIDUAL GARAGES FROM INTERNAL DRIVE.
- d. INDIVIDUAL ROLL-OUT TRASH AND RECYCLE BINS WILL BE PROVIDED FOR EACH TOWNHOUSE AND ROLL TO CURB SIDE
- e. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, STANDARDS, POLICES AND APPROPRIATE DESIGN MANUALS WILL EXIST. THOSE CRITERIA (FOR EXAMPLE, THOSE THAT REQUIRE BUFFERS, REGULATE STREETS, SIDEWALKS, STORMWATER, TREES, ETC.) WILL APPLY TO THE DEVELOPMENT SITE. THIS INCLUDES CHAPTERS 6.9, 12, 17, 18, 20, AND 21 OF THE CITY CODE. CONDITIONS SET FORTH IN THIS PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO OTHER STANDARDS, WHERE CONDITIONS ON THIS PLAN DIFFER FROM ORDINANCES, STANDARDS, POLICES AND APPROACHES IN EXISTENCE AT THE TIME OF FORMAL ENGINEERING PLAN REVIEW AND SUBMISSION. THE STRICTER CONDITION OR EXISTING REQUIREMENTS SHALL APPLY.

STREETScape AND LANDSCAPING

- a. SEE PLANS FOR STREETScape (SIDEWALK/PLANTING STRIP) DIMENSIONS PER CITY OF CHARLOTTE ORDINANCES
- b. SPECIAL BUFFERSCREENING - SEE OPTIONAL PROVISIONS ABOVE

ENVIRONMENTAL FEATURES

- a. TREE SAVE - PER ORDINANCE
- b. ECO TREATMENT - PER ORDINANCE
- c. ENVIRONMENTAL PROVISIONS (N/A)

PARKS GREENWAYS AND OPEN SPACE

- a. RESERVATION/DEDICATION OF PARK OR GREENWAY (N/A)
- b. PARK AND/OR GREENWAY IMPROVEMENTS (N/A)
- c. CONNECTIONS TO PARK AND/OR GREENWAYS (N/A)
- d. NEWLY CONSTRUCTED OPEN SPACE DESIGNED TO MEET REQUIREMENTS OF SECTION 5.1.208(12)

FIRE PROTECTION

- a. FIRE PROTECTION: PRIVATE DRIVE TO BE CONFORM TO ALL NECESSARY DRIVE, SURFACE AND TURN RADIUS STANDARDS.

SIGNAGE

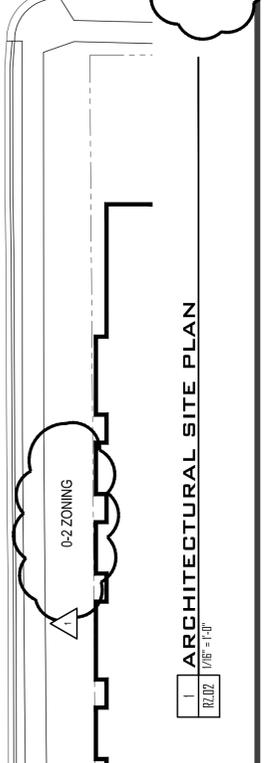
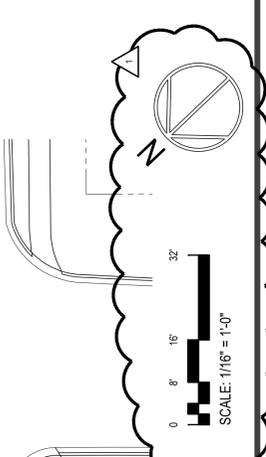
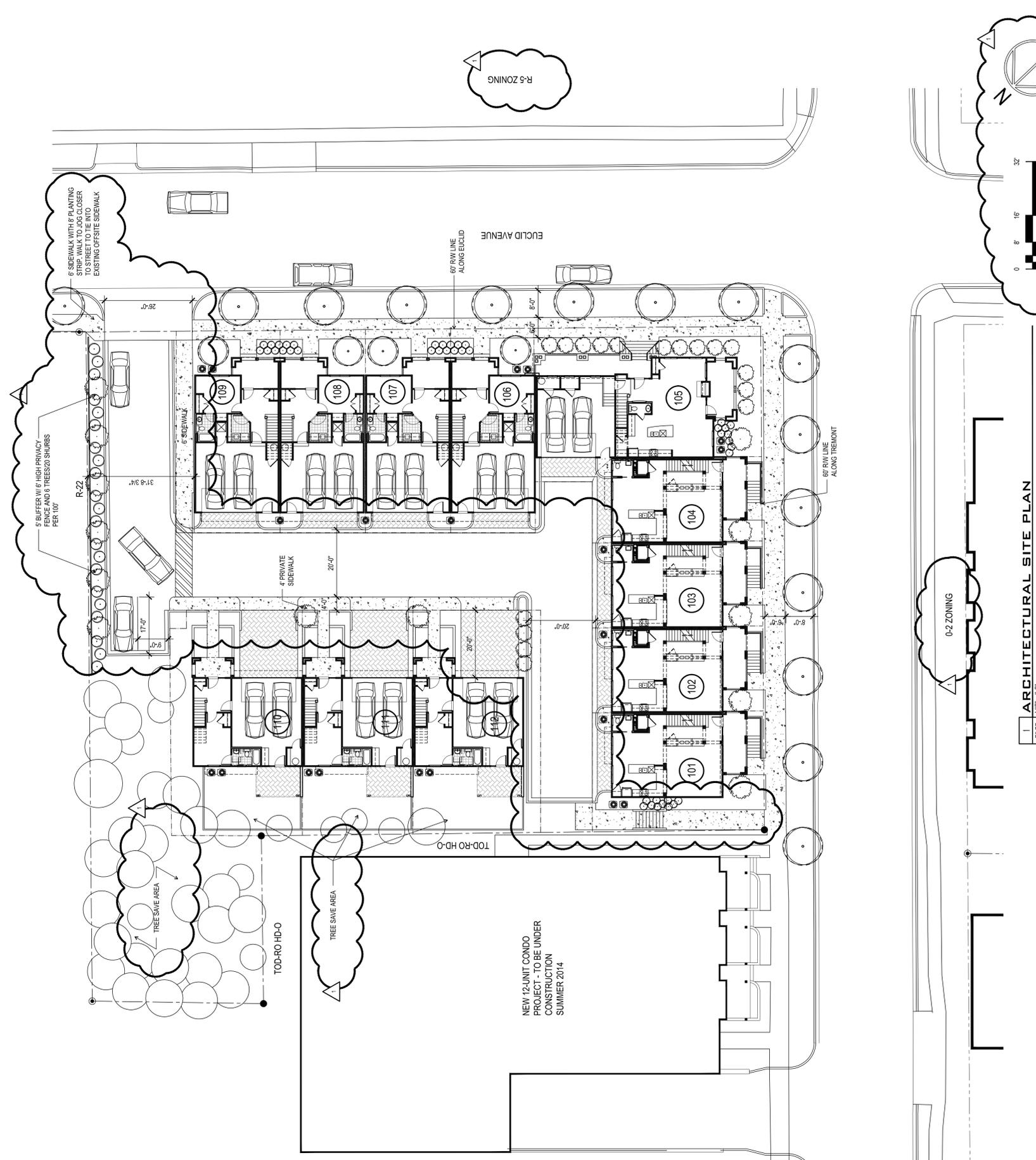
- a. SIGN LIMITATIONS (N/A)

LIGHTING

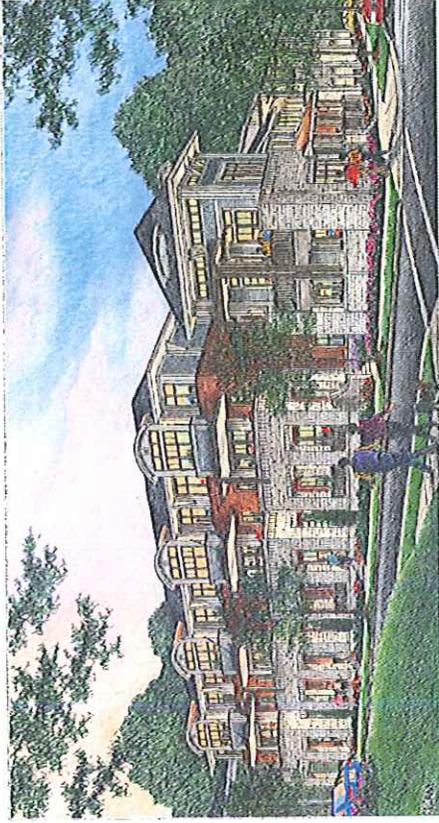
- a. ALL FREESTANDING AND ATTACHED LIGHTING WILL HAVE FULL CUT-OFF TYPE LIGHTING FIXTURES. FREESTANDING LIGHTING WILL BE LIMITED TO 20 FEET IN HEIGHT. PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED THROUGHOUT THE SITE.

PHASING

- a. DEVELOPMENT PHASING (N/A)



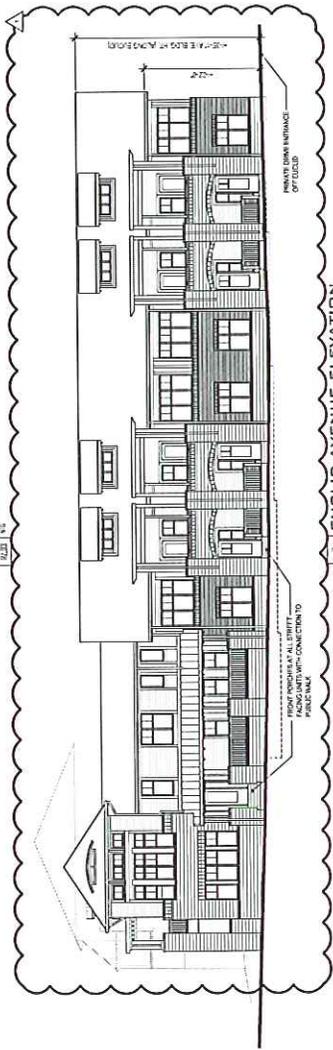
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 CHARLOTTE, NORTH CAROLINA
 NEW CAROLINA INCOME PROPERTIES



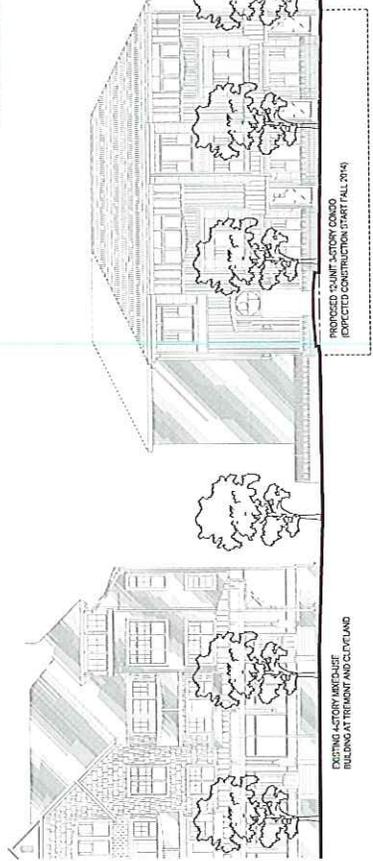
DILWORTH COURT TOWNHOMES
 CHARLOTTE, NORTH CAROLINA
 NEW CAROLINA INCOME PROPERTIES

- EXTERIOR BUILDING MATERIAL KEY**
1. MASONRY: LIME AND SAND CEMENT AND RED WOOD WALLS; LARGE MODULAR STONE AND STANDARD, MODULAR OR QUICKEN SIZE BRICK
 2. WINDOW: COMPOSITE WOOD, PAINTABLE
 3. LAPPED, SHINGLES AND BOARD/BATTEN SIDING; WOOD - STAINED OR PAINTED
 4. BRACKET, COLUMN, ACCENTS: WOOD WITH FIBER CEMENT CLAD OR BLEND
 5. FASCIA AND UPPER FRIEZE AREAS: SMOOTH FIBER CEMENT FINISHING
 6. BALCONY RAILINGS: PAINTED WOOD/PREFINISHED ALUMINUM BLEND
 7. ROOFING: 30-YEAR ARCHITECTURAL ASPHALT SHINGLES ON PRIMARY ROOF - STANDING SEAM METAL PORCH ROOF
 8. PORCH/WALLINGS: PRECAST AND POURED CONCRETE PORCH, STEPS, AND WALL ACCENTS

3. PROJECT RENDERING
 SIZE: 1/8" = 1'-0"



7. FUEL AVENUE ELEVATION
 SIZE: 1/8" = 1'-0"



1. TREMONT AVENUE ELEVATION
 SIZE: 1/8" = 1'-0"

PROJECT LEAD:
STREET ELEVATIONS AND RENDERING
 RZ REF# - 2014-085
 AUGUST 15, 2014
 REVISION 1 - REVISED CORNER
 REVISION 2 -
 REVISION 3 -
 REVISION 4 -

RZ.03

EXISTING FACTORY BUILDING
 BUILDING AT TREMONT AND CLEVELAND

PROPOSED 2-UNIT FACTORY CONDO
 PROPOSED CONSTRUCTION START FALL 2014

Previously
Approved
Site
Plan

**APPROVED BY
CITY COUNCIL**
MAY 20 2013

NOT FOR CONSTRUCTION

TREMONT 54 APARTMENTS
TREMONT AND EUCLID AVENUES
CHARLOTTE, NORTH CAROLINA
GATEWAY COMMUNITIES, LLC

FOR PUBLIC HEARING

APR 22 2013

PROJECT A-1259

REZONING PLAN

REZONING PETITION
#2013-027

APRIL 18, 2013

REVISION 1 - 2-21-13 (Site Plan comments)
REVISION 2 - 3-22-13 (Planning comments)
REVISION 3 - 4-8-13 (Revisions for HUD and Neighbor concerns)
REVISION 4 - 4-15-13 (Revisions for Joint Committee review)

RZ-1

- DEVELOPMENT DATA TABLE**
- SITE AREA: 1.1 ACRES
 - TAX PARCEL ID NUMBERS: 12105604, 12105605, 12105606, 12105607, 12105608, 12105609
 - EXISTING ZONING: UR-2 (CD) AND HD-O (DINORTH)
 - PROPOSED ZONING: UR-2 (CD) AND SPA HD-O (DINORTH)
 - EXISTING USE = MULTI AND SINGLE FAMILY - PROPOSED USE = MULTIFAMILY (RESIDENTIAL ONLY)
 - (60) MULTIFAMILY DWELLING UNITS
 - PROPOSED RESIDENTIAL DENSITY = 47.3
 - NON-RESIDENTIAL SQUARE FOOTAGE - "NON-APPLICABLE"
 - PROPOSED F.A.R. = 0.395
 - MAXIMUM HEIGHT OF 80' - NOT TO EXCEED THREE STORIES
 - PARKING REQUIRED: 1 CAR PER UNIT (PER UR-2) = 52 CARS
2 CAR PER UNIT MAXIMUM
 - OPEN SPACE = APPROX. 20% OF SITE EXCLUDING PARKING

- GENERAL PROVISIONS**
- THE CONFIGURATION, PLACEMENT, SIZE, AND NUMBER OF INDIVIDUAL BUILDINGS/DWELLING UNITS AND/OR SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ZONING ORDINANCE AS SPECIFIED IN SECTION 6.207.
 - ALTERATIONS TO THE CONDITIONAL PLAN ARE SUBJECT TO SECTION 6.207 - ALTERATIONS TO APPROVAL.

- OPTIONAL PROVISIONS (N/A)**
- PERMITTED USES**
- ALLOWED USES = MULTIFAMILY RESIDENTIAL
 - PROHIBITED USES = NON-RESIDENTIAL
 - OTHER RESTRICTIONS (N/A)

- TRANSPORTATION**
- DEDICATED AND RESERVATION OF STREET R/W TO CITY
 - TRANSPORTATION IMPROVEMENTS (N/A)
 - PUBLIC/PRIVATE STREETS - PRIVATE DRIVE ADDED WITHIN DEVELOPMENT TO CONNECT TO TREMONT AND EUCLID AVENUES - DRIVE TO BE DESIGNED/CONSTRUCTED AS A CMLD STANDARD TYPE TWO DRIVEWAY.
 - PARKING TO BE ALL SURFACE - BEHIND NEW STRUCTURE
 - TRANSIT FACILITIES (N/A)
 - RIGHT-OF-WAY ABANDONMENT (N/A)
 - SIDEWALKS AND PLANTING STRIPS ALONG THE SITES PUBLIC STREET FRONTAGE SHALL BE ESTABLISHED AS INDICATED ON SITE PLAN
 - SEE SITE PLAN FOR EXISTING THOROUGHFARES AND PROPOSED DRIVEWAY

- ARCHITECTURAL STANDARDS**
- SEE BUILDING MATERIALS KEY NEXT TO BUILDING ELEVATION FOR NOTES.
 - ONE NEW THREE-STORY BUILDING WILL BE ON THE SITE
 - URBAN DESIGN AND ARCHITECTURAL ELEMENTS INCLUDE: GROUND LEVEL, MASONRY PATIO WALLS WITH CONNECTIVITY TO PUBLIC WALKWAYS, A CENTRAL COMMON ENTRY WITH GATHERING SPACE IS LOCATED IN THE MIDDLE OF THE TREMONT INTERSECTION - PROVIDING VISIBILITY AND ACCESS TO CENTRAL AND THEY MAY ENJOY A FEEL INTO THE SETBACK PROVIDED THEY ARE 10 FEET FROM THE SETBACK PROVIDED THE CHARLOTTE ZONING ORDINANCE. OTHER ELEMENTS INCLUDE LARGE WINDOWS AND ENHANCED TRIM AND DETAILING AT CASINGS AND CORNERBOARDS
 - DUMPSTER COMPACTOR WILL BE LOCATED INTERNALLY (REAR CORNER OF SITE) WITH OFF-STREET TRUCK ACCESS.
 - THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REQUIREMENTS IMPOSED BY OTHER CITY ORDINANCES, STANDARDS, POLICIES AND APPROPRIATE DESIGN MANUALS WILL EXIST. THOSE CRITERIA FOR EXAMPLE, THOSE THAT REQUIRE BUFFERS, REGULATE STREETS, SIDEWALKS, STORMWATER, TREES, ETC.) WILL APPLY TO THE DEVELOPMENT SITE. THIS INCLUDES CHAPTERS 8, 9, 12, 17, 18, 19, 20, AND 21 OF THE CITY CODE. CONDITIONS SET FORTH IN THIS PETITION ARE SUPPLEMENTAL REQUIREMENTS IMPOSED ON THE DEVELOPMENT IN ADDITION TO OTHER STANDARDS. WHERE CONDITIONS ON THIS PETITION CONTRADICT OTHER ORDINANCES, STANDARDS, POLICIES, AND APPROACHES IN EXISTING CITY ORDINANCES, THE STRONGER CONDITION OR PLAN REVIEW AND STANDARDS AT THE TIME OF FORMAL ENGINEERING PLAN REVIEW AND STANDARDS AT THE STRONGER CONDITION OR EXISTING REQUIREMENTS SHALL APPLY.

- STREETSCAPE AND LANDSCAPING**
- SEE PLANS FOR STREETSCAPE (SIDEWALK/PLANTING STRIP) DIMENSIONS PER CITY OF CHARLOTTE ORDINANCES
 - SEE PLANS FOR NOTES ON SPECIAL BUFFER/PREFERENCE SCREENING ENVIRONMENTAL FEATURES
 - TREE SAVE - PER ORDINANCE
 - POCO TREATMENT - PER ORDINANCE
 - ENVIRONMENTAL PROVISIONS (N/A)

- PARKS GREENWAYS AND OPEN SPACE**
- RESERVATION/DEDICATION OF PARK OR GREENWAY (N/A)
 - PARK AND/OR GREENWAY IMPROVEMENTS (N/A)
 - CONNECTIONS TO PARK AND/OR GREENWAYS (N/A)
 - PRIVATELY CONSTRUCTED OPEN SPACE (N/A)

- FIRE PROTECTION**
- FIRE PROTECTION: PRIVATE DRIVE TO BE CONFORM TO ALL NECESSARY DRIVE, SURFACE AND TURN RADIUS STANDARDS
 - SIGNAGE
 - SIGN LIMITATIONS (N/A)
 - LIGHTING

- ALL PRESTANDING AND ATTACHED LIGHTING WILL HAVE FULL CUT-OFF TYPE LIGHTING FIXTURES. PRESTANDING LIGHTING WILL BE INSTALLED TO 20 FEET IN HEIGHT. PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED THROUGHOUT THE SITE.
- PEDESTRIAN SCALE LIGHTING WILL BE INSTALLED WITHIN SITE PHASING
- DEVELOPMENT PHASING (N/A)
- OTHER

- IMPROVEMENTS WITHIN THE SETBACKS WILL COMPLY WITH THE SOUTHERN TRANSIT STATION AREA PLAN.

- EXTERIOR BUILDING MATERIALS**
- MASONRY BASE AND PATIO WALLS - STANDARD, MODULAR, QUEEN OR EQUIVALENT SIZE
 - PREFINISHED COLORED ALUMINUM FINISHES AND WINDOWS
 - FIBER-CEMENT (HARDIE OR ECI) SIDING PANELING AND TRIM
 - PREFINISHED ALUMINUM OR STEEL CHOP-PIELLS FEATURE ELEMENTS
 - WOOD AND FIBERCEMENT BRACKETS AND ACCENT TRIM
 - 3X4 TILES AND ACCENT TRIM
 - PRECAST CONCRETE DECORATIVE ELEMENTS

- NOTE: PATIO WALLS SHALL BE A MINIMUM OF 4" IN HEIGHT**
- NOTE: THROUGH TOP UNITS (ALONG SOLID EXTERIOR CORNER OF SITE - RELATED TO 52 AND 54) SHALL BE 4" IN HEIGHT**
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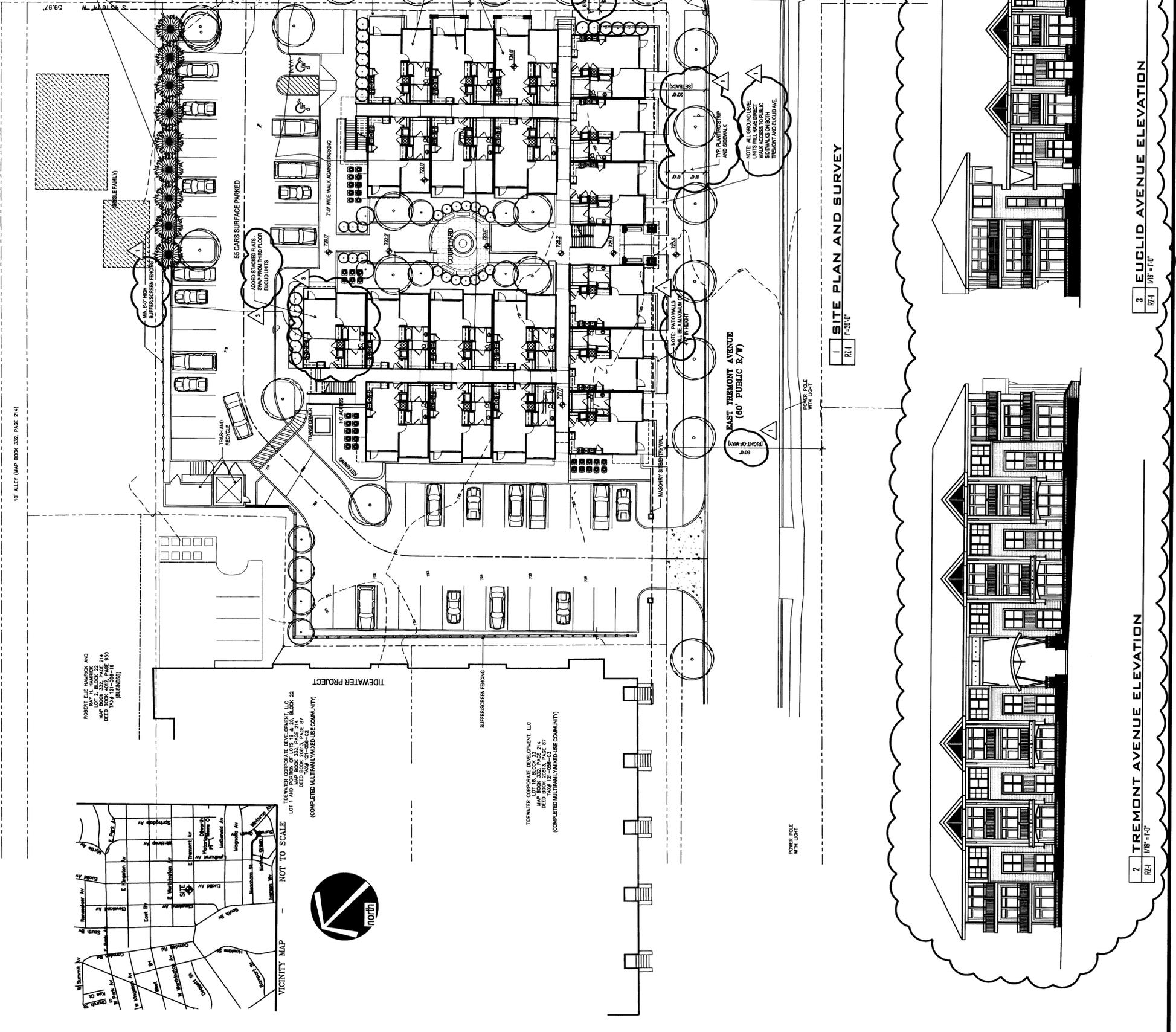
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10' ALLEY (MAP BOOK 332, PAGE 214)

55 CARS SURFACE PARKED

75' WIDE WALK-ADJACENT PARKING

EUCLID AVENUE (60' PUBLIC R/W)

EAST TREMONT AVENUE (60' PUBLIC R/W)

1' SITE PLAN AND SURVEY

1/8" = 1'-0"

2 TREMONT AVENUE ELEVATION

1/8" = 1'-0"

3 EUCLID AVENUE ELEVATION

1/8" = 1'-0"

VICINITY MAP

NOT TO SCALE

TIDEWATER PROJECT

COMPLETED MULTIFAMILY (MAYBE USE COMMUNITY)

TIDEWATER CORPORATE DEVELOPMENT, LLC

COMPLETED MULTIFAMILY (MAYBE USE COMMUNITY)

TIDEWATER CORPORATE DEVELOPMENT, LLC

COMPLETED MULTIFAMILY (MAYBE USE COMMUNITY)

ROBERT D.E. HANCOCK AND

DAVID N. HANCOCK

MAP BOOK 332, PAGE 214

DEED BOOK 21-206-19 520

(BUSINESS)

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MAP BOOK 332, PAGE 214

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ROBERT D.E. HANCOCK AND

DAVID N. HANCOCK

MAP BOOK 332, PAGE 214

DEED BOOK 21-206-19 520

Insert

Tab

Item 25

REQUEST	<p>Current Zoning: R-8MF(HD) (multi-family residential, historic overlay) and R-22MF(HD)(PED) (multi-family residential, historic overlay, pedestrian overlay)</p> <p>Proposed Zoning: UR-2(CD)(HD) (urban residential, historic overlay) and UR-2(CD)(HD)(PED) (urban residential, historic overlay, pedestrian overlay)</p>
LOCATION	<p>Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue. (Council District 2 - Austin)</p>
SUMMARY OF PETITION	<p>The petition proposes to rezone the property to allow a maximum of 49 for-sale residential units consisting of an existing quadraplex and 45 single family attached units for a density of 18.2 units per acre.</p>
STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Central District Plan</i> and <i>West End Land Use and Pedscape Plan</i>.</p>
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	<p>South Central Oil Co., Inc. Hopper Communities c/o Bart Hopper John Carmichael, Robinson Bradshaw & Hinson, P.A.</p>
COMMUNITY MEETING	<p>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3</p>

PLANNING STAFF REVIEW

• Background

- Petition 2006-035 was a corrective rezoning for the northwestern portion of the site to R-22MF (multi-family residential) in accordance with the recommendations of the *West End Land Use and Pedscape Plan*.
- Petition 2006-034 established the pedestrian overlay for the portions of the property zoned R-22MF (multi-family) in accordance with the recommendations of the *West End Land Use and Pedscape Plan*.
- The entire site is within the Wesley Heights Historic District.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allows 45 new single family attached dwelling units and a quadraplex dwelling for a total of 49 units, at a density of 18.2 units per acre.
- Allows the option to demolish the existing quadraplex unit and construct three single family attached units, for a total of 48 single family attached units at a density of 17.84 units per acre.
- Allows the existing quadraplex dwelling to be replaced with three new single family attached dwelling units at the end of the stay of demolition expiring in June 2015.
- Vehicular access to the site from West 4th Street with vehicular access to units via internal alley ways.
- Removes the driveway curb cut to the existing quadraplex along Grandin Road and replaces it with curb, gutter, planting strip, and sidewalk.
- Provides internal pedestrian sidewalks and common open space.
- Provides an area of tree save along the northern property line.
- Exterior building materials for single family attached dwelling units to be composed of a combination of brick, stone, or similar masonry products and/or hardi-plank/fiber cement board.
- Prohibits vinyl, EIFS or masonite as building material except for soffits, trim, and windows.
- Commits to balcony railings, if installed, made of durable prefinished material and prohibits painted pressure treated lumber.
- Requires all single family attached dwelling units to front on public streets.
- The side elevation of end units adjacent to public streets will include windows on each floor.
- If the existing quadraplex is preserved, the existing brick cladding will remain and the existing railings will be replaced with new railings made of durable prefinished materials and will not be

- painted pressure treated lumber.
 - Allows sidewalks to meander and portions of existing sidewalks and planting strips to remain in place to maintain the context of the neighborhood and preserve existing trees.
 - Freestanding lighting will be downwardly directed, fully capped and shielded, with a maximum height of 20 feet.
 - Requires all attached lighting be downwardly directed with a full cut-off fixture.
- **Existing Zoning and Land Use**
 - A portion of the site is currently zoned R-8MF(HD) (multi-family residential, historic overlay) with an existing contributing, historic, condominium structure with four units. The remainder of the site is zoned R-22MF(HD)(PED) (multi-family residential, historic overlay, pedestrian overlay) and is vacant.
 - The surrounding properties are zoned R-5 (single family residential), MUDD-CD (mixed use development, conditional), R-8MF (multi-family residential), R-22MF (multi-family residential), B-1 (neighborhood business) and UR-2 (urban residential) and developed with a mixture of single family, duplex, multi-family, institutional and commercial uses. Properties south, east and west of the site are within the Wesley Heights Historic District Overlay and properties to the north are located within the Pedestrian Overlay District.
- **Rezoning History in Area**
 - Petition 2011-025 rezoned property located on the northwest corner of the intersection of Wesley Heights Way and Duckworth Avenue from UR-3(CD) (urban residential, conditional) and UR-3(CD)(PED-O) (urban residential, conditional, pedestrian overlay, optional) to UR-3(CD)(PED-O) SPA (urban residential, conditional, pedestrian overlay, optional, site plan amendment) to allow for 40 elderly multi-family dwelling units.
- **Public Plans and Policies**
 - The *West End Land Use and Pedscape Plan* (2005) recommends multi-family uses for the site.
 - the *Central District Plan* (1993) recommends multi-family uses for the site.
 - The petition meets the *General Development Policies* (GDP) for the density requested, as illustrated in the table below.

Assessment Criteria	Density Category over 17 DUA
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	Medium (2)
Connectivity Analysis	Med-High (5)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 14	Total Points: 14

- The petition is consistent with the *Central District Plan*, *West End Land Use Pedscape Plan* and the density supported by the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 - Current Zoning: 320 trips per day.
 - Proposed Zoning: 290 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 42 students, while the development allowed under the proposed zoning will produce 4 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.

- **Charlotte-Mecklenburg Utilities:** 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.
-

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 keeping existing planting strips and sidewalk widths and locations to preserve existing trees.
 - Minimizes impacts to the natural environment by developing on infill lots.

OUTSTANDING ISSUES

- The petitioner should:
 1. Revise the existing zoning in the Rezoning Summary to include (HD) for the historic district overlay.
 2. Clarify the unit count as there is a discrepancy in the number of single family attached units reflected on the site plan and the number listed in the Rezoning Summary and the Permitted Uses Notes 1. and 2.
 3. Amend the proposed density and floor area ratio in the Rezoning Summary to reflect the revised unit count.
 4. Amend the site plan to show dimensions for the width of the tree save/screening area.
 5. Provide a conditional note describing the tree save/screening area with a proposed percentage for the area.
 6. Clarify where changes to the sidewalks and planting strips are proposed on the site plan. Provide labels showing and a note describing the existing sidewalk and planting strip widths versus the proposed widths along each public street. Clearly identify on the site plan where the provisions in Note 4. under Streetscape and Landscaping are permitted.
 7. Amend Note 1. under **Architectural Standards to replace "and/or hardi-plank/fiber cement board" with "and wood or other material approved by the Historic District Commission."**
 8. **Eliminate the following from Note 2. under Architectural Standards, "however, vinyl may be used on the soffits and trim, including window and door trim and vinyl windows may be installed."**
 9. Amend Note 8. under Architectural Standards to say "Windows and/or other architectural details shall..."
 10. Provide building elevations.
 11. Amend Note 4. under Streetscape and Landscaping to only apply to West 4th Street and Summit Avenue.
-

Attachments Online at www.rezoning.org

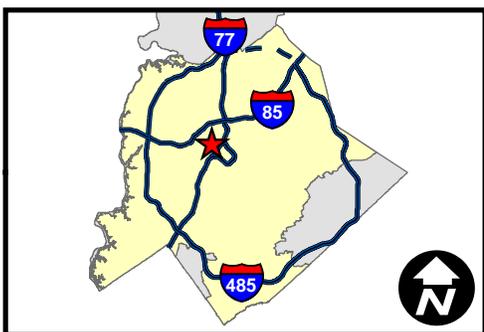
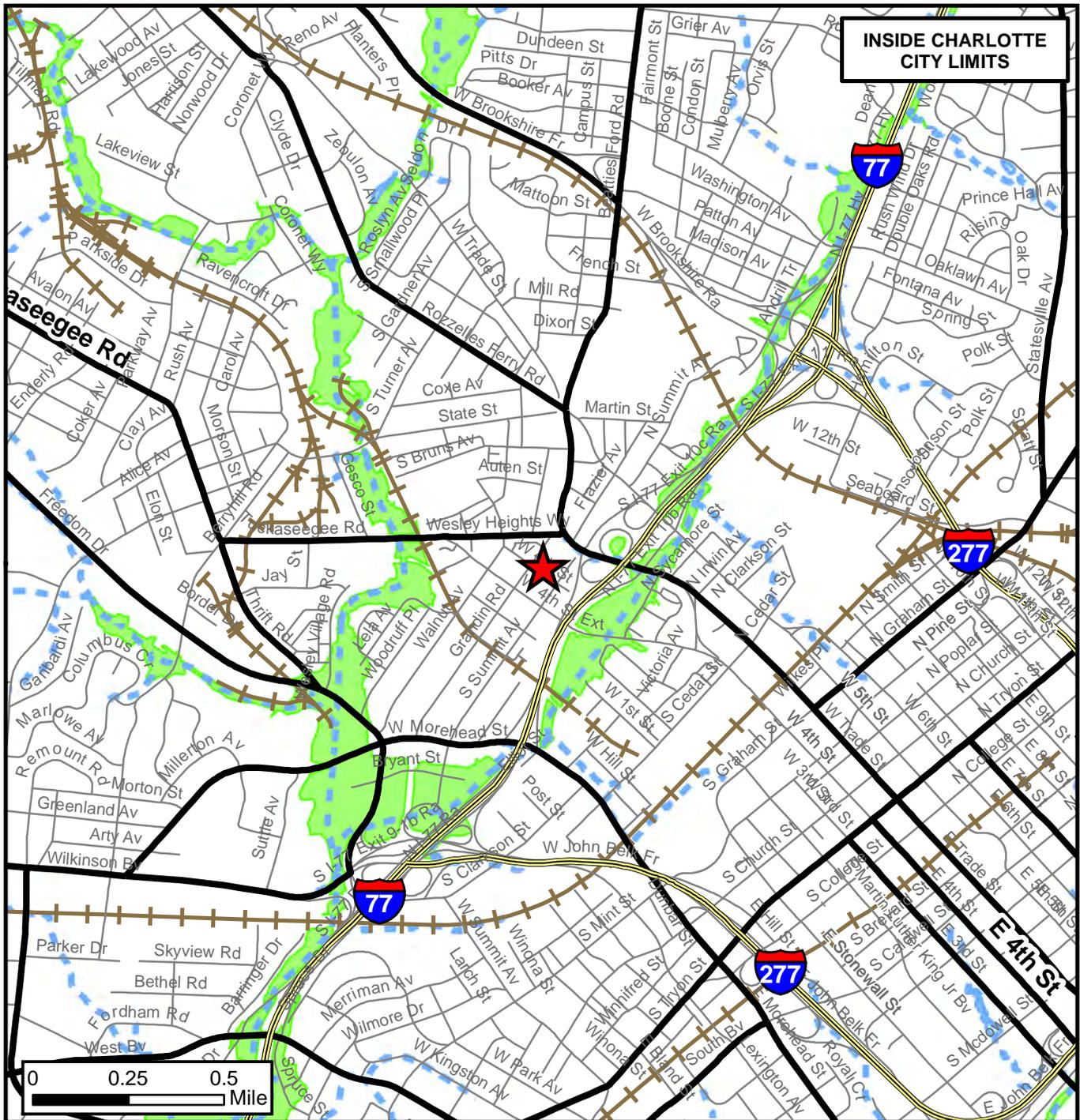
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering 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

Petition #: **2014-089**

Vicinity Map

Acreage & Location : Approximately 2.69 acres located on the north side of West 4th Street between Grandin Road and South Summit Avenue.



★ Rezoning Petition: 2014-089

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

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Krugt v'

Map

Kgo "47"



VICINITY MAP

NTS.

SURVEY DISCLAIMER

ALL SURVEYS ISSUED DATE: JULY 09, 2014, PROVIDED BY R.B. ALLEN, P.E., 1500 W. 4TH STREET, SUITE 200, CHARLOTTE, NC 28204. (336) 789-3796

- GENERAL PROVISIONS**
- THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY HOPPER COMMUNITIES TO ACCOMMODATE THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY THAT APPROXIMATELY 2.683 ACRE SITE LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST 4TH STREET AND GRANDIN ROAD, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE").
 - 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").
 - UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE UR-2 ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.
 - THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE "SITE." ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE BUILDING FOOTPRINTS AS WELL AS THE INTERNAL ALLEYS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, MAY BE ALTERED OR MODIFIED DURING DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
 - FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNER'S SUCCESSORS 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.

PERMITTED USES

- THE SITE MAY BE DEVOTED ONLY TO A MAXIMUM OF 45 FOR-SALE SINGLE-FAMILY ATTACHED DWELLING UNITS AND TO A MAXIMUM OF 4 QUADRAPLEX BUILDINGS LOCATED IN AN EXISTING QUADRAPLEX BUILDING, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES FOR SALE, DWELLING UNITS, OR OTHER USES PERMITTED BY THE UR-2 ZONING DISTRICT. SUBJECT TO PARAGRAPH 2 BELOW, A MAXIMUM OF 49 FOR-SALE DWELLING UNITS MAY BE LOCATED ON THE SITE.
- AT THE OPTION OF THE PETITIONER AND SUBJECT TO PARAGRAPH 3 BELOW, THE PETITIONER MAY DEMOLISH THE EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE AND CONSTRUCT UP TO 3 FOR-SALE SINGLE-FAMILY ATTACHED DWELLING UNITS IN THE GENERAL LOCATION OF THE EXISTING QUADRAPLEX BUILDING AS MORE PARTICULARLY DEPICTED ON INSET A ON THE REZONING PLAN. IN THE EVENT THAT THE PETITIONER EXERCISES THIS OPTION, A MAXIMUM OF 48 FOR-SALE SINGLE-FAMILY ATTACHED DWELLING UNITS MAY BE LOCATED ON THE SITE.
- THE EXISTING QUADRAPLEX BUILDING LOCATED ON THE SITE IS A CONTRIBUTING STRUCTURE TO THE WESLEY HEIGHTS HISTORIC DISTRICT. THE EXISTING QUADRAPLEX BUILDING IS ULTIMATELY DEMOLISHED. THE EXTERIOR PORTIONS OF THE 3 FOR-SALE SINGLE-FAMILY ATTACHED DWELLING UNITS PROPOSED TO BE CONSTRUCTED IN THE GENERAL LOCATION OF THE EXISTING QUADRAPLEX BUILDING ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE HISTORIC DISTRICT COMMISSION, AND A CERTIFICATE OF APPROPRIATENESS MUST BE ISSUED BY THE HISTORIC DISTRICT COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR OTHER APPROVALS AUTHORIZING THE CONSTRUCTION OF SUCH FOR-SALE SINGLE-FAMILY ATTACHED DWELLING UNITS.

TRANSPORTATION

- VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. 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.
- AS DEPICTED ON THE REZONING PLAN, THE SITE WILL BE SERVED BY INTERNAL RESIDENTIAL ALLEYS.
- THE EXACT ALIGNMENTS OF THE INTERNAL RESIDENTIAL ALLEYS MAY BE ALTERED DURING THE CONSTRUCTION PERMITTING PROCESS.
- THE SITE SHALL COMPLY WITH THE PARKING REQUIREMENTS OF THE ORDINANCE FOR THE UR-2 ZONING DISTRICT.
- INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE ANY EXISTING TREES.
- THE EXISTING DRIVEWAY THAT SERVES THE QUADRAPLEX BUILDING LOCATED ON THE SITE WILL BE REMOVED DURING THE CONSTRUCTION PERMITTING PROCESS AND REPLACED WITH CURB, GUTTER, A PLANTING STRIP AND A SIDEWALK AS DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL STANDARDS

- THE EXTERIOR SIDING MATERIALS OF THE SINGLE-FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE SHALL BE COMPOSED OF A COMBINATION OF BRICK, STONE OR SIMILAR MASONRY PRODUCTS AND/OR HARD-PLANK/FIBER-CEMENT BOARD.
- VINYL, EPS OR MASONITE MAY NOT BE USED AS AN EXTERIOR SIDING MATERIAL ON THE SINGLE-FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE. HOWEVER, VINYL MAY BE USED ON THE SOFFITS AND TRIM, INCLUDING WINDOW AND DOOR TRIM, AND VINYL WINDOWS MAY BE INSTALLED.
- BALCONY RAILINGS, IF INSTALLED ON THE SINGLE-FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE, WILL BE CONSTRUCTED OF A DURABLE PREFINISHED MATERIAL AND WILL NOT BE PAINTED PRESSURE-TREATED LUMBER.
- THE SITE IS LOCATED IN THE WESLEY HEIGHTS HISTORIC DISTRICT, AND THE EXTERIOR PORTIONS OF THE SINGLE-FAMILY ATTACHED DWELLING UNITS TO BE CONSTRUCTED ON THE SITE SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE HISTORIC DISTRICT COMMISSION, AND A CERTIFICATE OF APPROPRIATENESS MUST BE ISSUED BY THE HISTORIC DISTRICT COMMISSION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR OTHER APPROVALS AUTHORIZING THE CONSTRUCTION OF SUCH IMPROVEMENTS. ACCORDINGLY, THE ARCHITECTURAL COMMITMENTS SET OUT HEREIN MAY BE ALTERED OR MODIFIED BY THE HISTORIC DISTRICT COMMISSION.
- THE SINGLE-FAMILY ATTACHED DWELLING UNITS THAT ABOUT GRANDIN ROAD SHALL FRONT GRANDIN ROAD.
- THE SINGLE-FAMILY ATTACHED DWELLING UNITS THAT ABOUT SUMMIT AVENUE SHALL FRONT SUMMIT AVENUE.
- THE SINGLE-FAMILY ATTACHED DWELLING UNITS THAT ABOUT WEST 4TH STREET SHALL FRONT WEST 4TH STREET.
- WINDOWS SHALL BE INSTALLED ON EACH FLOOR OF THE SIDE ELEVATION OF AN END UNIT WHERE THE SIDE ELEVATION OF SUCH END UNIT IS ADJACENT TO A PUBLIC STREET TO AVOID BLANK WALLS.
- IF THE EXISTING QUADRAPLEX BUILDING IS PRESERVED, THE EXISTING BRICK CLADDING WILL REMAIN IN PLACE. THE RAILINGS ON THE EXISTING QUADRAPLEX BUILDING SHALL BE PRESERVED. THE NEW RAILINGS WILL BE CONSTRUCTED OF A DURABLE PREFINISHED MATERIAL AND WILL NOT BE PAINTED PRESSURE-TREATED LUMBER.

STREETSCAPE AND LANDSCAPING

- LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
- INTERNAL LANDSCAPED AREAS SHALL BE INSTALLED AS DEPICTED ON THE REZONING PLAN.
- SIDEWALKS AND PLANTING STRIPS ALONG THE SITE'S FRONTAGES ON GRANDIN ROAD, WEST 4TH STREET AND SUMMIT AVENUE SHALL BE AS DEPICTED ON THE REZONING PLAN. SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES.
- PURSUANT TO SECTION 9.407(a)(2) OF THE ORDINANCE, ANY EXISTING SIDEWALKS AND PLANTING STRIPS (IF ANY) LOCATED ALONG THE SITE'S PUBLIC STREET FRONTAGES THAT ARE TO REMAIN IN PLACE DEPICTED ON THE REZONING PLAN MAY DO SO TO MAINTAIN THE CONTEXT OF THE NEIGHBORHOOD AND TO PRESERVE EXISTING TREES. ACCORDINGLY, THE PETITIONER SHALL NOT BE REQUIRED TO INSTALL NEW SIDEWALKS OR PLANTING STRIPS ALONG THESE PUBLIC STREET FRONTAGES.

ENVIRONMENTAL FEATURES

- THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST-CONSTRUCTION CONTROLS ORDINANCE.
- THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.
- DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE CITY OF CHARLOTTE TREE ORDINANCE.

SIGNAGE

ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

LIGHTING

- ANY FREESTANDING LIGHTING FIXTURES INSTALLED ON-SITE SHALL HAVE A MAXIMUM HEIGHT OF 20 FEET, AND ALL SUCH FREESTANDING LIGHTING FIXTURES SHALL BE SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND PAST ANY PROPERTY LINE OF THE SITE.
- ANY ATTACHED LIGHTING WILL BE DOWNWARDLY DIRECTED AND A FULL CUTOFF FIXTURE.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- 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 THE PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- 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.



ColeJenest & Stone

Shaping the Environment
Realizing the Possibilities

- Land Planning
- andscape Architecture
- Civil Engineering
- Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
P: 704.376.1555 | F: 704.376.1761
info@colejenest.com



HOPPER COMMUNITIES

229 East Kingston Avenue
Charlotte, North Carolina 28203

**GRANDIN ROAD /
W. 4TH STREET
TOWNHOMES**

Grandin Road / West 4th Street
Charlotte, NC 28208

**REZONING
PLAN**

Project No.
4328.00

Issued
07/25/14

Petition Number
2014-089

Revised

09/19/14 – PER CITY OF CHARLOTTE COMMENTS



SCALE: 1"=30'

RZ2.0

The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A., the reproduction of which is prohibited without consent of ColeJenest & Stone, P.A. is prohibited.

ColeJenest & Stone, P.A. 2014 ©

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Item 26

REQUEST	Current Zoning: R-3 (single family residential) and I-1(CD) (light industrial, conditional) Proposed Zoning: I-1(CD) (light industrial, conditional) and I-1(CD) SPA (light industrial, conditional, site plan amendment), with five-year vested rights.
LOCATION	Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road. (Outside City Limit)
SUMMARY OF PETITION	The petition proposes to allow the construction of 150,000 square feet of building area for the expansion of the existing Hendricks Motorsports complex.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>Northeast Area Plan</i> , with the exception of the portion of the subject site zoned R-3 (single family residential), which is recommended for residential land uses. However, rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	HSREI, LLC HSREI, LLC Walter Fields
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

• Background

- Portions of the subject properties were rezoned to I-1(CD) (light industrial, conditional) via petitions 1995-13c, 1998-51c, and 2009-062 to allow a maximum of 148,000 square feet of warehouse and motorsports related accessory uses.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allow an additional 150,000 square feet of building area in affiliation with the Hendricks Motorsports complex.
- Five-year vested rights.
- Proposed building to be used predominantly for storage of cars and other materials and products and may include other uses such as meeting and office space; and, tenant space for related uses and vendors; and other related uses.
- Uses that will be prohibited include:
 - Petroleum storage facilities;
 - Junk yard;
 - Medical waste disposal;
 - Adult establishments;
 - Railroad freight yards;
 - Abattoir;
 - Construction and demolition landfills as a principal use;
 - Foundries;
 - Quarries;
 - Raceways or drag strips;
 - Waste incinerators;
 - No outdoor storage to be permitted on any portion of the site that fronts along or is within 100 feet of Stowe Lane or Morehead Road.
- A 38-foot Class "A" buffer with berm provided along project frontages on Morehead Road and Stowe Lane.

- A 78-foot Class "A" buffer provided abutting residential uses and/or zoning.
 - All freestanding lights will have full cut-off fixtures, will be fully shielded and downwardly directed, and will be limited to a height of 30 feet.
 - Access to the site provided via Union School Road and Stowe Lane.
 - **Existing Zoning and Land Use**
 - The property included in the rezoning is developed with a single family home, warehouse buildings affiliated with the motorsports complex, and vacant land.
 - **Rezoning History in Area**
 - There have been no recent rezonings in the immediate area.
 - **Public Plans and Policies**
 - The *Northeast Area Plan* (2000) recommends industrial and a mix of retail, industrial and office uses for the parcels zoned I-1(CD) (light industrial, conditional), and residential uses up to four dwelling units per acre for the parcels zoned R-3 (single family residential).
 - The petition is consistent with the *Northeast Area Plan*, with the exception of the portion of the subject site zoned R-3 (single family residential), which is recommended for residential land uses. However, rezoning the entire site will allow for a more cohesive site plan and organization of space for the expansion of the Hendricks Motorsports complex.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 - Current Zoning: 650 trips per day.
 - Proposed Zoning: 530 trips per day.
 - **Connectivity:** 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-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Include a tree survey showing all eight (8) inches or greater dbh (diameter at breast height) and all planted trees two (2) inches caliper or greater in City road right-of-way and all trees eight (8) inches or greater dbh (diameter at breast height) in tree protected zones (setbacks abutting all public streets). Show tree save areas for current undeveloped parcels. Include tree protection plan for all tree protection zones and tree save areas.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Under **Permitted uses**, the end of the second sentence which reads, "...and other related uses" needs to be clarified or removed from the site plan.
 2. Address Engineering comments.
-

Attachments Online at www.rezoning.org

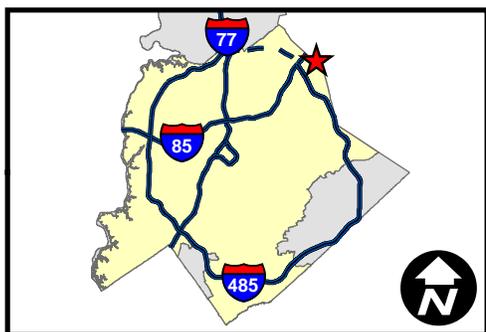
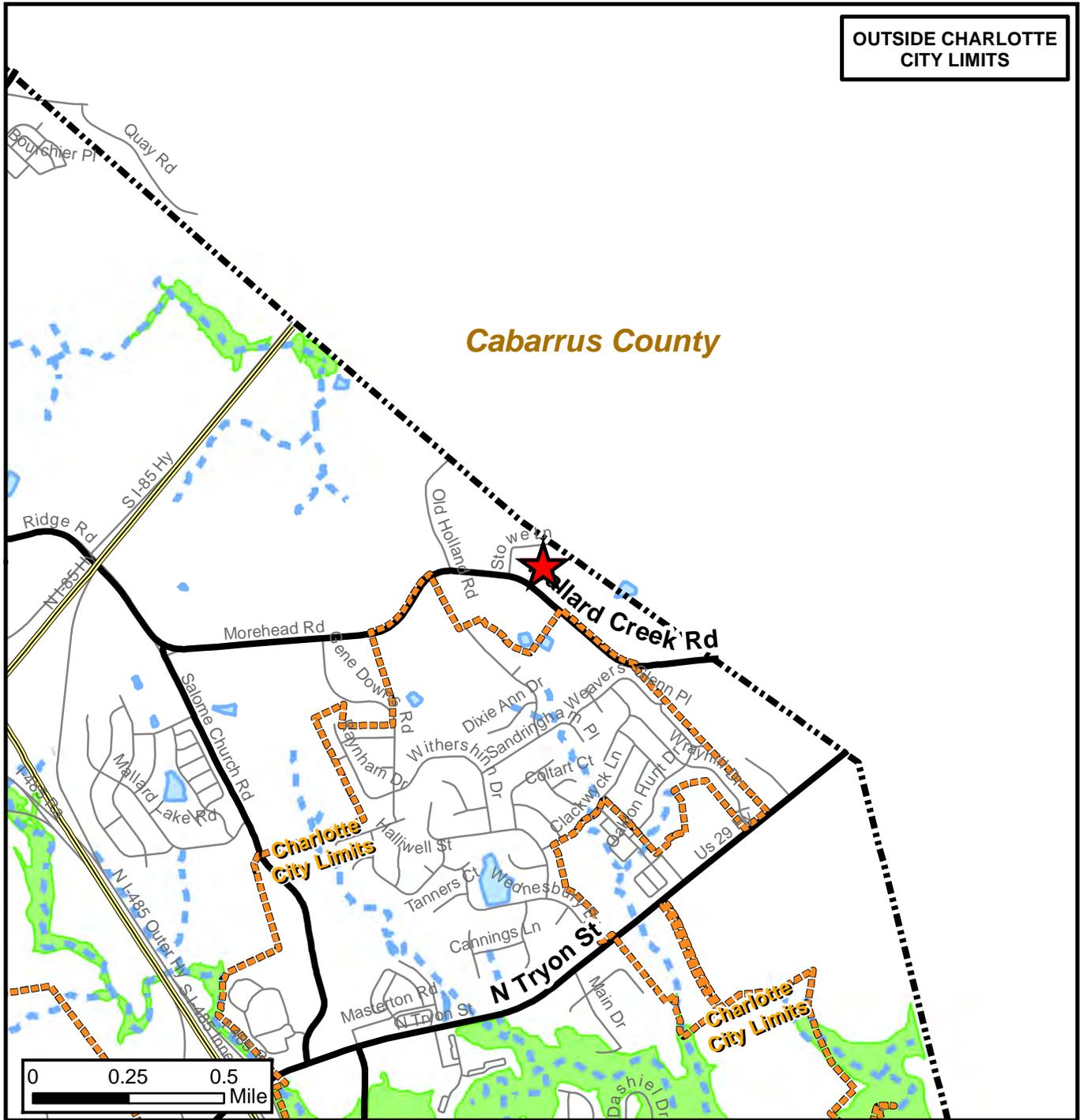
- Application
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- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
-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

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

Petition #: **2014-090**

Vicinity Map

Acreage & Location : Approximately 17.66 acres located on the east side of Morehead Road at the intersection of Stowe Lane and Morehead Road.



Insert

Map

Item 26

Previously
Approved
Site
Plan

Insert

Tab

Item 27

REQUEST	Current Zoning: B-1(CD) (neighborhood business, conditional) and O-1(CD) (office, conditional) Proposed Zoning: O-1(CD) (office, conditional) and O-1(CD) SPA (office, conditional, site plan amendment)
LOCATION	Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard. (Council District 3 - Mayfield)
SUMMARY OF PETITION	The petition proposes to allow an increase in the gross square footage of an existing office campus from 928,000 to 1,188,881 square feet of total building area.
STAFF RECOMMENDATION	Staff does not recommend approval of this petition in its current form. The petition is consistent with the <i>Southwest District Plan</i> . However, the proposed transportation infrastructure is inadequate for the amount of development proposed. A revised site plan, which adequately addresses the needed transportation improvements, could be considered for approval.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Columbus Circle Indemnity, Inc. Time Warner Cable Jason Dolan, Cole Jenest & Stone
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 9

PLANNING STAFF REVIEW

• Background

- A portion of the subject property was part of Petition 1987-009, which rezoned approximately nine acres from R-12 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow an eight-story office/hotel complex or a six-story office building containing a maximum of 120,000 square feet.
- The majority of the subject property was rezoned via Petition 1988-095, which rezoned a 75-acre portion from R-12 (single family residential) to O-15(CD) (office, conditional) and R-12(CD) (single family residential, conditional) in order to allow up to 700,000 square feet of office uses and a maximum of 10 single family lots.
- Petition 1993-009 rezoned the 75 acres from R-12(CD) (single family residential, conditional) and O-15(CD) (office, conditional) to O-1(CD) SPA (office, conditional, site plan amendment) in order to remove the approved 10 single family lots and increase the office uses to a maximum of 808,000 square feet.
- Subsequent administrative approvals have accommodated new layout of buildings, modifications to development notes for phasing of roadway construction, and building elevations.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Accommodates expansion of an existing 660,881-square foot office campus on the southern portion of the site, closer to Arrowood Road.
- Increases the total building area approved under previous rezonings from 928,000 square feet to 1,188,881 square feet.
- Allows all uses permitted by right or under prescribed conditions in the O-1 (office) district.
- Reflects three new office buildings (A, B, and C) and two new parking decks (A and B).
- Total number of principal buildings to be developed on site will not exceed 12, including existing and proposed buildings and parking decks.
- Development note reserving the right to locate a satellite dish farm within the proposed parking deck along West Arrowood Road, with equipment located in a sunken well within the deck to screen it from the public right-of-way.
- Maximum building height of 78 feet (limited to six stories).

- Maintain 50-foot setback along Arrowood Road.
- Continuation of internal, interconnected pedestrian walkway system between existing facility and new buildings and parking areas.
- Retain 75-foot **Class "B" buffer** and 100-foot undisturbed buffer where site abuts single family homes.
- Renderings and elevations of existing facility to identify architectural style and materials to be utilized with construction of new buildings.
- A 60-foot wide access easement to Mecklenburg County Park and Recreation Department for future Sugar Creek Greenway access.
- Up to three vehicular access points to the site on Arrowood Road.
- Deceleration lanes will be provided along Arrowood Road at access points into the site.
- Detached lighting limited to 15 feet in height.
- **Existing Zoning and Land Use**
 - A portion of the site is developed with a 660,881-square foot office campus, with the remainder undeveloped. A portion of the rezoning area lies within the Sugar Creek Greenway. The rezoning site is surrounded primarily by single family residential neighborhoods zoned R-3 (single family residential) and R-4 (single family residential) and office/industrial uses zoned I-1 (light industrial) and BD(CD) (distributive business, conditional). Other nearby uses include institutional and retail property that is zoned INST(CD) (institutional, conditional) and B-2 (general business).
- **Rezoning History in Area**
 - Rezoning petitions 2010-058 and 2013-058 rezoned parcels located on the east and west sides of Forest Point Boulevard Circle near the intersection of West Arrowood Road from BD(CD) (distributive business, conditional) to O-1 (office), in order to allow all permitted uses in that zoning district.
- **Public Plans and Policies**
 - The *Southwest District Plan* (1991) recognizes, office, and greenway for this acreage, as amended by rezoning petition 1993-009. The Plan recommends the continuation of existing suburban employment land uses, and stipulates that future employment uses should not encroach on existing residential land uses.
 - Expansion of the existing office campus is proposed within the southern portion of the rezoning site, and closer to Arrowood Road.
 - The petition is consistent with the *Southwest District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 1. In a response letter from the petitioner dated September 19, 2014, the petitioner makes several references to a "Transportation Plan" and how it addresses any outstanding comments. CDOT is not in receipt of the subject "Transportation Plan".
 2. Provide a 10-foot multi-use shared path and an 18-foot planting strip from Crescent Executive Drive to the westernmost property line.
 3. Re-word conditional note "i" under the "Access and Transportation" section of the Development Standards to specifically include the proposed infrastructure phasing referenced in the last sentence of note "i".
 4. Extend the existing westbound dual left-turn lane storage by 125 feet on Arrowood Road at its intersection with South Tryon.
 5. CDOT does not support the proposed restriping of the existing through lanes on the northern and southern approaches of the Arrowood/Crescent Drive signalized intersection to through-right lanes. Striping the through lanes to through-right lanes will prevent providing a proper pedestrian phase/crossing on Arrowood Road.
 6. CDOT does not support the proposed restriping of the northernmost outside lane from gore striping to a dedicated right turn-lane on Arrowood Road at Altacrest Place along with the proposed restriping of the adjacent lane from a through-right lane to a through lane. The proposed striping needs to remain as it currently exists today.
 7. CDOT does not support the proposed southbound triple right-turn lane shown at the I-77/Arrowood Road interchange. The petitioner needs to remove the subject third right-turn lane and increase the existing dual right turn lane storage on the off ramp to the maximum

storage permitted by NCDOT. CDOT requests the extended dual right-turn lanes be shown on the site plan submittal.

8. Extend the existing eastbound dual left-turn storage at the signalized intersection of Arrowood Road at Crescent Executive Drive by 150 feet.
 - **Vehicle Trip Generation:**
Current Zoning: 6,400 trips per day.
Proposed Zoning: 8,600 trips per day.
 - **Connectivity:** See comments above.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** On May 27, 2014, Mecklenburg County Air Quality issued a Transportation Facility Permit to Construct for Time Warner Cable. This permit allows Time Warner Cable to construct a combination of parking lots and decks consisting of 3,513 parking spaces. Development of the site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. Because the proposed development will likely attract commuter trips, MCAQ recommends that the petitioner provide "preferred" (attractive, conveniently located, or reduced cost) parking for "Clean Commuters" (carpool, vanpool, hybrid vehicles and/or electric vehicles).
 - **Mecklenburg County Parks and Recreation Department:** Mecklenburg County Park and Recreation Department requests a 60-foot wide access easement to the future Sugar Creek Greenway.
 - **Urban Forestry:** 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*.
 - Protects/restores environmentally sensitive areas by dedicating land and providing a 60-foot wide access easement for the future Sugar Creek Greenway.

OUTSTANDING ISSUES

- The petitioner should:
 1. Note the percentage of tree save area being provided on the site plan, and show possible tree save areas on the site plan.
 2. Label the width of the sidewalk and planting strip along West Arrowood Road.
 3. Ensure all buffers (including widths) are properly labeled on the site plan.
 4. Amend Site Summary on Sheet RZ1.0 to note site area is 85.3 acres.
 5. Remove Signage Note 8c from the site plan.
 6. Amend Architectural Standards Note 4a to specify building materials that are listed on the proposed elevations.
 7. Address CDOT and LUESA comments.
-

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review

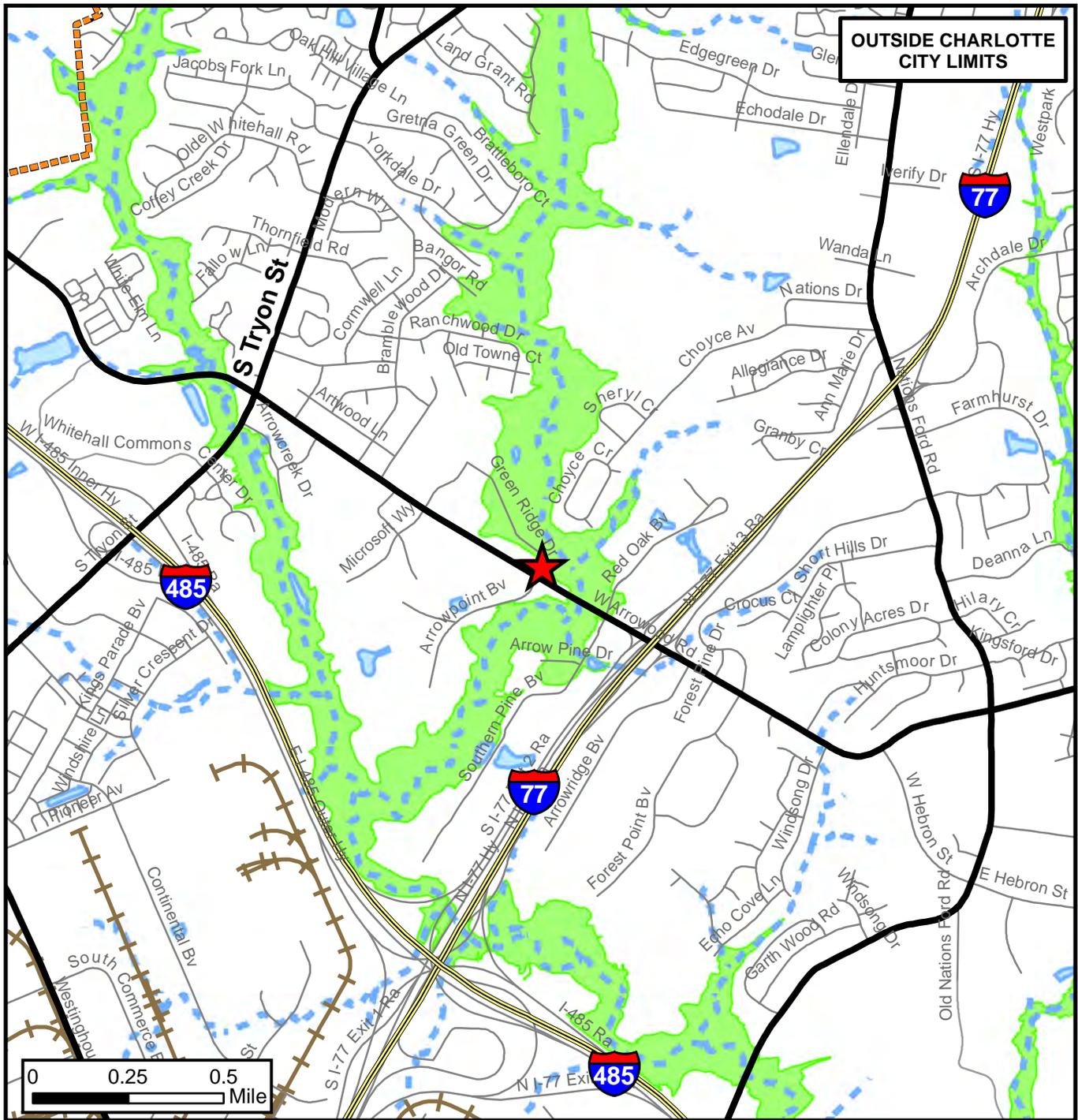
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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

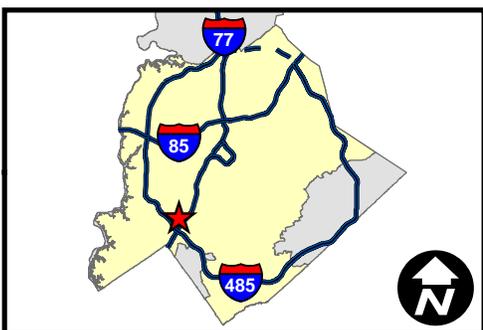
Petition #: **2014-091**

Vicinity Map

Acreage & Location : Approximately 85.3 acres located on the north side of West Arrowood Road between Woodknoll Drive and Red Oak Boulevard.



OUTSIDE CHARLOTTE CITY LIMITS



★ Rezoning Petition: 2014-091

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

“
”
”

Krugt v'

Map

Kgo "49"



ColeJenest & Stone



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Time Warner Cable

7815 Crescent Executive Drive
Charlotte, North Carolina 28217

**TIME WARNER
CABLE
REZONING**

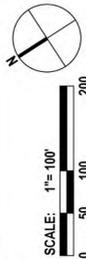
Charlotte
North Carolina 28217

CONCEPTUAL SITE PLAN PET. # 2014-091

Project No.
4332

Issued
07/28/14

Revised

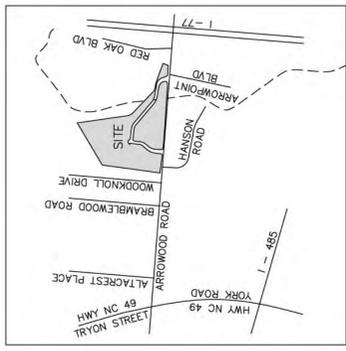


SCALE: 1"=100'

RZ22.0

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PET. # 2014-091



VICINITY MAP

SURVEY DISCLAIMER
PORTION OF TOPOGRAPHIC AND EXISTING CONDITIONS SURVEY INFORMATION PROVIDED BY ESP ASSOCIATES, P.A., PO BOX 10000, CHARLOTTE, NC 28241, (704) 363-4948, DATED AUGUST 23, 2011.



WEST ARROWOOD RD. — SR 1138
120' PUBLIC R/W
05-357.Z PG-585, 05-357.Z PG-567, 05-357/8 PG 1)



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Charlotte, North Carolina 28217

TIME WARNER
CABLE
REZONING

Charlotte
North Carolina 28217

SITE CROSS
SECTIONS
PET. # 2014-091

Project No.
4332
Issued
07/28/14

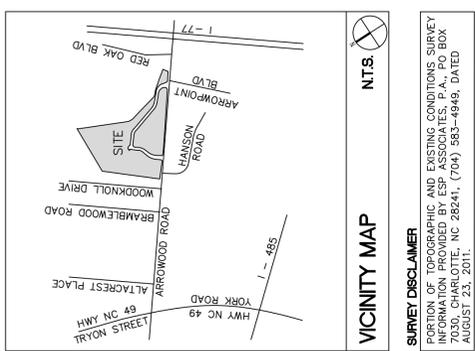
Revised
09/19/2014



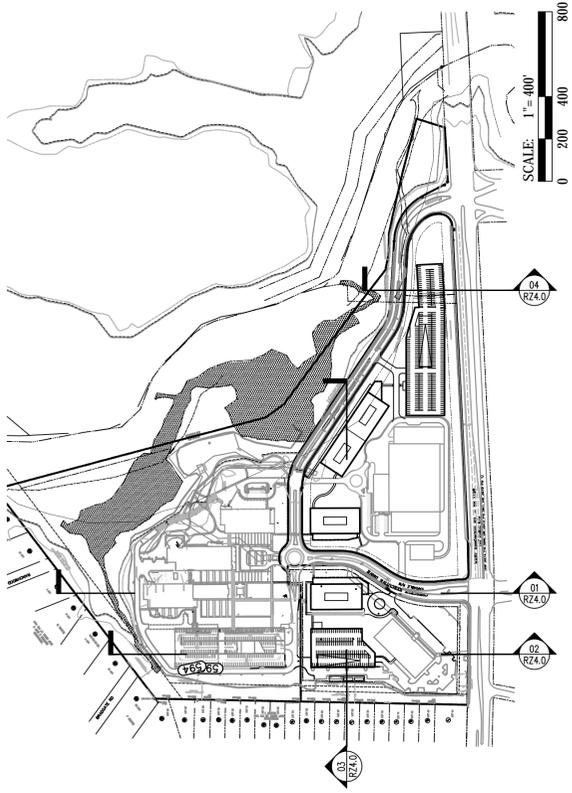
RZ4.0

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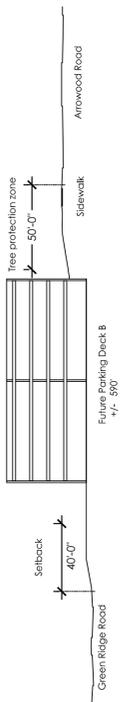
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PET. # 2014-091



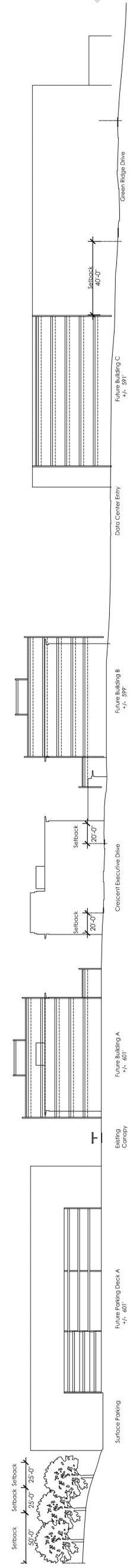
SURVEY DISCLAIMER
PORTION OF TOPOGRAPHIC AND EXISTING CONDITIONS SURVEY INFORMATION PROVIDED BY ESP ASSOCIATES, P.A., P.O. BOX 103030, CHARLOTTE, NC 28211. (704) 363-9999, DATED AUGUST 23, 2011.



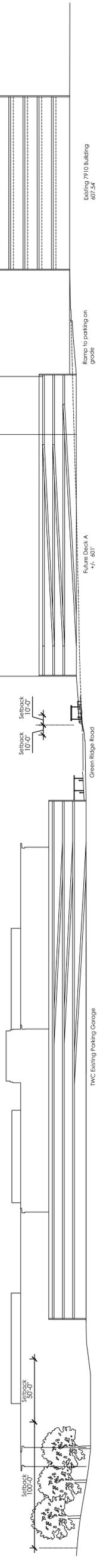
04 RZ4.0 Site Section through Future Parking Deck B
Scale: 1" = 50'-0"



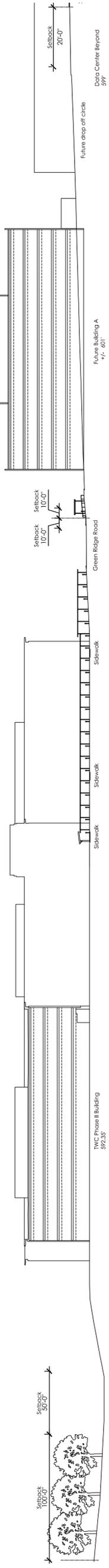
03 RZ4.0 Site Section through Future Buildings 4-6 and Parking Deck A
Scale: 1" = 50'-0"



02 RZ4.0 Site Section through Future Parking Deck A
Scale: 1" = 50'-0"



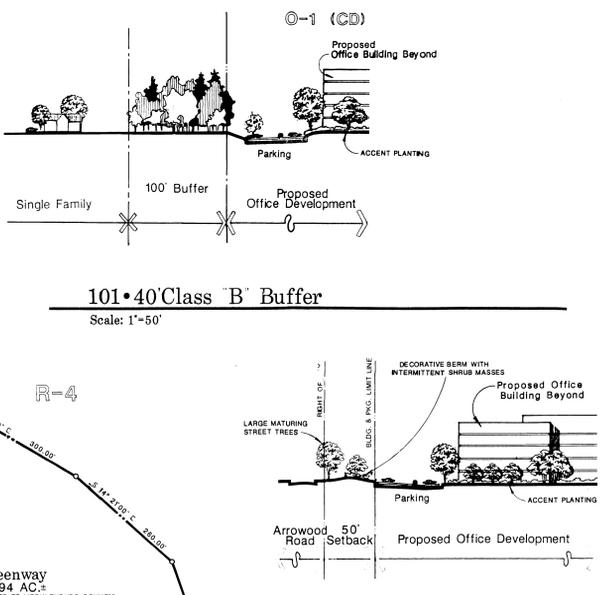
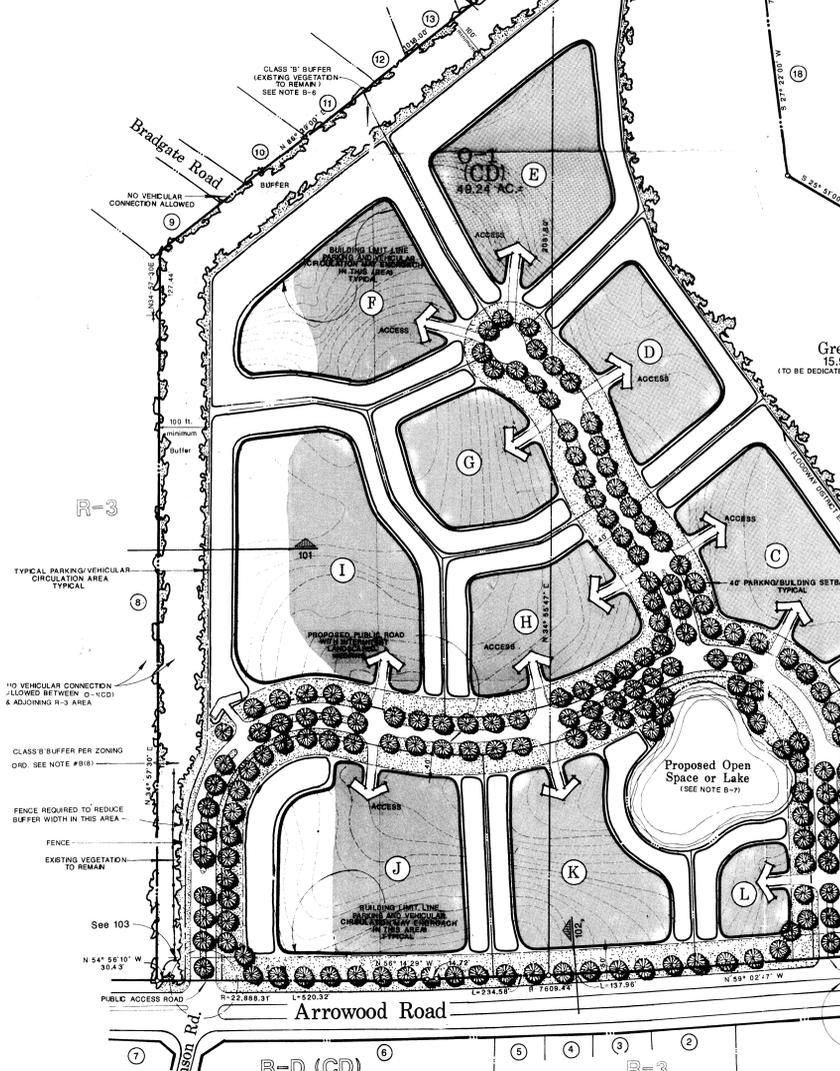
01 RZ4.0 Site Section through Future Building 4
Scale: 1" = 50'-0"



Previously
Approved
Site
Plan

103 Proposed Traffic Lane Layout
(Public Access Road at Hanson Road)

Scale: 1"=50'



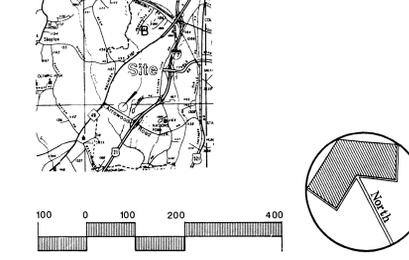
Development Data

Existing Zoning	R-12(CD) and O-15(CD)
Proposed Zoning	O-1(CD) (Site plan amend.)
Site Acreage	10.15± AC.
Exist. O-15(CD)	INCLUDES 15.94 AC. IN GREENWAY
Total	65.17± AC.
Proposed O-1(CD)	INCLUDES 15.94 AC. IN GREENWAY
Building Area	808,000 S.F. Maximum

Adjoining Property Owners

1	203-022-01 Arrowwood Associates 122 E. Stenwall St. Charlotte, N.C. 28202	17	167-121-07 C.W. & Lucy Mae Barnes 2208 Pinerive Lane Castalia, N.C. 28054
2	203-011-15 John Samuel & wife Inez D. Ashton 1845 Hanson Road Charlotte, N.C. 28210	18	167-181-06 Chace M. Shrum 5317 Sharon Acres Road Charlotte, N.C. 28210
3	203-011-17 John Samuel & wife Inez D. Ashton 1845 Hanson Road Charlotte, N.C. 28210	19	167-181-03 Honey Properties Inc P.O. Box 34540 Charlotte, N.C. 28235
4	203-011-16 R.A. McCallum, Jr. 8739 Sherbrook Dr. Charlotte, N.C. 28210		
5	203-011-13 Carl N. & W. Nancy G. Switzer 1227 Arrowood Road Charlotte, N.C. 28217		
6	203-011-14 Arrowwood Associates 122 E. Stenwall St. Charlotte, N.C. 28202		
7	203-011-05 Polly Parcin Hanson 1227 Arrowood Road Charlotte, N.C. 28211		
8	167-163-04 The Episcopal Diocese of N.C. P.O. Box 17025 Raleigh, NC 27619		
9	167-211-26 Rudolf F. Hill 7120 Bradgate Road Charlotte, N.C. 28210		
10	167-213-01 Thomas Allen Deaver 2990 E. Tom Hall St. Mt. Mill, S.C. 29715		
11	167-213-09 Charles Farnas & wife Maxine Kelly White 7516 Manford Court Charlotte, N.C. 28210		
12	167-213-10 Cito & wife Janice W. Blake, Jr. 7515 Manford Court Charlotte, N.C. 28210		
13	167-213-15 Eddie L. & wife Mary P. Wethers 3605 Hancock Drive Charlotte, N.C. 28210		
14	167-214-01 Jedrek F. Hill 1720 Hancock Drive Charlotte, N.C. 28210		
15	167-214-04 Janette W. Jordan 1609 Old Tower Court Charlotte, N.C. 28210		
16	167-214-19 The Episcopal Diocese of N.C. 20 E. 4th Street Wilmington, N.C. 28402		

Location Map



<p>Project Manager: GER</p> <p>Design By: DEW</p> <p>Checked By: LRM</p> <p>Date: 11-1-88</p> <p>Project Number: 88074 & 92078</p>	<p>Revisions:</p> <p>12-02-88 REVISIONS PER CMPG STAFF COMMENTS.</p> <p>12-23-88 REVISION TO DELETE A PORTION OF R-12(CD) AND INCREASE S.F. OF OFFICE PROPORTIONATELY (PETITION#93-9)</p> <p>2-11-89 REVISION TO DELETE ALL SINGLE FAMILY CONVERTING TO O-1 BUFFER TO O-1 BUFFER</p> <p>2-20-89 CHANGED NOTES & DEVELOPMENT DATA PER CMPG STAFF REVIEW.</p> <p>3-24-93 REVISION TO REFLECT ADDITIONAL CMPG STAFF COMMENTS.</p> <p>3-24-93 REVISION TO REFLECT CONDITIONS APPROVED BY PLANNING COMMISSION</p>		<p>DPR ASSOCIATES</p> <p>Landscaping Architects</p> <p>Design • Planning • Research</p> <p>2036 East Seventh Street</p> <p>Charlotte, NC 28204</p> <p>704/332-1204</p>	<p>Rezoning Plan • Petition No. 93-9</p> <p>SITE PLAN</p> <p>Arrowood Road Site For Withrow Capital Inc.</p> <p>Charlotte, North Carolina</p> <p>APPROVED BY CITY COUNCIL</p> <p>DATE 11/17/1993</p> <p>93-9</p>	<p>Scale: 1/4" = 1'</p> <p>Sheet: R</p> <p>Of: 7</p>
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Development Notes

- General Provisions**
 - Development of the site and its individual building components will be governed by the conditions of this Rezoning Plan and all zoning, subdivision, sign, tree and other development ordinances of the City of Charlotte which may apply from time to time (the "applicable ordinances") and as when building permits are requested for development taking place within the Site.
 - All buildings constructed on the Site within the O-1 (CD) area will be located within the maximum building limit lines established on this Rezoning Plan for each Building Parcel forming a part of the O-1 (CD) area, subject to the Petitioner's right to make minor adjustments in the size of any Building Parcel and minor shifts in the locations of the various building limit lines. The Building Parcel boundaries shall be consistent with the relocation of any public access roads as provided under Paragraph (B) and subject to the Petitioner's right to relocate any public access roads as provided under Paragraph (B) and subject to the Petitioner's right to relocate any public access roads as provided under Paragraph (B).
 - The parking areas depicted on this Rezoning Plan may vary in size and location, but in all events will be sufficient to satisfy the minimum off-street parking standards established under the applicable ordinances. Parking areas may be constructed within the building limit lines.
 - Throughout this Rezoning Application, the term "Petitioner" shall be construed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner.
- Buffer Areas, Setbacks and Open Space**
 - No buildings or parking areas may be placed within any buffer area established on this Rezoning Plan. The existing tree cover and natural vegetation within the northernly buffer areas established on this Rezoning Plan will be preserved except where clearance is necessary to accommodate walking/jogging trails, the installation of utility lines. The Petitioner reserves the right, however, to remove trees for the purpose of improving the visual appearance of the buffer areas shall be maintained as established in accordance with Ordinance requirements.
 - In the northernly buffer areas where existing trees and natural vegetation have been cleared to accommodate drainage of the installation of utility lines, all such cleared areas shall be landscaped in order to attain the desired screening relationship between the Site and the adjacent properties except in areas where the applicable ordinance or conditions imposed by utilities would prohibit such landscaping.
 - No buildings or parking areas may be located within the 50 foot minimum setback area provided on this Rezoning Plan off of Arrowood Road. This setback shall be measured from the right of way for Arrowood Road as the same may be relocated to accommodate transportation improvements contemplated under the provisions of Paragraph (B) of this Rezoning Application. The area shall be landscaped with elements consisting of trees, shrubs, lawn and/or natural vegetation.
 - Provisions will be made for the maintenance of all buffer areas and landscaped areas, except those areas which are to be dedicated to Mecklenburg County for Greenway purposes.
 - The design of the interior road system will incorporate intermittent medians which will be landscaped so as to reflect a parkway/boulevard atmosphere. Medians shall be designed to be a minimum of 4' wide.
 - A class "B" buffer which contains a minimum of 100' in depth shall be established along the northernly edge of the site.
 - No buildings or parking areas may be constructed within the area depicted on the Rezoning Plan as "open space or lake." If a dam is installed in this area, a physical separation may be provided between the dam and the proposed public street, the proposed lake may be eliminated, or the street below the proposed lake may remain private.
- Landscaping and Screening**
 - All dumpsters and service areas will be heavily screened from public streets and from adjacent properties.
 - All open (non-structure) parking lots will have landscaping and planted areas equal to at least 10% of their paved areas so as to prevent the marking of paved surfaces.
 - The landscaping program for parking areas will satisfy the requirements of the applicable ordinances.
- Signs**
 - No outdoor billboards may be placed on the Site.
 - All signs must be fixed and may not move, rotate or flash.
 - Temporary project signs may be located within the setback or buffer areas established along Arrowood Road.
 - All permanent signs placed on the Site will be erected in accordance with the applicable ordinances.
- Access Points**
 - The number of vehicular access points to Arrowood Road will be limited to two, as shown on this Rezoning Plan. However, either of these accesses may be relocated with the prior approval of the North Carolina Department of Transportation and the Charlotte Department of Transportation for purposes of realigning either of the access roads so as to intersect with any median cut or cross-over that may hereafter be established on Arrowood Road. Site adjustments may be made to Building Parcels within the O-1 (CD) area which are impacted by any such access realignment.
 - The configurations of driveways and access points within the site are subject to minor shifts or other modifications that may be required to accommodate site engineering and construction plans and designs and are further subject to approval by the North Carolina Department of Transportation and the Charlotte Department of Transportation. The alignment and lane configuration for the public street entrance opposite the Hanson Road will be subject to final review and approval by the North Carolina Department of Transportation and the Charlotte Department of Transportation.
 - Special emphasis will be given to the design and construction of each entrance to the Site. Features will include such elements as landscaped medians and coordinated signage monuments.
 - There shall be no vehicular access between the Site and any adjoining property.
- Lighting**
 - A uniform street lighting system with underground service will be provided throughout the O-1 (CD) area of the Site.
 - All direct lighting within Parcels E, F, I and J of the Site will be designed such that lighting is directed away from adjacent residential properties.
- Fire Protection**

Adequate fire protection in the form of fire hydrants will be provided to the Charlotte Fire Marshal's specifications. Plans for each building will be submitted for approval by the Fire Marshal's office before construction of the building commences.
- Permitted Uses**
 - O-1 (CD) Area**
 - The O-1 (CD) area of the Site may be devoted to any use (including any accessory use) whenever the use is permitted by right or under prescribed conditions in an O-1 Zoning District.
 - The total gross floor area within the O-1 (CD) area of the Site which may be devoted to office uses cannot exceed 808,000 square feet.
 - Improvements to Address Traffic Impact**
 - In order to improve existing road conditions and address the impact which the development proposed on the Site will have on Arrowood Road, the Petitioner commits to making the following roadway improvements at its sole cost and expense:
 - A turning lane will be provided for eastbound traffic on Arrowood Road to accommodate left turn movements into the Site at each public turn movement road, located at a median cut on Arrowood Road.
 - Deceleration lanes along Arrowood Road will be constructed at access points into the Site as required by the public authority having jurisdiction over Arrowood Road, including off-site improvements if such authority owns or acquires the necessary rights of way.
 - Additional right of way along the southern margin of the site will be dedicated to the public authority having jurisdiction over Arrowood Road if any such right of way is required to satisfy the commitments made by the Petitioner under Paragraph (1)(b).
 - The owner will fund the installation of a traffic signal at Hanson Road and Arrowood Road intersection at such time as the Charlotte Department of Transportation deems that traffic generated by the owner's development would warrant the signal.
 - Storm Water Management**

Storm water run-off from the Site will be managed through a variety of proven techniques which satisfy the standards imposed by the applicable ordinances. To the extent, however, shall any storm water management system locate in any required buffer.

Storm water detention requirements for interior parcels not adjacent to regulated floodway may be met by providing permanent pipe drainage conduits through curbside adjacent to the regulated floodway (Greenway) to handle the storm water flow, or by providing on-site detention. Retention and pipe sizes and locations will be determined once the final site plan and construction documents are complete and are subject to review and approval by the City of Charlotte Engineering Department.
 - Architectural Controls**
 - Rooftop mechanical and electrical equipment and ground-mounted transformers will be screened.
 - All trash and utility service areas will be screened.
 - Reflective glass may not be used as the sole exterior architectural element or design of any building constructed within Building Parcels Numbers E, F and I.
 - No building constructed within Building Parcels Numbers E and F shall exceed five stories in height, and no building constructed within Building Parcel I shall exceed five stories in height as measured from the highest existing ground elevation along the site's westerly property line.
- Dedication of a Portion of the Site for Greenway Purposes**
 - All of the land within the Site which lies within the Floodway Encroachment District of Big Sugar Creek will be dedicated to Mecklenburg County as part of its Greenway Park System, subject only to the Petitioner's right to retain some portions thereof where required to avoid some irregularities in dimensions. All or portions of this 100' buffer may be granted so long as the planting requirements of the site plan, all or portions of this 100' buffer may be granted so long as the planting requirements of the site plan, a fence, erected in accordance with Ordinance standards, shall be provided at the entrance at Hanson Road where landscaped space is available to comply with the 75 foot Class "B" buffer. The fence shall be located at a point no closer than 25 feet from the westerly property line with the possible exception of a small area at the intersection of Hanson Road and Arrowood Road where the fence may be designed as a sign identification feature of the office park.
 - [Continued]**
 - A 75 foot Class "B" buffer will be established along the westerly edge of the site. Furthermore, an additional 25 feet of land area (non-Class "B" buffer) shall also be made part of the buffer, thus making for a 100 foot wide buffer as noted on the site plan. All or portions of this 100' buffer may be granted so long as the planting requirements of the site plan, a fence, erected in accordance with Ordinance standards, shall be provided at the entrance at Hanson Road where landscaped space is available to comply with the 75 foot Class "B" buffer. The fence shall be located at a point no closer than 25 feet from the westerly property line with the possible exception of a small area at the intersection of Hanson Road and Arrowood Road where the fence may be designed as a sign identification feature of the office park.

<p>Project Manager: GER</p> <p>Design By: TPM</p> <p>Checked By: LRM</p> <p>Date: 11-1-88</p> <p>Project Number: 88074 & 92078</p>	<p>Revisions:</p> <p>12-12-88 REVISIONS PER CMPG STAFF COMMENTS.</p> <p>2-11-89 REVISION TO DELETE A PORTION OF R-12(CD) AND INCREASE S.F. OF OFFICE PROPORTIONATELY (PETITION#93-9)</p> <p>2-11-89 REVISION TO REFLECT CMPG STAFF REVIEW COMMENTS.</p> <p>2-20-89 CHANGED NOTES & DEVELOPMENT DATA PER CMPG STAFF REVIEW.</p> <p>3-24-93 REVISION NOTE #8 TO REFLECT CONDITIONS APPROVED BY PLANNING COMMISSION</p> <p>4-14-93 REVISION NOTES (B) 2, (K) 3 & 4, AND (B) 8.</p>		<p>DPR ASSOCIATES</p> <p>Landscaping Architects</p> <p>Design • Planning • Research</p> <p>2036 East Seventh Street</p> <p>Charlotte, NC 28204</p> <p>704/332-1204</p>	<p>Rezoning Plan • Petition No. 93-9</p> <p>Notes</p> <p>Arrowood Road Site For Withrow Capital Inc.</p> <p>Charlotte, North Carolina</p>	<p>Scale: 1/4" = 1'</p> <p>Sheet: RZ-2</p> <p>Of: 12/24</p>
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Insert

Tab

Item 28

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 a 3,010-square foot automobile service station and a 2,500-square foot commercial building.
STAFF RECOMMENDATION	Staff recommends denial of this petition. The petition is inconsistent with the <i>Southwest District Plan</i> as amended by Petition 1997-015, which specifically excludes automobile service stations as a permitted use within the development. Since the rezoning, no significant land use changes have occurred that warrant the introduction of such uses on this site.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Corporate Trust Properties NC LLC Pavilion Development Company Bohler Engineering, NC PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 19

PLANNING STAFF REVIEW

• Background

- Petition 1988-001 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road to B-1SCD (business shopping center district) to allow for a mixed use development including hotels and offices. Other business and retail uses were not permitted.
- Petition 1997-015 approved in 1998 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road from B-1SCD (business shopping center district) to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels. The proposed development is located on Parcel 4 of the overall commercial center site plan which is at the corner of Nations Ford Road and Tyvola Road. The plan allows 16,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments on Parcel 4. The plan excludes automobile service stations, building material sales and dwellings.

• Proposed Request Details

The site plan amendment contains the following changes:

- Divides Parcel 4 into two parcels; Parcel 4A is 1.28 acres and Parcel 4B is 0.52 acres.
- Modifies the permitted uses for Parcel 4A to include automobile service stations.
- Reduces the maximum development area on Parcel 4 from 16,000 square feet of office or 10,500 square feet of retail to a 3,010-square foot automobile service station on Parcel 4A and a 2,500-square foot commercial building on Parcel 4B. Reduces the total maximum for eating, drinking and entertainment uses from 24,000 square feet to 21,500 square feet.
- Adds a limit of approximately 19 feet for building height on Parcel 4A.
- Changes the right-in/right-out access on the north side of the site on Nations Ford Road to a full movement access, with a southbound left-turn lane into the center.
- Replaces the existing back of curb sidewalk along Tyvola Road with an eight-foot planting strip and six-foot sidewalk.
- Provides a 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 of the site along existing private access easement named Tyvola Glen Circle.
- Adds a maximum height of 25 feet for freestanding lights on Parcels 4A and 4B.
- 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.

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

- Provides a landscaped buffer along Nations Ford Road.
- Preserves existing trees in a tree save area near the intersection of Tyvola Road and Nations Ford Road.
- Limits the height of the building on Parcel 4B to a maximum of two stories.
- Specifies that building elevations fronting Nations Ford Road will include materials such as brick, masonry stucco, pitched or mansard roofs or decorative parapets or awnings or palladian windows, mullioned windows in order to respect the residential nature of and view from residences fronting Nations Ford Road.
- Limits ground mounted signage for the individual parcels to a maximum of four feet high and 50 square feet.
- **Existing Zoning and Land Use**
 - The subject property is currently zoned CC (commercial center) and vacant.
 - Properties south and west of the site are zoned R-4 (single family residential) with single family uses and a church. Properties east and north of the site are zoned CC (commercial center) and developed with several hotels, a financial institution and offices.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **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 and entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses. Prior to Petition 1997-015, the *Southwest District Plan* recommended a mixed use development, providing housing and employment with hotels and office uses at the northwest quadrant of the I-77 and West Tyvola Road intersection. Other business and retail uses were not permitted.
 - The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. The proposed land use is also inconsistent with the intent of the *Southwest District Plan's* initial recommendation for mixed use development providing employment and housing opportunities. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
 1. Remove the proposed entrance only access located along the existing right-in driveway on Tyvola Road.
 2. Revise the first paragraph under Note D. to eliminate the following: "A separate drive is proposed off the right-in access off of Tyvola Road to the south."
 3. Remove the fourth paragraph under Note D.
- **Vehicle Trip Generation:**
 - Current Zoning: 1,600 trips per day.
 - Proposed Zoning: 3,300 trips per day.
- **Connectivity:** 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-Mecklenburg Utilities:** 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.

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*.
 - Meets minimum ordinance requirements.

OUTSTANDING ISSUES

- The petitioner should:
 1. Change the proposed use for Parcel 4A to a use that is permitted in CC excluding automobile service stations, building material sales, dwellings, and eating, drinking and entertainment establishments with drive-in service windows.
 2. Address CDOT issues.
 3. Provide building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
 4. Revise the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).
 5. **Remove the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant"** from the Site Data.
 6. File for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating, drinking and entertainment establishment's square footage allotment by 2,500 square feet. The administrative amendment must be filed and ready for approval prior to a decision on the rezoning. Add a note to the site plan requiring filing on an administrative amendment as described in the previous sentence.
 7. Remove the "+/-" in proposed building height for Parcel 4A.
 8. Revise the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.
 9. Remove Note B. in its entirety and replace with the follow: First paragraph - **"Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows."** Second paragraph – **"Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/ drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207."**
 10. Delete Note C. in its entirety and replace with the following: **"Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures."**
 11. Revise the second paragraph under Note E. as follows: **"Landscape strips and islands shall be created to break the visual impact of the parking areas."**
 12. Revise the labels for the 35-foot setback to refer to the setback line.
 13. Provide the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
 14. Revise the third paragraph under Note E. as follows: **"Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan."**
 15. Provide a revised **"Section Thru Landscaped Buffer"** detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
 16. **Amend the label "Landscaping per master plan" to state "Landscaped buffer (see inset detail)"** and clearly indicate the locations of the berm on the site plan.
 17. Revise Note F. by removing the following language: **"As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15,"** and making all references to **"parcel"** and **"building"** plural.
 18. Add the following paragraph to Note F.: **"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 on at least 50% of the length of the first floor frontage facing the street and right-in access driveway."**
 19. Amend Note G. to remove the following: **"per Note 6 of the special conditions of the overall**

rezoning plan, petition #97-15.”

20. Eliminate the language, under Note H., referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.
-

Attachments Online at www.rezoning.org

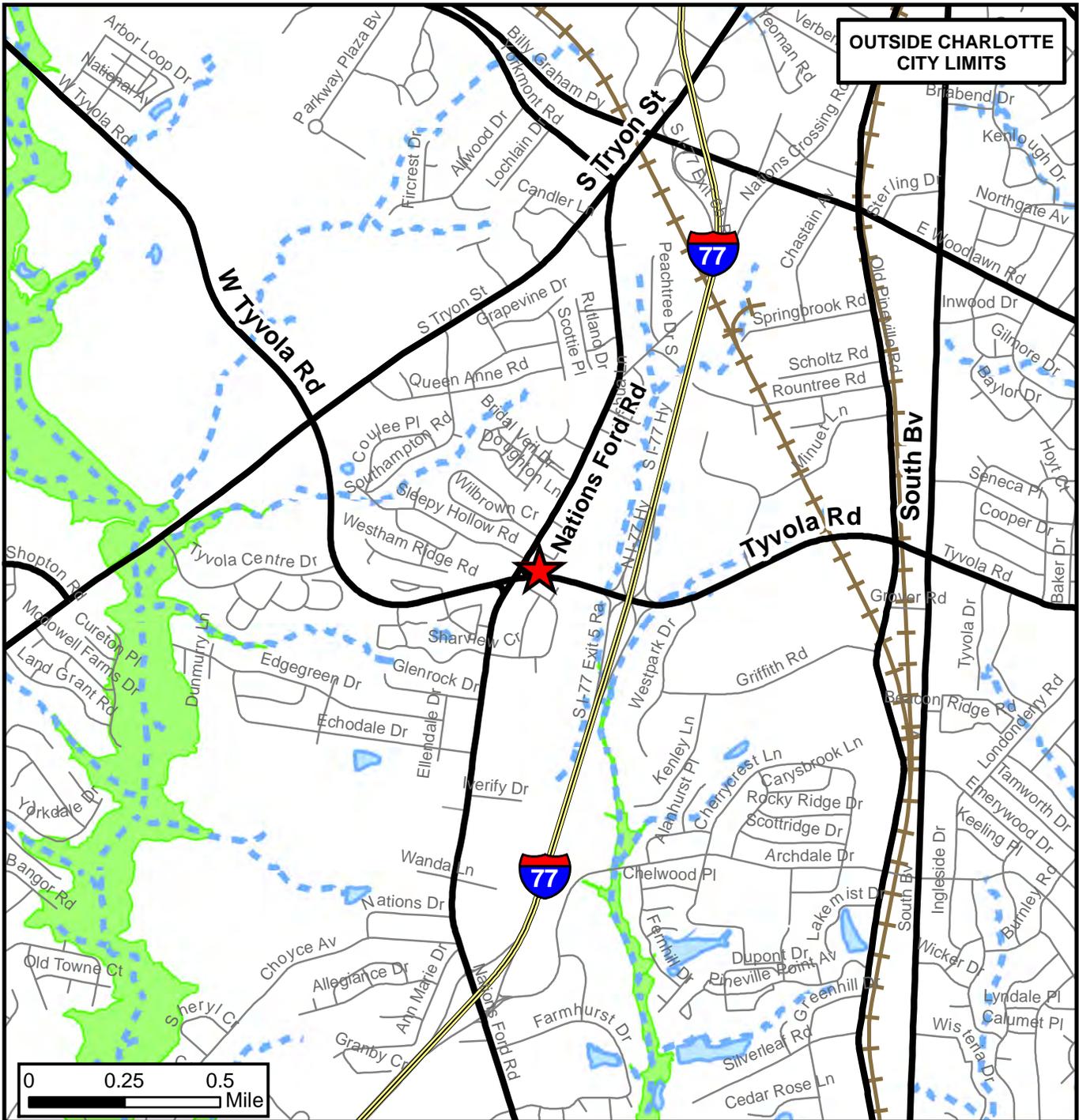
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering 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

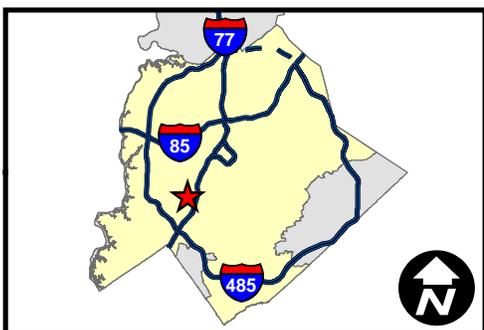
Petition #: **2014-092**

Vicinity Map

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



OUTSIDE CHARLOTTE CITY LIMITS



	Rezoning Petition: 2014-092
	Major Roads
	Collector Roads
	Charlotte City Limits
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

Insert

Map

Item 28

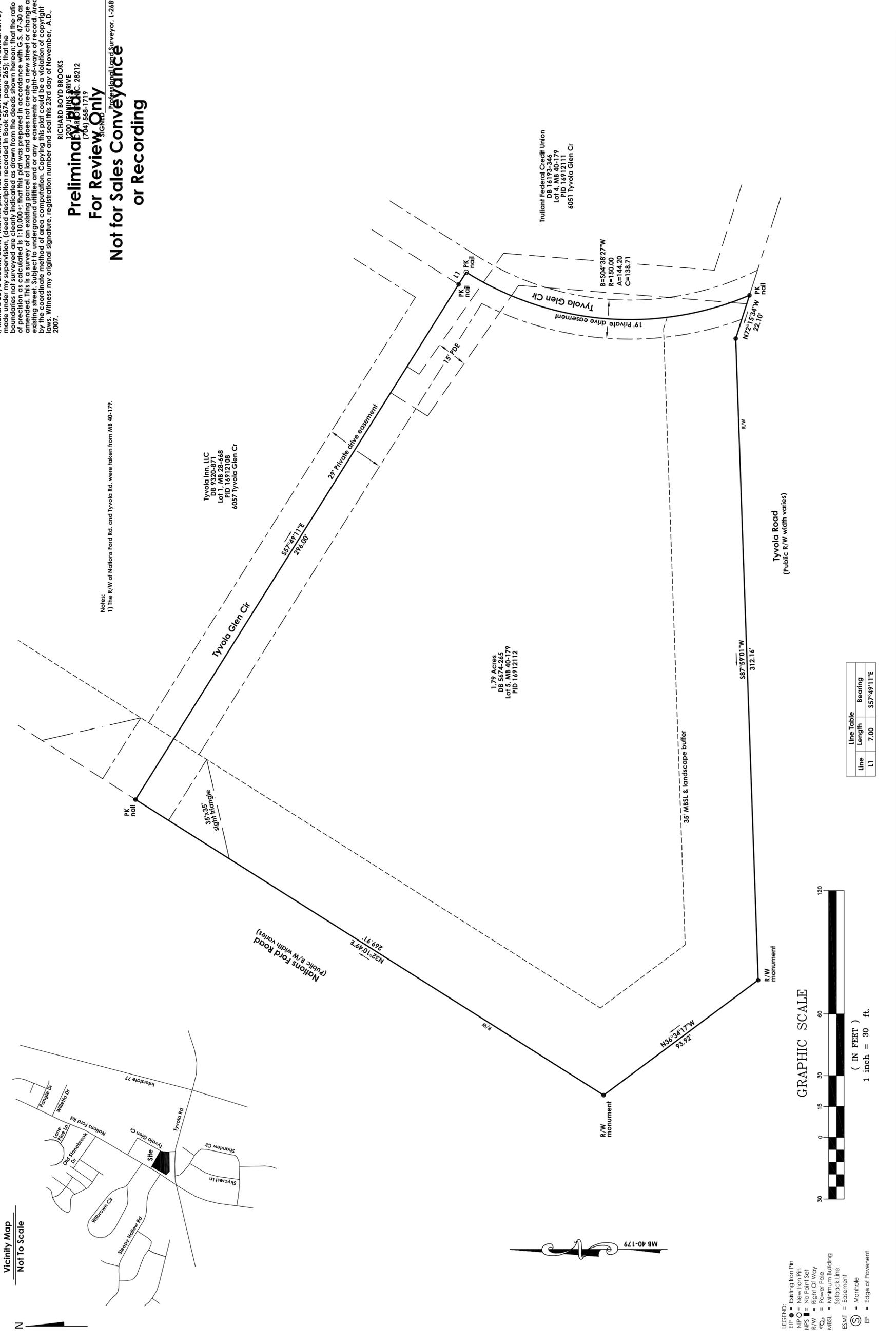
I, Richard Boyd Brooks, certify that this plat was drawn under my supervision from an actual survey made on the ground. I am a duly licensed Professional Land Surveyor in the State of North Carolina. The boundaries shown on this plat were determined by the use of the most accurate methods available. The precision of this survey is 1:10,000. This plat was prepared in accordance with C.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.

Preliminary Plat
For Review Only
Not for Sales Conveyance
or Recording

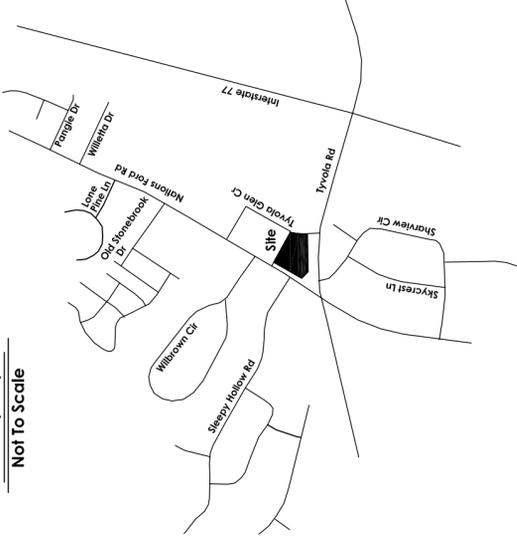
Professional Land Surveyor, I-2689

RICHARD BOYD BROOKS
 1200 JIMMINS DRIVE
 RICHMOND, N.C. 28212
 (704) 568-1719

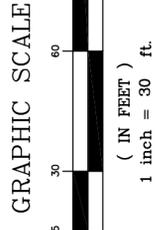
Notes:
 1) The R/W of Nations Ford Rd. and Tyvola Rd. were taken from MB 40-179.



Vicinity Map
 Not To Scale



- LEGEND:
- = Existing Iron Pin
 - = New Iron Pin
 - = Right of Way
 - = Power Pole
 - ▭ = Minimum Building Setback Line
 - ⊙ = Easement
 - ⊘ = Manhole
 - ⊚ = Edge of Pavement



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

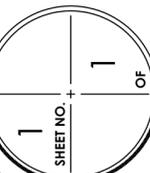
REVISIONS	BY

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

Boundary Survey
 for
 Stephen Lucas

City of Charlotte
 Mecklenburg County, N.C.

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



Previously
Approved
Site
Plan

DEVELOPMENT TABULATION

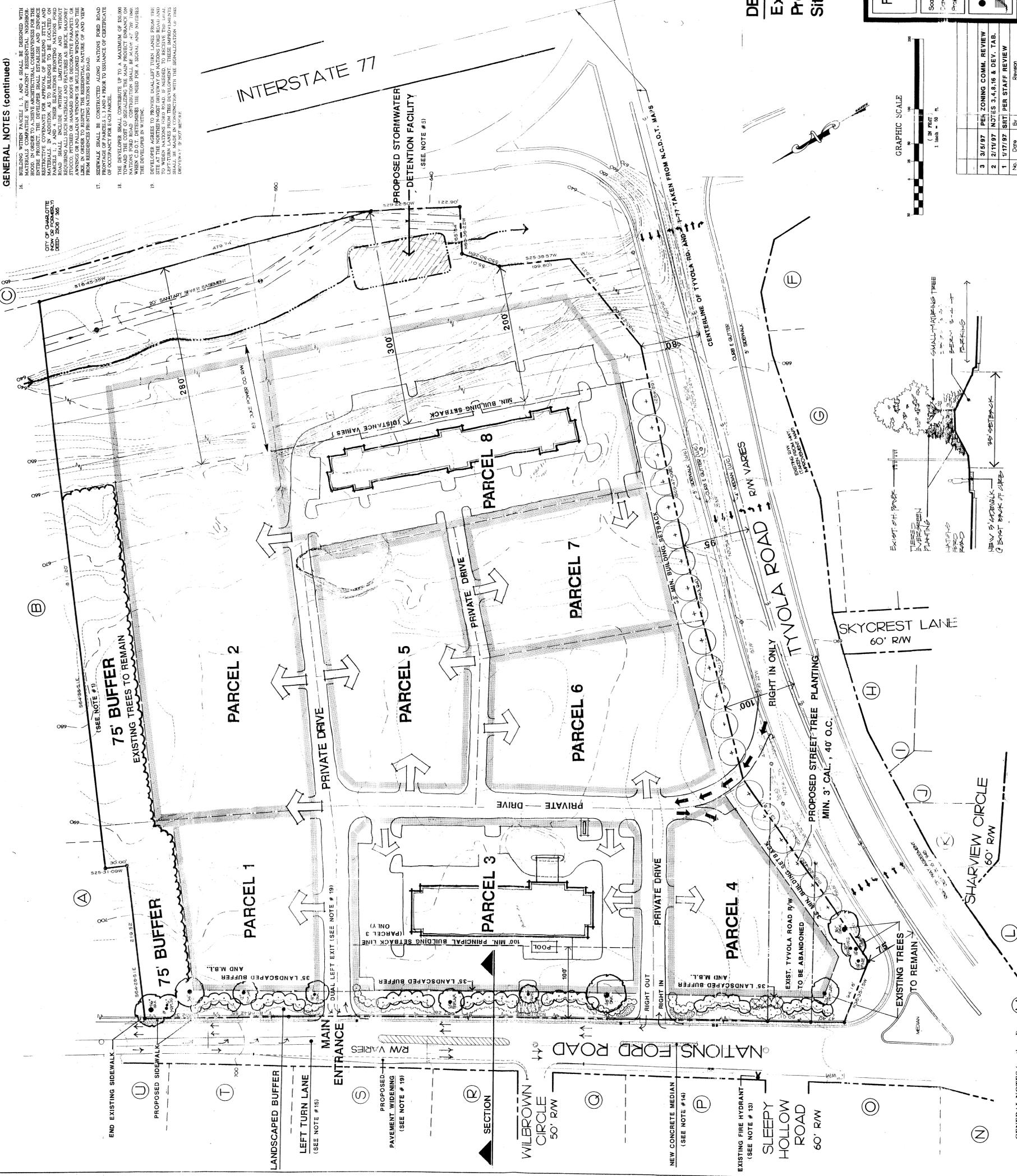
PARCEL #	SIZE (AC)	PROPOSED USES	MAX. DEVELOP. (SF/FROOMS)	MAX. HEIGHT
1	2.03	1.13 OFFICE	31,000 SF	3 STORIES
2	5.33	3.23 OFFICE	83,000 SF	6 STORIES
3	3.04	2.23 OFFICE	45,000 SF	4 STORIES
4	1.76	1.05 SEE NOTE #19	10,000 SF	3 STORIES
5	2.00	1.60 OFFICE	10,000 SF	5 STORIES
6	1.83	1.41 SEE NOTE #19	10,000 SF	3 STORIES
7	1.33	1.13 SEE NOTE #19	10,000 SF	3 STORIES
8	4.09	2.23 OFFICE	70,000 SF	4 STORIES

GENERAL NOTES

- 75 FOOT BUFFER SHOWN ALONG THE NORTHERN PROPERTY LINE MAY BE REDUCED IF THE ADJACENT PROPERTY IS REZONED TO A NON-RESIDENTIAL CLASSIFICATION.
- EXISTING UTILITIES SHOWN INCLUDING SANITARY SEWER, WATER, GAS, AND TELEPHONE LINES. CONSTRUCTION DRAWINGS FOR THESE UTILITIES SHALL BE PROVIDED BY THE DEVELOPER WITH AN ESTIMATED COMPLETION DATE OF SEPTEMBER, 2008.
- THE ROW AND PROPERTY LINE DISCREPANCIES ALONG INTERSTATE 77 AND TYVOLA ROAD ARE APPROXIMATE. BUT ARE INTENDING TO BE CORRECTED BY A FINAL AGREEMENT REGARDING THE LOCATION, DEDICATION AND ADJUSTMENT OF ROW ALONG INTERSTATE 77 AND TYVOLA ROAD.
- ADJACENT LANDS OWNERS HAVE BEEN NOTIFIED AND WILL BE ADVISED BY THE DEVELOPER IF ANY UTILITIES OR STRUCTURES ARE TO BE REMOVED FROM THE PROPERTY LINE.
- ALL SERVICE TRAILS ARE TO BE CONSIDERED AS A MINIMUM. IN EFFECT AT THE TIME OF PERMITTING. GRADING ADJUSTED TO BE CONFORMANT WITH THE CITY ZONING REGULATIONS. MAXIMUM OF FOUR FEET HIGH AND MAXIMUM OF FOUR FEET WIDE AT TYVOLA ROAD ENTRANCE. MAXIMUM OF FOUR FEET HIGH AND MAXIMUM OF FOUR FEET WIDE AT INTERSTATE 77 ENTRANCE. ROAD FRONTAGE MAXIMUM 25 FEET.
- CONTROL OF STORMWATER FROM THE SITE SHALL CONFORM TO ALL REGULATIONS WITH DETAILED PLANS TO BE SUBMITTED TO AND APPROVED BY THE CITY ENGINEER. THE DEVELOPER SHALL PROVIDE A DETENTION FACILITY AT THE POINT OF THE SET AS SHOWN ON PLAN. NO OTHER FACILITIES SHALL BE PERMITTED WITHIN THE 75 FOOT BUFFER.
- ALL SITE LIGHTING SHALL BE UNWAIVER DIRECTED SO AS NOT TO REFLECT OR BEAM TOWARD ADJACENT PROPERTY.
- ADJACENT PROPERTY OWNERS ARE LISTED ON AN ATTACHMENT TO THE PETITION AND ARE KEYS TO THIS PLAN BY LETTER CODE.
- LANDSCAPING, STREETS AND ISLANDS SHALL BE CREATED TO BREAK THE MONOTONY OF THE ADJACENT AREAS. LANDSCAPING SHALL BE PROVIDED FOR ALL SERVICE TRAILS AND SIDEWALKS. LANDSCAPING SHALL BE PROVIDED FOR ALL SERVICE TRAILS AND SIDEWALKS.
- ADJUSTMENTS TO PARCEL LINES SHOWN MAY VARY PENDING FINALIZATION OF PLANS.
- RECOMBINATIONS OF PARCELS 4 THROUGH 7 SHALL BE PERMITTED BUT IN NO CASE SHALL BE SUBDIVIDED INTO MORE THAN 4 PARCELS.
- PETITIONER SHALL LIMIT THE MAXIMUM NUMBER OF RESTAURANTS TO BE LOCATED WITHIN THE AREA DEFINED AS PARCELS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16. RESTAURANTS SHALL BE PERMITTED FOR ANY RESTAURANT USE.
- CONTINUOUS LANDSCAPING STRIPS AND ISLANDS SHALL BE CREATED ALONG NATIONS FORD ROAD, AS SHOWN ON PLAN, TO BREAK THE MONOTONY OF THE ADJACENT AREAS. LANDSCAPING SHALL BE PROVIDED FOR ALL SERVICE TRAILS AND SIDEWALKS. LANDSCAPING SHALL BE PROVIDED FOR ALL SERVICE TRAILS AND SIDEWALKS.
- A FIRE HYDRANT IS REQUIRED WITHIN 75 FEET OF THE FURTHEST CORNER OF THE BLOCK. TYVOLA ROAD TRAVEL. PETITIONER AGREES TO MEET THIS REQUIREMENT.
- PETITIONER SHALL PROVIDE APPROXIMATELY 200 CONCRETE MEDIAN WITHIN NATIONS FORD ROAD TO ENSURE RIGHT-OF-WAY TRAFFIC MOVEMENT AT SOUTHERN PROJECT ENTRANCE AS SHOWN ON PLAN.
- LEFT TURN LANE TO NORTHERN PROJECT ENTRANCE AS SHOWN ON PLAN. THE TURN LANE SHALL HAVE 150 FEET OF STORAGE AND A 5:1 SLOPE.

GENERAL NOTES (continued)

- BUILDING WITHIN PARCELS 1, 3, AND 4 SHALL BE DESIGNED WITH MATERIALS COMPATIBLE WITH ADJACENT RESIDENTIAL. NEIGHBORHOOD CHARACTERISTICS. THE DEVELOPER SHALL SECURE AND OBTAIN RESTRICTIVE COVENANTS FOR APPROVAL OF BUILDING STYLE AND MATERIALS. THE DEVELOPER SHALL SECURE AND OBTAIN RESTRICTIVE COVENANTS FOR APPROVAL OF BUILDING STYLE AND MATERIALS. THE DEVELOPER SHALL SECURE AND OBTAIN RESTRICTIVE COVENANTS FOR APPROVAL OF BUILDING STYLE AND MATERIALS.
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- LEFT TURN LANE TO NORTHERN PROJECT ENTRANCE AS SHOWN ON PLAN. THE TURN LANE SHALL HAVE 150 FEET OF STORAGE AND A 5:1 SLOPE.



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

Scale: 1"=50'
 Date: 11/22/08
 Project: #0833

REZONING PLAN
 PETITION # 2008-018

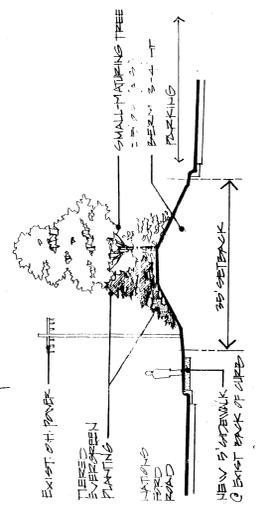
SHEET NO. R-1

APPROVED BY: [Signature]
 CITY COUNCIL
 11/18/08

No.	Date	By	Revision
3	3/5/07	PER ZONING COMM. REVIEW	
2	2/19/07	NOTES 3.4.8.16 & DEV. TAB.	
1	1/17/07	SIT/ PER STAFF REVIEW	



SECTION THRU LANDSCAPED BUFFER



24. THE PETITIONER ACKNOWLEDGES THAT OTHER STANDARD DEVELOPMENT REGULATIONS AND ORDINANCES MAY APPLY TO THIS PROJECT AND THAT THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
25. THE DEVELOPER AGREES TO GET A CERTIFICATE ISSUED BY CDOT FOR ANY FENCE OR WALL CONSTRUCTED ALONG ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY.
26. THE DEVELOPER AGREES TO GET AN ENCROACHMENT AGREEMENT APPROVED BY THE CITY ENGINEER AND THE CITY COUNCIL. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
27. THE DEVELOPER AGREES TO PROVIDE THE DIMENSION WIDTH OF THE EXISTING AND PROPOSED DRIVEWAYS, WILL HAVE DROP CURB RAMP TYPE DRIVEWAYS, INDICATE THE DIMENSION WIDTH OF THE EXISTING AND PROPOSED DRIVEWAYS, INDICATE THE DIMENSION WIDTH OF THE EXISTING AND PROPOSED DRIVEWAYS, INDICATE THE DIMENSION WIDTH OF THE EXISTING AND PROPOSED DRIVEWAYS.
28. THE DEVELOPER AGREES TO PROVIDE PEDESTRIAN SCALE LIGHTING THROUGHOUT THE PROJECT AREA. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.

29. PROPOSED PROJECT WILL SUBMIT AND OBTAIN PERMITS FROM THE CITY ENGINEER TO ENSURE THAT ALL LAND CLEARING AND/OR CONSTRUCTION ACTIVITIES THE PLAN SHOULD BE TAKEN TO CONTROL THE ENTIRE RUNOFF VOLUME FOR THE 1-YEAR 24-HOUR. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
30. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
31. PROPOSED PROJECT WILL INCLUDE A SUBSTANTIAL AMOUNT OF IMPERVIOUS AREA WHICH WILL DIRECTLY AFFECT SURFACE WATER QUALITY DUE TO STORM WATER RUNOFF. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
32. STORM WATER RUNOFF FROM THE DEVELOPMENT SHALL BE TRANSPORTED FROM THE SITE BY VEGETATED CONVEYANCES TO THE MAXIMUM EXTENT PRACTICABLE.
33. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.
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50. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER AND THE CITY COUNCIL.

Insert

Tab

Item 29

REQUEST	Current Zoning: O-15(CD) (office, conditional) Proposed Zoning: MUDD-O (mixed use development, optional), with five-year vested rights.
LOCATION	Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes a maximum of 35,000 square feet of commercial floor area, with up to two drive-through service windows.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding issues. The proposed use is consistent with the <i>South District Plan</i> .
PROPERTY OWNERS	Cynthia Smith, Robert Suther, Sarah Pollock, Erin Cole, Shannon Martin and Lynda Fagan
PETITIONER AGENT/REPRESENTATIVE	Merrifield Patrick Vermillion, LLC Collin Brown/Bailey Patrick, Jr., KL Gates
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 5

PLANNING STAFF REVIEW

- **Background**

- The subject property was rezoned via Petition 1976-53 to allow a 2,500-square foot financial institution.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 35,000 square feet of floor area for commercial uses, including all principal and accessory uses permitted in the MUDD (mixed use development) district.
- Maximum of five buildings.
- Two accessory drive-through service windows allowed except prohibited as an accessory to an eating, drinking, entertainment establishment.
- Portion of Old Sardis Road to be abandoned.
- A new CATS Park-and-Ride facility, with up to 41 spaces to replace the existing facility located within the Old Sardis Road right-of-way, will be located on an adjacent property located north of Old Sardis Road identified as rezoning petition 2007-95. An administrative amendment will be submitted to accommodate the new facility.
- Existing CATS bus stop located on Providence Road to remain.
- Vehicular access to site via Old Sardis Road. Existing driveways on Sardis Road and Providence Road to be removed. Additional site access is proposed from the adjacent shopping center located north of Old Sardis Road.
- A pedestrian refuge island will be located within the right-of-way on Providence Road and Sardis Road.
- Exterior building materials consist of brick, stone, precast concrete, cementitious siding, stucco, EIFS and metal panel. Building elevations are provided.
- Roof mounted mechanical equipment will be screened from view from public rights-of-way and abutting properties as viewed from grade.
- An eight-foot wide planting strip, with an additional five feet dedicated for a future bike lane, and a six-foot sidewalk will be provided along the frontage on Sardis Road. Sidewalk may meander to save existing trees.
- Existing sidewalk along frontage on Providence Road to be widened to six feet. The existing planting strip is to remain.
- A 19-foot setback on Sardis Road and a 20-foot setback on Providence Road.
- A wall or landscaping will be provided along both street frontages.
- Detached lighting not to exceed 20 feet in height.
- Request for five-year vested rights.

- Optional provisions include:
 - Allow two drive-through service windows, which will be screened from public streets by a wall or buildings. Drive-through service windows are prohibited as an accessory to restaurant uses.
 - Maintain existing planting strip and sidewalk location along frontage on Providence Road.
 - Allow parking and vehicle maneuvering between the buildings and Providence Road.
 - Exempt signage on the site for CATS facilities that may be located on or near the site from the amount of signage allowed under the MUDD (mixed use development) standards.
- **Existing Zoning and Land Use**
 - The subject property is currently developed with a single story bank that includes four drive-through lanes. Surrounding properties are zoned NS (neighborhood services), B-1(CD) (neighborhood business, conditional), INST(CD) (institutional, conditional), R-17MF and R-12MF (multi-family residential), and R-3 (single family residential) and developed with office and commercial uses, a religious institution, and single family and multi-family dwellings.
- **Rezoning History in Area**
 - Petition 2013-023 rezoned 36 acres located on the southwest corner of Providence Road and Strawberry Hill Drive from R-12 MF (multi-family residential) to R-17MF (CD) (multi-family residential, conditional) to allow the redevelopment of the Pinehurst Apartment with up to 580 multi-family dwelling units.
 - Petition 2012-76 rezoned 1.66 acres located on the northeast corner of the intersection of Providence Road and Mammoth Oaks Drive from INST(CD) (institutional, conditional) to B-1(CD) (neighborhood business, conditional) to allow a free-standing surface parking lot associated with an adjacent religious institution.
 - Petition 2007-95 rezoned 9.4 acres located on the northeast corner of Providence Road and Sardis Road from R-12MF (multi-family, residential) and B-1(CD) (neighborhood business, conditional) to NS (neighborhood services) to allow a 37,700-square foot expansion of the existing Strawberry Hill shopping center.
- **Public Plans and Policies**
 - *South District Plan* (1993) recommends retail use on the subject property.
 - The petition is consistent with the *South District Plan* and is compatible with adjoining uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS requests the following amendments to the note under heading Old Sardis Road Right-of-Way/CATS Park-and-Ride Facility:
 - In order to accommodate the abandonment, it would be necessary for the petitioner to provide an alternate CATS park-and-ride facility within permanent easement to replace the one currently located within the Old Sardis Road right-of-way.
 - It is understood that no development activity can take place within the Old Sardis Road right-of-way unless and until that area is abandoned by the City of Charlotte, and a replacement park-and-ride facility is established for CATS.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 - Current Zoning: 370 trips per day.
 - Proposed Zoning: 1,750 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
-

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 building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
 1. Show proposed dumpster and recycling location. Note that trash receptacles may not be temporarily located behind buildings on Providence Road or Sardis Road.
 2. Provide detail of proposed wall and landscape screening that may be provided along public streets.
 3. **Change "restaurant" to "eating, drinking, and entertainment establishment."**
 4. Delete Note 2(d).
 5. Correctly number items under Note 2 and Note 4.
 6. Delete Note 12.
 7. **Amend Note 10 to state "signage as allowed by the Ordinance will be provided."**
 8. Address CATS comments.

Attachments Online at www.rezoning.org

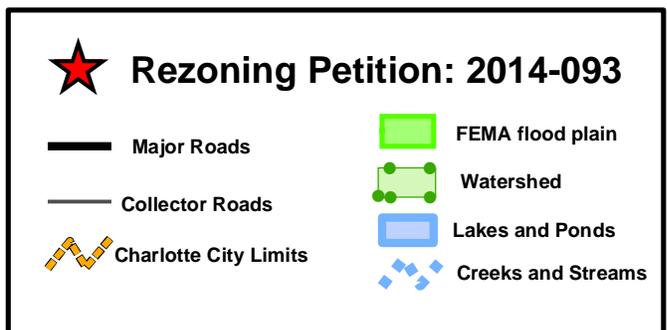
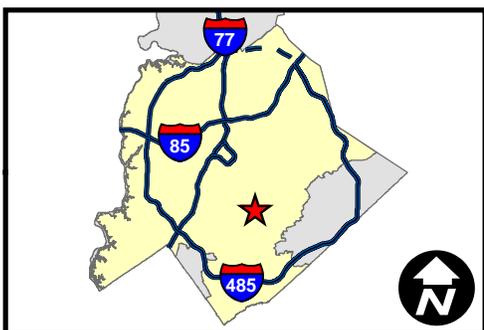
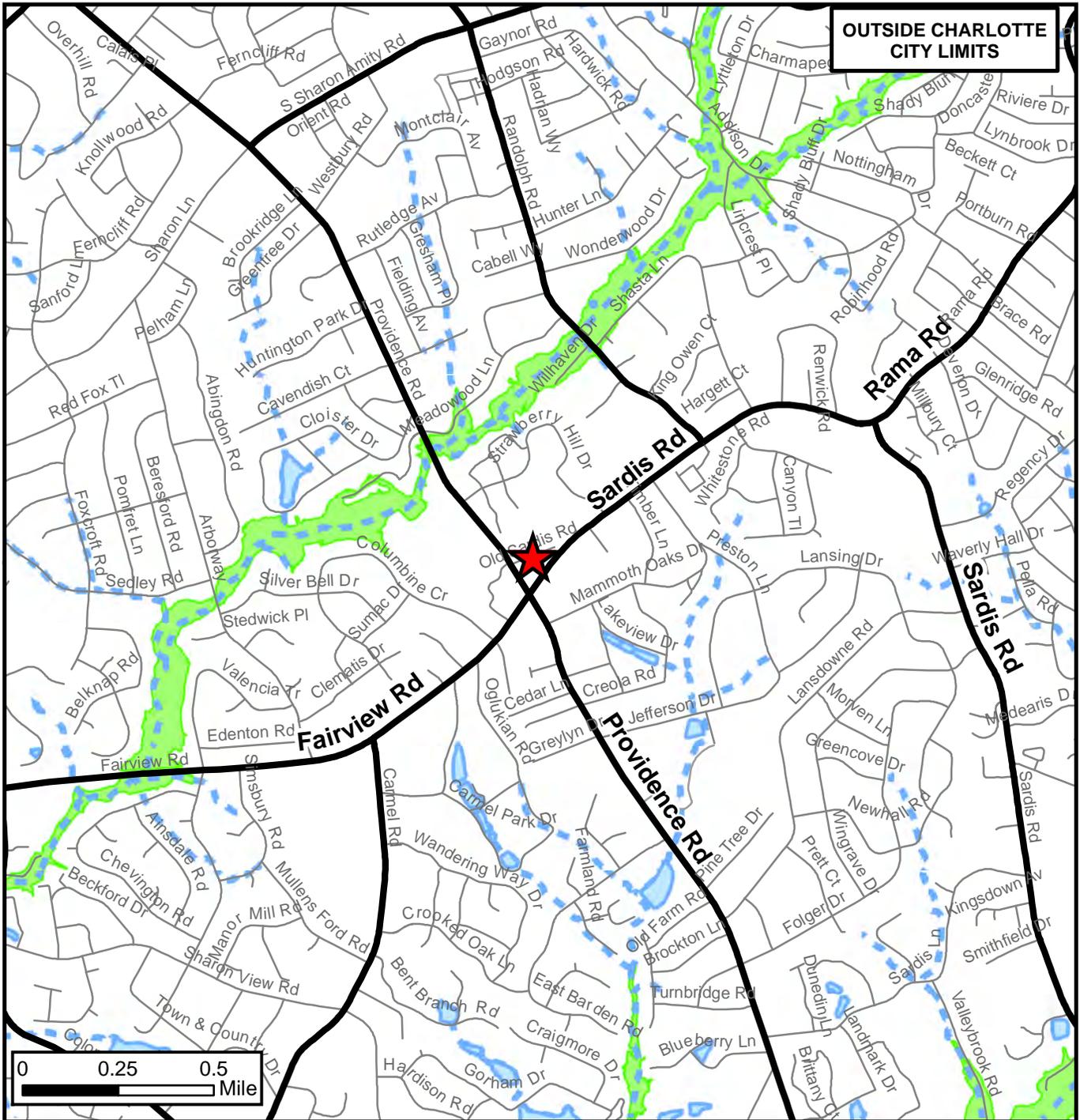
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-093**

Vicinity Map

Acreage & Location : Approximately 3.15 acres located on the northeast corner at the intersection of Providence Road, Sardis Road, and Fairview Road.



“
”
”

Krugt v'

Map

Kgo "4; "

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

THE PURPOSE OF THIS REZONING REQUEST IS TO ACCOMMODATE THE REDEVELOPMENT OF AN APPROXIMATELY 3.15 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDIS ROAD ALSO IDENTIFIED AS MECKLENBURG COUNTY TAX PARCEL 16-01661 (THE SITE).
 DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE ACCOMPANYING TECHNICAL DATA SHEET. THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE ORDINANCE), EXCEPT AS OTHERWISE PROVIDED UNDER THE MIDDLOPTIONAL PROVISIONS SET FORTH UNDER SECTION 2. HEREOF AND ANY OTHER APPLICABLE ORDINANCES, SHALL APPLY TO THE DEVELOPMENT OF THE SITE. THE APPLICABLE ZONING REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MAJED ZONING DISTRICT SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

THE DEVELOPMENT DEPICTED ON THE TECHNICAL DATA SHEET IS INTENDED TO REFLECT THE SETBACKS, BUILDING ENVELOPES AND VEHICULAR ACCESS POINT RELATED TO THE PROPOSED DEVELOPMENT ON THE SITE.
 ALTERATIONS OR MODIFICATIONS WHICH IN THE OPINION OF THE PLANNING DIRECTOR, SUBSTANTIALLY ALTER THE CHARACTER OF THE DEVELOPMENT OR SIGNIFICANTLY ALTER THE TECHNICAL DATA SHEET OR ITS RESPECTIVE CONDITIONS AS WELL AS ANY CHANGES WHICH INCREASE THE INTENSITY OF DEVELOPMENT SHALL NOT BE DEEMED TO BE MINOR AND MAY ONLY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION C(1) OR (2) OF THE ORDINANCE AS APPLICABLE.

OLD SARDIS ROAD RIGHT-OF-WAY CATS PARK-AND-RIDE FACILITY
 IN THE EVENT THAT THIS REZONING PETITION IS APPROVED, THE PETITIONER INTENDS TO PURSUE THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY OF OLD SARDIS ROAD. IN ORDER TO ACCOMMODATE THE ABANDONMENT, IT WOULD BE NECESSARY FOR THE PETITIONER TO PROVIDE AN ALTERNATE CATS PARK-AND-RIDE FACILITY TO REPLACE THE ONE CURRENTLY LOCATED AT THE INTERSECTION OF OLD SARDIS ROAD AND PROVIDENCE ROAD. THE ALTERNATE PARK-AND-RIDE FACILITY IS SHOWN ON THE ATTACHED SITE PLANS FOR ILLUSTRATIVE PURPOSES. THEREFORE, PRIOR TO CITY COUNCIL APPROVAL OF THIS REZONING PETITION, THE PETITIONER WILL SUBMIT A REQUEST FOR AN ADMINISTRATIVE AMENDMENT TO REZONING PETITION 2007-066 IN ORDER TO ACCOMMODATE A NEW PARK-AND-RIDE FACILITY ON THE PROPERTY LOCATED AT THE INTERSECTION OF OLD SARDIS ROAD AND PROVIDENCE ROAD. THE PETITIONER REQUESTS THAT THE CITY UNDERSTOOD THAT NO DEVELOPMENT ACTIVITY CAN TAKE PLACE WITHIN THE OLD SARDIS ROAD RIGHT-OF-WAY UNLESS AND UNTIL THAT AREA IS ABANDONED BY THE CITY OF CHARLOTTE.

2. MIDDLOPTIONAL PROVISIONS

THE PETITIONER PROPOSES TO UTILIZE THE MIDDLO PROVISIONS OF THE ORDINANCE IN ORDER TO ACCOMMODATE THE FOLLOWING:

- (6) A MAXIMUM OF TWO DRIVE-THROUGH SERVICE WINDOWS. HOWEVER, DRIVE-THROUGH SERVICE WINDOWS SHALL NOT BE PERMITTED AS AN ACCESSORY TO RESTAURANT USES. ALL DRIVE-THROUGH USES SHALL BE SCREENED FROM PUBLIC STREETS BY BUILDINGS OR WALLS.
- (10) MAINTAINING THE EXISTING PLANTING STRIP AND SIDEWALK LOCATION ALONG THE SITE'S FRONTAGE ON PROVIDENCE ROAD.
- (11) PARKING AND VEHICLE MANEUVERING AREAS BETWEEN BUILDINGS AND PROVIDENCE ROAD.
- (12) ANY SIGNAGE ON THE SITE FOR EXISTING OR FUTURE CATS PARK-AND-RIDE FACILITIES ON OR NEAR THE SITE MAY BE PERMITTED TO EXCEED THE HEIGHT AND AREA LIMITS SET FORTH IN THE TECHNICAL DATA SHEET FACTORED INTO THE AMOUNT OF SIGNAGE OTHERWISE ALLOWED ON THE SITE UNDER THE MAJED DISTRICT STANDARDS.

3. PERMITTED USES AND MAXIMUM DEVELOPMENT

THE SITE MAY BE DEVELOPED WITH UP TO 35,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN UP TO FIVE BUILDINGS. THE SITE MAY ALSO BE DEVELOPED WITH UP TO 35,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN UP TO FIVE BUILDINGS AS WELL AS ANY DRIVE-THROUGH SERVICE WINDOWS PERMITTED SUBJECT TO THE OPTIONAL PROVISIONS IN PARAGRAPH 2 ABOVE.

4. TRANSPORTATION

- (6) VEHICULAR ACCESS WILL BE AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. THE PLACEMENTS AND CONFIGURATIONS OF THE VEHICULAR ACCESS POINT SHOWN ON THE TECHNICAL DATA SHEET ARE SUBJECT TO ANY MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED BY CDDOT FOR APPROVAL.
- (10) PETITIONERS SHALL ELIMINATE ONE EXISTING DRIVEWAY ACCESS TO PROVIDENCE ROAD AND ONE EXISTING DRIVEWAY ACCESS TO SARDIS ROAD AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET.
- (11) THE PETITIONERS RESERVE THE RIGHT TO DEVIATE FROM THE STREET DESIGN DEPICTED ON THE TECHNICAL DATA SHEET, PROVIDED ANY PROPOSED CHANGES ARE APPROVED IN ADVANCE BY CDDOT.
- (12) ALL PRIVATE STREETS MAY BE CONVERTED TO PUBLIC STREETS AT THE PETITIONERS' OPTION, PROVIDED THEY ARE DESIGNED TO PUBLIC STREET STANDARDS.
- (13) PETITIONER SHALL PETITION FOR THE ABANDONMENT OF A PORTION OF THE OBVIOUSLY EXISTING PORTIONS OF PROVIDENCE ROAD AND SARDIS ROAD RIGHT-OF-WAY AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET. IN THE EVENT THAT THIS REZONING PETITION IS APPROVED, THE PETITIONER INTENDS TO PURSUE THE ABANDONMENT OF A PORTION OF THE RIGHT-OF-WAY. PETITIONER SHALL COORDINATE WITH CDDOT WITH REGARD TO THE DESIGN AND LOCATION OF THE PEDESTRIAN REFUGES.
- (14) PETITIONER SHALL COORDINATE WITH CATS STAFF TO RELOCATE THE EXISTING PARK-AND-RIDE FACILITY WITHIN THE OLD SARDIS ROAD RIGHT-OF-WAY.

5. ARCHITECTURAL STANDARDS

- (6) THE ARCHITECTURAL STYLE AND QUALITY OF BUILDING MATERIALS WITHIN THE SITE SHALL BE GENERALLY CONSISTENT WITH THE CONCEPTUAL ELEVATIONS PROVIDED AS A PART OF THIS REZONING PETITION.
- (10) EXTERIOR FINISHES SHALL INCLUDE BRICK, STONE, CAST STONE, PRECAST CONCRETE, CERAMITICUS SIDING, STUCCO, EIFS, AND METAL PANEL.
- (11) ALL ROOF MOUNTED MECHANICAL EQUIPMENT WILL BE SCREENED FROM VIEW FROM ADJOINING PUBLIC RIGHTS-OF-WAY AND ADJUTING PROPERTIES AS VIEWED FROM GRADE.
- (12) DUMPSTERS AREAS WILL BE ENCLOSED ON ALL FOUR SIDES BY AN OPAQUE WALL WITH ONE SIDE BEING A Hinged OPERABLE GATE. IF ONE OR MORE SIDES OF A DUMPSTER AREA ADJON A SIDE OR REAR WALL OF A BUILDING, THEN THE SIDE OR REAR WALL MAY BE SUBSTITUTED FOR A SIDE.

6. STREETScape AND LANDSCAPING

- (10) PETITIONERS SHALL PROVIDE A NINETEEN (19) FOOT SETBACK ALONG THE SITE'S SARDIS ROAD FRONTAGE.
- (11) ALONG THE SITE'S SARDIS ROAD FRONTAGE, PETITIONERS SHALL RESERVE A FIVE (5) FOOT WIDE AREA ADJACENT TO THE EXISTING BACK-CURB TO ACCOMMODATE THE CONSTRUCTION OF A BIKE LANE IN THE FUTURE BY CDDOT OR OTHERS. THE BIKE LANE SHALL BE A MINIMUM OF EIGHT (8) FOOT WIDE PLANTING STRIP AND SIX (6) FOOT SIDEWALK BEHIND THE BIKE LANE.
- (12) PETITIONERS SHALL PROVIDE A TWENTY (20) FOOT SETBACK ALONG THE PORTIONS OF THE SITE THAT FRONTS PROVIDENCE ROAD AND SARDIS ROAD FRONTAGE.
- (13) PETITIONERS SHALL MAINTAIN THE EXISTING CURB LINES AND RELOCATE ANYING STRIPS ALONG PROVIDENCE ROAD AND SARDIS ROAD UNDER THE EXISTING SIDEWALK ALONG THE SITE'S FRONTAGE ON PROVIDENCE ROAD TO AT LEAST SIX (6) FEET IN WIDTH.

7. ENVIRONMENTAL FEATURES

BEFORE ANY DEVELOPMENT TAKES PLACE WITHIN THE SITE, THE PETITIONER SHALL CONDUCT AN ENVIRONMENTAL ASSESSMENT OF THE SITE TO IDENTIFY ANY ENVIRONMENTAL FEATURES THAT MAY BE PRESENT ON THE SITE. THE PETITIONER SHALL PROVIDE A REPORT TO THE CITY OF CHARLOTTE THAT WILL SERVE THE SITE. DEVELOPMENT ON THE SITE SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. REDEVELOPMENT ACTIVITY ON THE SITE IS EXEMPT FROM TREE SAVE REQUIREMENTS UNDER TREE ORDINANCE. HOWEVER, PETITIONER WILL PRESERVE TREES OVER EIGHT (8) INCHES DBH LOCATED WITHIN FOURTEEN (14) FEET OF THE BACK OF CURB ALONG THE PROVIDENCE ROAD AND SARDIS ROAD RIGHT-OF-WAY SETBACK.

8. OPEN SPACE

OPEN SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

9. FIRE PROTECTION

FIRE PROTECTION SHALL BE PROVIDED IN CONFORMITY WITH THE SPECIFICATIONS OF THE FIRE MARSHALL.

10. SIGNAGE

OPEN SPACES SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ORDINANCE.

11. LIGHTING

(6) FREESTANDING LIGHTS SHALL NOT EXCEED 20 FEET IN HEIGHT.

12. OTHER

PETITIONER REQUESTS VESTED RIGHTS FOR A PERIOD OF FIVE YEARS.

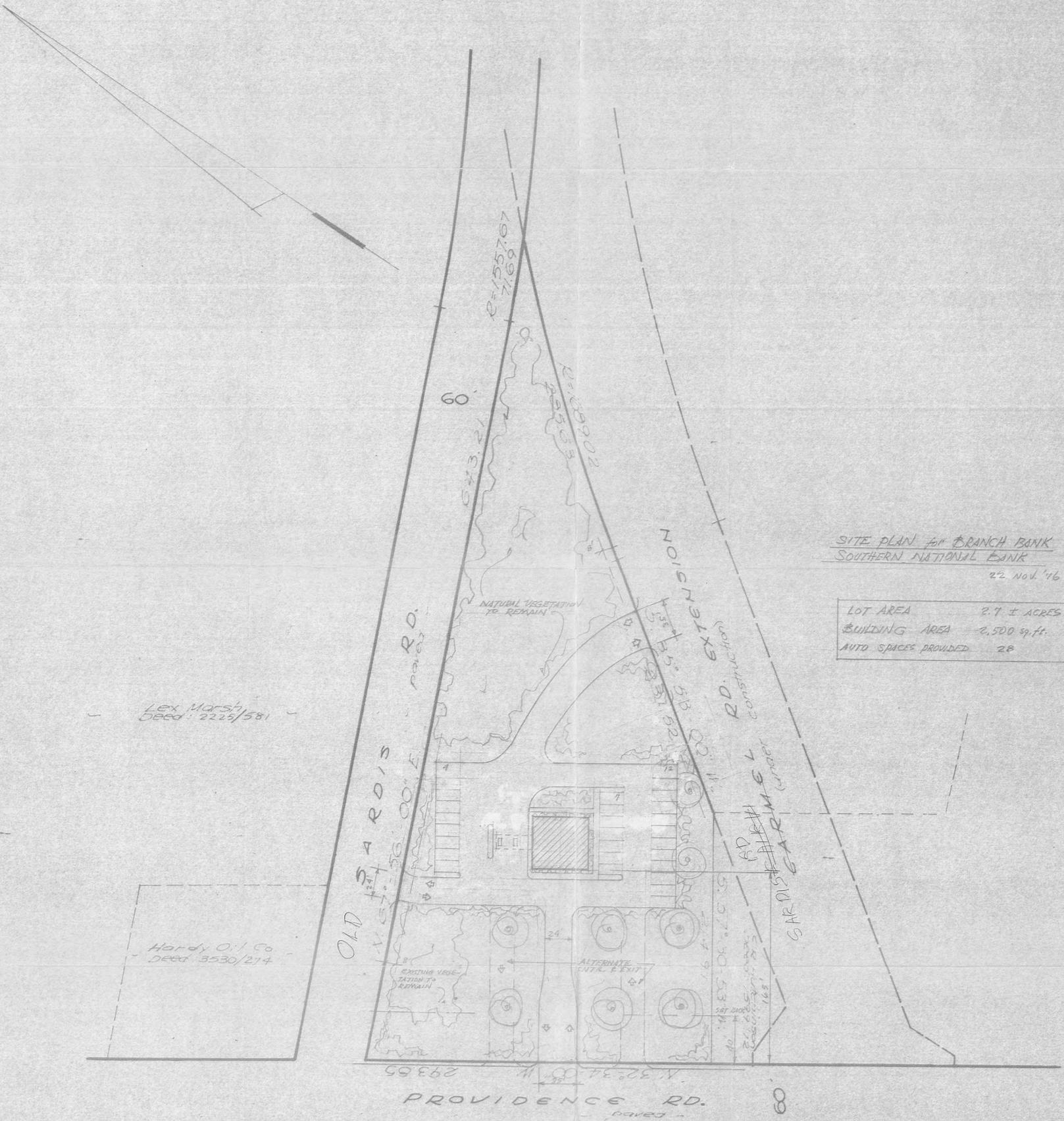
Previously
Approved
Site
Plan

PROPERTY OF

MOROTHY A. SOUTHER
MARTHA A. SOUTHER
CHARLOTTE, N.C.

Scale 1"=50'
April 15, 1976

Carolina Surveyors, Inc.
Charlotte, N.C.
Ed Brooker, P.E., N.C.R.L.S.



SITE PLAN FOR BRANCH BANK
SOUTHERN NATIONAL BANK
22 Nov. '76

HAROLD L. COOPER
AND ASSOCIATES
ARCHITECTS

LOT AREA	2.7 ± ACRES
BUILDING AREA	2,500 sq. ft.
AUTO SPACES PROVIDED	28

Lex Marsh
Deed 2229/581

Hardy O. Co
Deed 3530/214

OLD SARDIS
RD.

RD. EXTENSION
(under construction)

SARDIS CARMEL
RD.

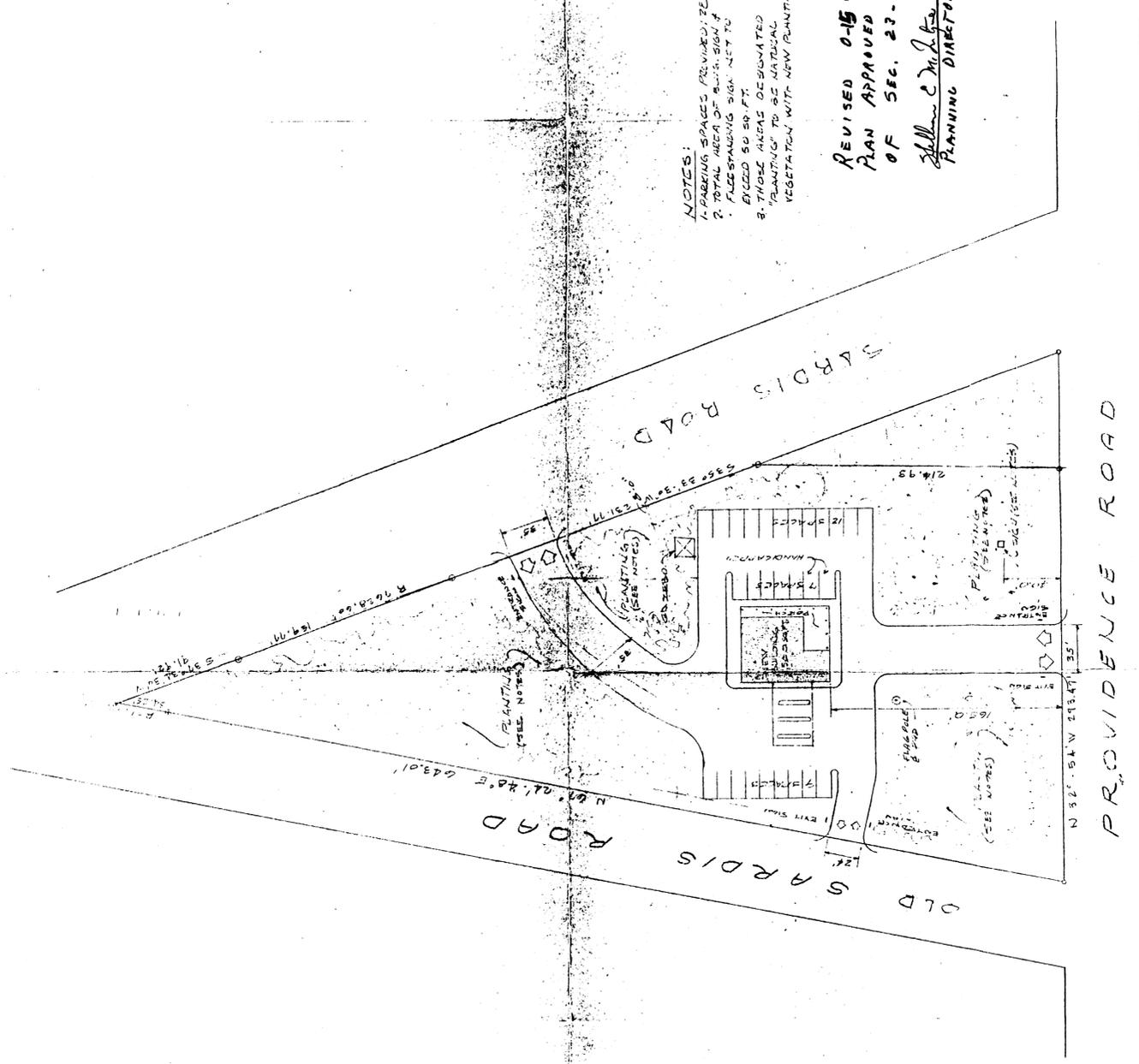
PROVIDENCE RD.
Daved

NOTE: No boundary survey made
shown on this plan.

76-53
As approved by City Council
11/22/76

Received 11/22/76

4309
PROVIDENCE RD.



- NOTES:**
1. PAVING SPACES PROVIDED.
 2. TOTAL AREA OF BUILDING SIGN.
 3. FLOORING SIGN NETTING.
 4. CYCLED 50 FT.
 5. THOSE AREAS DESIGNATED "PLANTING" TO BE NATURAL VEGETATION WITH NEW PLANTING.

REVISED 0-15 (GD) SITE
 PLAN APPROVED UNDER PROVISIONS
 OF SEC. 27.35 (F)
 WILLIAM C. HARRIS, III
 PLANNING DIRECTOR
 DATE 04/14/92

Approved 10-14-77
 by Planning Comm.

76-53



SITE PLAN
 5/10/77-50' (8.92 ACRES)

AMERICAN BANK AND TRUST COMPANY PROVIDENCE ROAD BRANCH - CHANOTTE, N.C.	
PREPARED SITE PLAN	DATE 10/14/77
BY WILLIAM C. HARRIS, III	REVISIONS
BY WILLIAM C. HARRIS, III ARCHITECT 405 PARK RD., CHARLOTTE, N.C. (704-527-910)	
DATE 0-15-77	APPROVED BY WILLIAM C. HARRIS, III
	MANUFACTURED BY A-1 091

Insert

Tab

Item 30



Note: The petitioner has requested a deferral of the public hearing until November 17, 2014.

REQUEST	Current Zoning: R-3 (single-family) and NS (neighborhood services) Proposed Zoning: B-1(CD) (neighborhood business, conditional)
LOCATION	Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating, drinking and entertainment uses.
STAFF RECOMMENDATION	Staff recommends denial of this petition. This petition is inconsistent with the <i>Northeast Area Plan</i> , which recommends residential land uses, up to 12 units per acre for the parcels zoned R-3 (single family, residential) and office land uses for the parcels zoned NS (neighborhood services). In addition, the adopted area plan limits most of the retail uses to the opposite side of North Tryon Street and there exists a large amount of undeveloped land zoned appropriately for the proposed use. The proposed site design and layout is inconsistent with adopted policies.
PROPERTY OWNER	Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.
PETITIONER AGENT/REPRESENTATIVE	QuikTrip Corporation 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: 4

PLANNING STAFF REVIEW

- **Background**

- Petition 2007-143 rezoned 0.93 acres of the subject site located at the intersection of North Tryon Street and West Pavilion Boulevard to NS (neighborhood services) to allow the possible development of a 10,000-square foot building for general and medical office uses.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- An 8,000-square foot building for a convenience store with gasoline sales; eating, drinking and entertainment establishments; and retail uses.
- Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
- An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
- Elevations of the proposed structures.
- Maximum building height of 25 feet.
- Detached lighting limited to 24 feet in height.
- Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
- A 49-foot **Class "B" buffer adjacent to residentially zoned properties.**
- Proposed screening shrubs and tree plantings provided along all public street frontages.
- Dedication of future right-of-way for future West Pavilion Boulevard Extension.
- Site access from Salome Church Road and West Pavilion Boulevard.

-
- **Existing Zoning and Land Use**
 - The subject property is currently zoned R-3 (single family residential) and NS (neighborhood services) and is vacant.
 - The surrounding properties are zoned R-3 (single family residential), R-12MF(CD) (multi-family residential, conditional), R-22MF(multi-family residential), NS (neighborhood services), and CC (commercial center) and are vacant or developed with residential and commercial structures.
 - **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
 - **Public Plans and Policies**
 - *The Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
 - This petition is inconsistent with the *Northeast Area Plan*.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** The petitioner should show and add the following transportation improvements to the site plan.
 - Add a southbound right turn-lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
 - Provide a northbound right turn-lane with a minimum of 100 feet of storage on Salome Church Road at the site's proposed access "A."
 - Extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
 - **Vehicle Trip Generation:**
Current Zoning: 600 trips per day.
Proposed Zoning: 10,800 trips per day.
 - **Connectivity:** 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-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** Petitioner should provide a wetlands letter for the subject site.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** 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*.
 - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond those required.

OUTSTANDING ISSUES

- Land Use
 - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by

Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.

- If considered for approval, the petitioner should:
 1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.
 2. Add a note that accessory service windows will not be allowed on the site.
 3. Remove the proposed parking from the 42-foot setback along Salome Church Road.
 4. Label the width and amount of land being dedicated for West Pavilion Boulevard extension. Petitioner should dedicate 65 feet from centerline along both sides of the proposed thoroughfare.
 5. Show possible tree save areas on the site plan.
 6. **Modify conditional note under Maximum Gross Floor Area to read "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross square footage."**
 7. **Modify Note 1 under Architectural Standards to add "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."**
 8. Remove Note 3 under Architectural Standards. Label the proposed building materials on the proposed elevations.
 9. Add a note that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
 10. Add a note stating that pole signs will not be allowed on the site and that monument signs will be limited to seven feet in height and 50 square feet.
 11. Remove references to proposed locations for detached signage.
 12. **Amend Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."**
 13. Address Transportation comments.
 14. Address Engineering and Property Management comment.

Attachments Online at www.rezoning.org

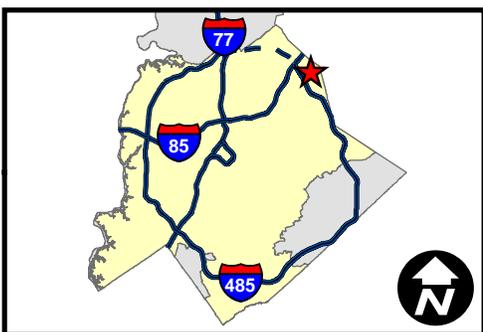
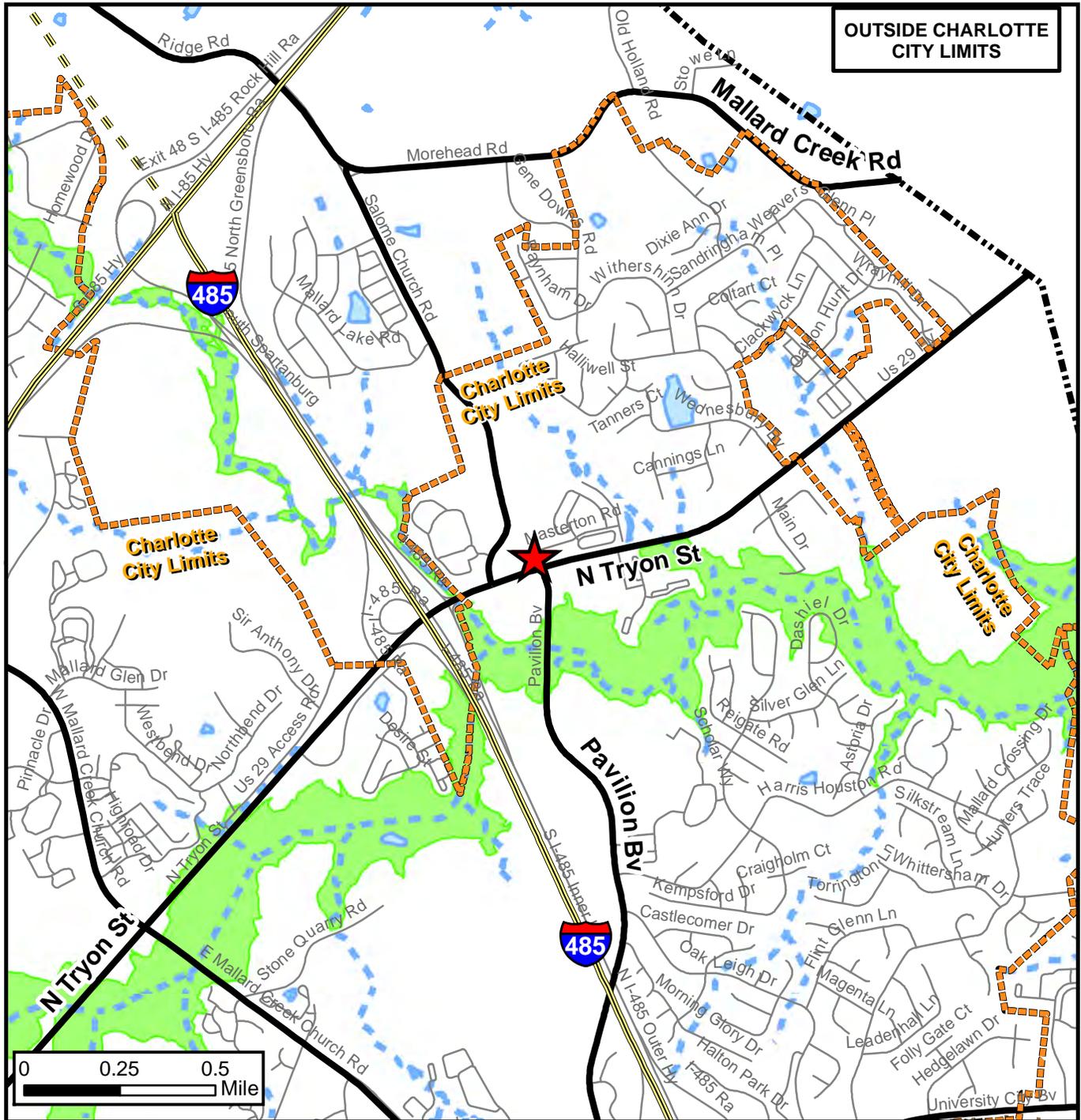
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- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326

Petition #: **2014-095**

Vicinity Map

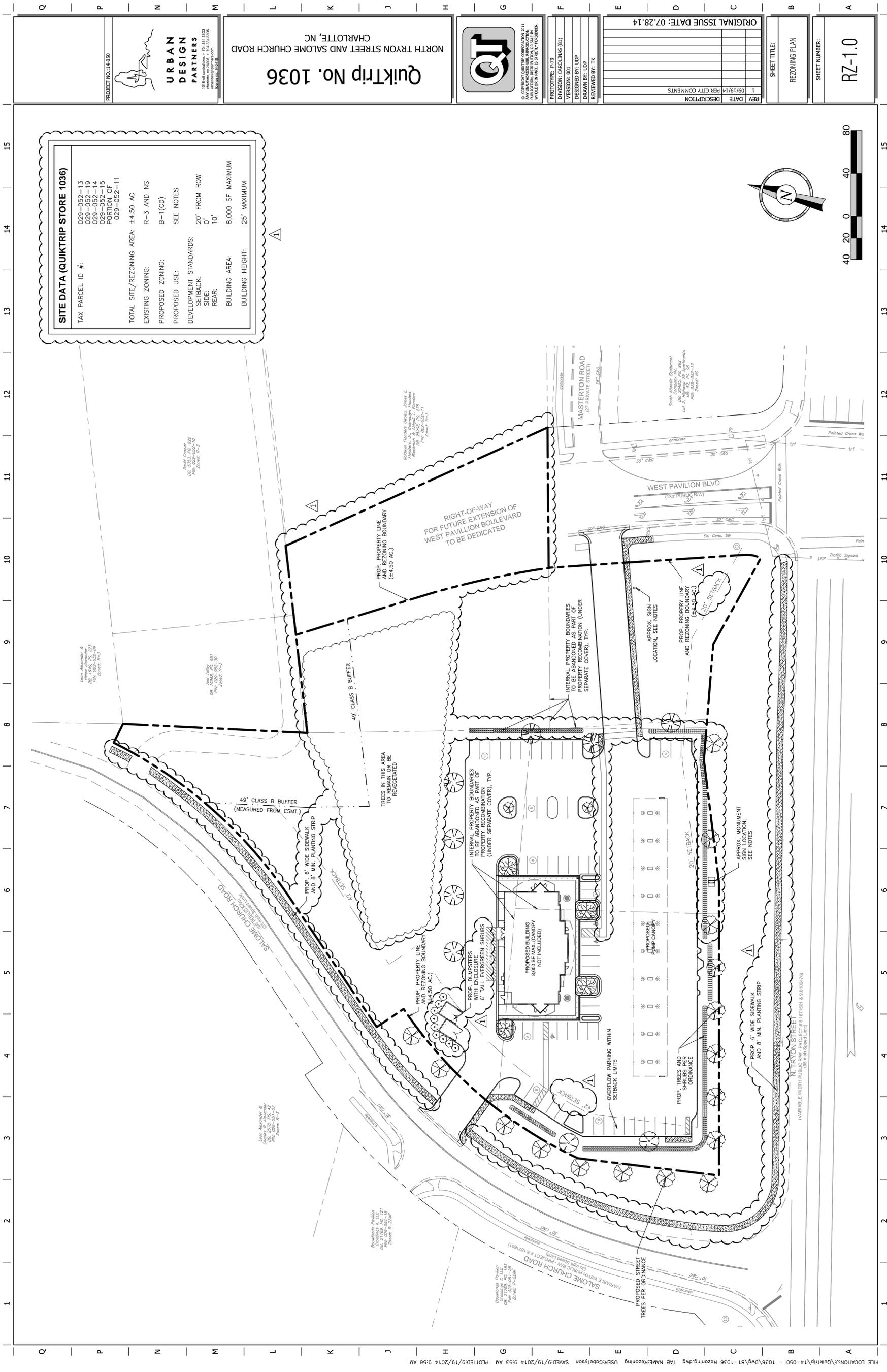
Acreeage & Location : Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.



Insert

Map

Item 30



SITE DATA (QUIKTRIP STORE 1036)	
TAX PARCEL ID #:	029-052-13 029-052-19 029-052-14 029-052-15 PORTION OF 029-052-11
TOTAL SITE/REZONING AREA:	±4.50 AC
EXISTING ZONING:	R-3 AND NS
PROPOSED ZONING:	B-1(GD)
PROPOSED USE:	SEE NOTES
DEVELOPMENT STANDARDS:	20' FROM ROW
SETBACK:	0'
REAR:	10'
BUILDING AREA:	8,000 SF MAXIMUM
BUILDING HEIGHT:	25' MAXIMUM

PROJECT NO: 14-050

URBAN DESIGN PARTNERS
1915 W. GARDNER ST. SUITE 200
CHARLOTTE, NC 28203 • 704.334.3305
www.urbandesignpartners.com

QuikTrip No. 1036
NORTH TRYON STREET AND SALOME CHURCH ROAD
CHARLOTTE, NC

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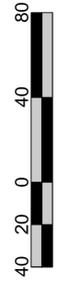
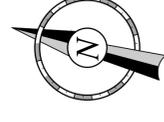
PROJECT NO:	14-050
DIVISION:	CAROLINAS (S1)
VERSION:	001
DESIGNED BY:	UDP
DRAWN BY:	UDP
REVIEWED BY:	TK

REV	DATE	DESCRIPTION
1	09/19/14	PER CITY COMMENTS

ORIGINAL ISSUE DATE: 07.28.14

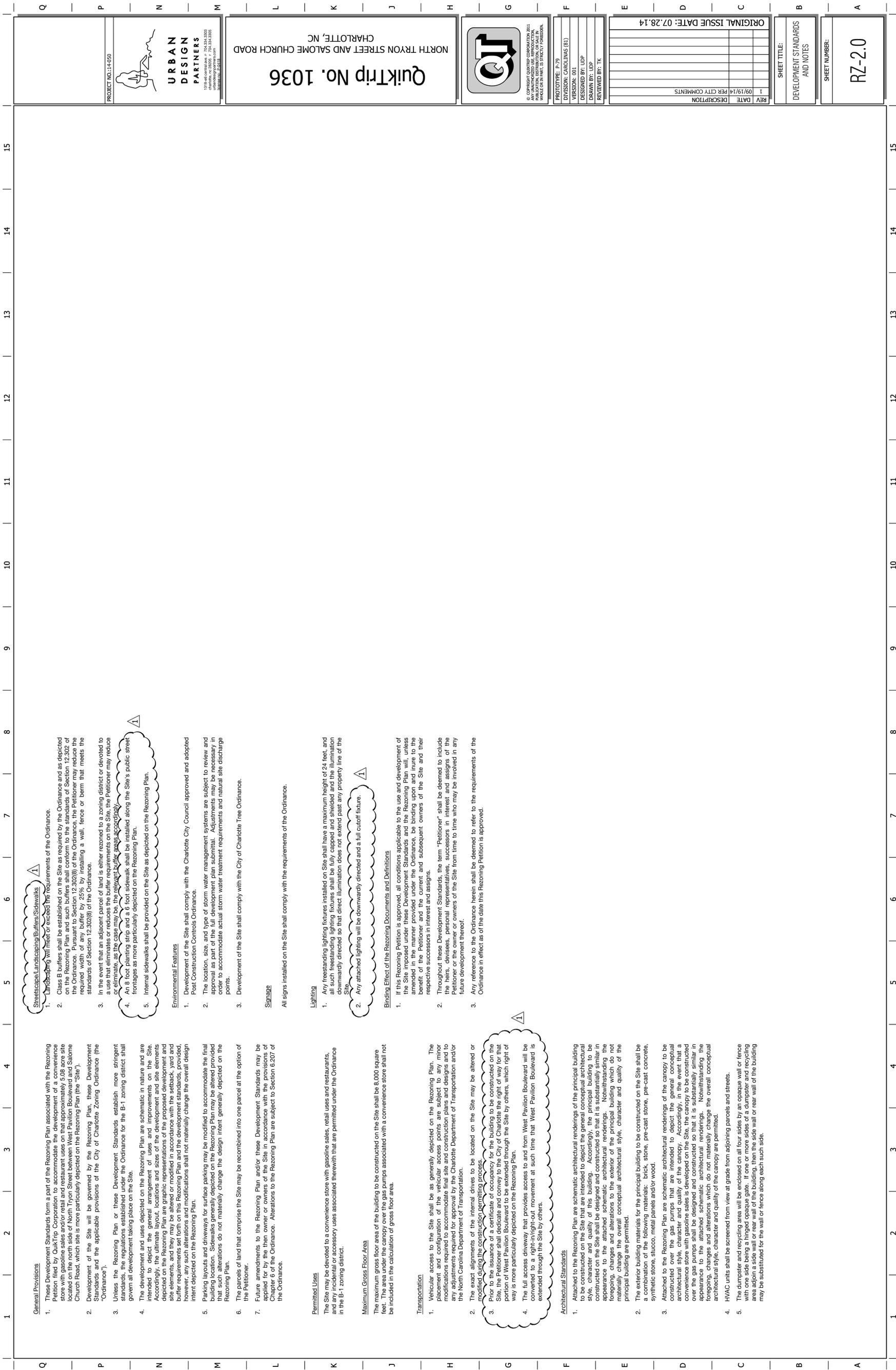
SHEET TITLE:
REZONING PLAN

SHEET NUMBER:
RZ-1.0



15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1



General Provisions

- 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/or retail and restaurant uses on that approximately 5.08 acre site located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road, which site is more particularly depicted on the Rezoning Plan (the "Site").
- Development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinances (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the standards set forth in the Ordinance for the B-1 zoning district shall govern all development taking place on the Site.
- The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are not intended to be construed as a final design. Site elements, and they may be altered or modified in accordance with the setback, yard and buffer requirements set forth on this Rezoning Plan and the development standards, provided, however, any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
- Parking layouts and driveways for surface parking may be modified to accommodate the final building location. Sidewalks generally depicted on the Rezoning Plan may be altered provided that such alterations do not materially change the design intent generally depicted on the Rezoning Plan.
- The parcels of land that comprise the Site may be recombined into one parcel at the option of the Petitioner.
- 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.

Permitted Uses

The Site may be devoted to a convenience store with gasoline sales, retail uses and restaurants, and any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-1 zoning district.

Maximum Gross Floor Area

The maximum gross floor area of the building to be constructed on the Site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of gross floor area.

Transportation

- Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. 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 any adjustments required for approval by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.
- The exact alignments of the internal drives to be located on the Site may be altered or modified during the construction/permitting process.
- Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, the Petitioner shall dedicate and convey to the City of Charlotte the right of way for that portion of West Pavilion Boulevard to be extended through the Site by others, which right of way is more particularly depicted on the Rezoning Plan.
- The full access driveway that provides access to and from West Pavilion Boulevard will be extended through the Site by others.

Architectural Standards

- Attached to the Rezoning Plan are schematic architectural renderings of the principal building to be constructed on the Site that are intended to depict the general conceptual architectural appearance of the building to be constructed on the Site. The Petitioner shall construct the building on the Site so that its appearance to the attached schematic architectural renderings. Notwithstanding the foregoing, changes and alterations to the exterior of the principal building which do not materially change the overall conceptual architectural style, character and quality of the principal building are permitted.
- The exterior building materials for the principal building to be constructed on the Site shall be a combination of the following materials: brick, stone, pre-cast stone, pre-cast concrete, synthetic stone, stucco, metal panels and/or wood.
- Attached to the Rezoning Plan are schematic architectural renderings of the canopy to be constructed on the Site that are intended to depict the general conceptual architectural style, character and quality of the canopy. Accordingly, in the event that a convenience store with gasoline sales is developed on the Site, the canopy to be constructed over the gas pumps shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings. Notwithstanding the foregoing, changes and alterations which do not materially change the overall conceptual architectural style, character and quality of the canopy are permitted.
- HVAC units shall be screened from view at grade from adjoining parcels and streets.
- The dumpster and recycling area will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area are enclosed by a wall or fence, the height of the wall or fence shall be at least six feet. The area shall be substituted for the wall or fence along each such side.

Streetscape/Landscaping/Buffers/Sidewalks

- Landscaping will meet or exceed the requirements of the Ordinance.
- Class B buffers shall be established on the Site as required by the Ordinance and as depicted on the Rezoning Plan and such buffers shall conform to the standards of Section 12.302 of the Ordinance. Section 12.302(b) of the Ordinance, the Petitioner may reduce the required width of buffers 25% by installing a wall, fence or berm that meets the standards of Section 12.302(b) of the Ordinance.
- 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, the Petitioner may reduce or eliminate, as the case may be, the required buffer area accordingly.
- An 8 foot planting strip and a 6 foot sidewalk shall be installed along the Site's public street frontages as more particularly depicted on the Rezoning Plan.
- Internal sidewalks shall be provided on the Site as depicted on the Rezoning Plan.

Environmental Features

- Development of 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 are subject to review and approval by the City of Charlotte. The Petitioner shall submit a final design plan, including but not limited to, order to accommodate actual storm water treatment requirements and natural site discharge points.
- Development of the Site shall comply with the City of Charlotte Tree Ordinance.

Signage

All signs installed on the Site shall comply with the requirements of the Ordinance.

Lighting

- 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.
- Any attached lighting will be downwardly directed and a full cutoff fixture.

Binding Effect of the Rezoning Documents and Definitions

- 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 the Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.
- Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- 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.

QuikTrip No. 1036

NORTH TRYON STREET AND SALOME CHURCH ROAD
CHARLOTTE, NC

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PROJECT: 10-70
DIVISION: CAROLINAS (S1)
VERSION: 001
DESIGNED BY: UOP
DRAWN BY: UOP
REVIEWED BY: TK

REV	DATE	DESCRIPTION
1	09/19/14	PER CITY COMMENTS

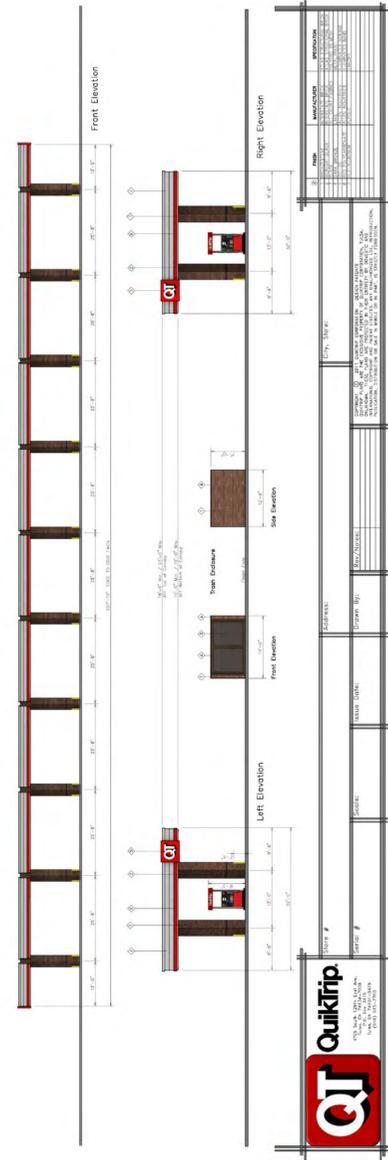
ORIGINAL ISSUE DATE: 07.28.14

SHEET TITLE:
DEVELOPMENT STANDARDS AND NOTES

SHEET NUMBER:
RZ-2.0

PROJECT NO.: 14-050

1415 S. W. 10TH STREET
CHARLOTTE, NC 28203 • 704.334.3300
WWW.URBANDSIGN.COM



 PROJECT NO.: 14-050 URBAN DESIGN PARTNERS <small>1000 W. WILSON AVENUE, SUITE 200 CHARLOTTE, NC 28203 • P: 704.333.3200 WWW.URBANDSIGNPARTNERS.COM</small>	QuikTrip No. 1036 NORTH TRYON STREET AND SALOME CHURCH ROAD CHARLOTTE, NC	 <small>© COPYRIGHT QUICKTRIP CORPORATION 2011 ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF QUICKTRIP CORPORATION AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM QUICKTRIP CORPORATION.</small>	PROTOTYPE: P-79 DIVISION: CAROLINAS (81) VERSION: 001 DESIGNED BY: UDP DRAWN BY: UDP REVIEWED BY: TK	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION																												ORIGINAL ISSUE DATE: 07.28.14	SHEET TITLE: BUILDING ELEVATIONS AND ILLUSTRATIVES	SHEET NUMBER: RZ-3.0
REV	DATE	DESCRIPTION																																			

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

Previously
Approved
Site
Plan

Insert

Tab

Item 31

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: NS (neighborhood services)
LOCATION	Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to develop the subject property with up to 30,000 square feet of office, retail, personal services and eating, drinking and entertainment establishment uses allowed in the NS (neighborhood service) district. The site plan shows development options with and without the approval of a Post Construction Controls Ordinance (PCCO) variance.
STAFF RECOMMENDATION	Staff does not support the proposed petition in its current form. The proposed retail use is inconsistent with the residential land use recommended per the adopted area plan. In addition, the site is located outside of the retail center located to the east. Although the size and orientation of the site is not conducive to single family detached development as recommended per the adopted area plan, it is appropriate for higher density residential or a small office development that is sensitive in form to the surrounding residential uses.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	North Carolina Department of Transportation Lenox Development Group, 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: 25.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Maximum 30,000 square feet office, retail, personal services and eating, drinking and entertainment establishments. Eating, drinking and entertainment establishments are limited to 5,000 square feet in area.
- Accessory drive-through service windows, gasoline service stations with or without a convenience store, and residential dwellings are prohibited uses.
- Number of principal buildings not to exceed four.
- Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
- Surface parking disallowed between the buildings and Ardrey Kell Road.
- Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site.
- Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl as a building material may only be used on windows, soffits and handrail/railings.
- Building elevations reflecting architectural style and quality of the proposed building.
- Building facades facing Ardrey Kell Road to include a minimum of 40 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage.
- A 44-foot Class "B" buffer with a solid decorative fence six feet in height will be provided abutting existing single family use and/or zoning.

- Alternative site plans reflecting both the City and State storm water regulations have been submitted. A variance request has been submitted to reduce the 200-foot PCCO (Post Construction Controls Ordinance) buffer required by City regulations to a 100-foot buffer as required by State regulations. The request will be decided upon by the Storm Water Advisory Committee on October 16, 2014.
- Detached signage limited to five feet in height and 50 square feet in area.
- Detached lighting limited to 15 feet in height.
- **Existing Zoning and Land Use**
 - The subject property is currently vacant. The land uses immediately surrounding the site consist primarily of single family detached and attached dwellings and a financial institution, in R-3 and R-4 (single family residential), R-9(CD) (single family residential, conditional), MX-2 INNOV (mixed use, innovative), and CC (commercial center) zoning.
- **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) recommends residential land uses up to three units per acre, and references the residential locational criteria of the *General Development Policies* (2003) for areas of higher density development. Because the site is adjacent to residential uses and outside of a retail center location, it may be conducive for higher density residential or a small office development that is sensitive in form to the surrounding residential uses
 - The *General Development Policies* (2003) support residential densities up to eight dwelling units per acre.

Assessment Criteria	Density Category - >6 up to 8 dua
Meeting with Staff	1 (Yes)
Sewer and Water Availability	2 (CMUD)
Land Use Accessibility	2 (Medium)
Connectivity Analysis	2 (Med - Low)
Road Network Evaluation	0 (No)
Design Guidelines	4 (Yes)
Other Opportunities or Constraints	NA
Total Points Needed: 11	Total Points: 11

- The petition is inconsistent with the *South District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Transportation:** No issues.
 - **Vehicle Trip Generation:**
 Current Zoning: 160 trips per day.
 Proposed Zoning: 1,300 trips per day.
 - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** 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.

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*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. **Limit permitted uses to "personal services" as listed in Note 2(a), and/or office uses.**
 2. Reduce overall square footage from 30,000 to 20,000 square feet.
 3. Provide detail of decorative fence to be located in buffer.
 4. Commit to a minimum office square footage.
 5. Add note committing building design to be residential in character.
 6. Eliminate reductions to buffers abutting residential zoning and/or use.
 7. Update the site plan to reflect the decision on the buffer variance scheduled for October 16, 2014.
-

Attachments Online at www.rezoning.org

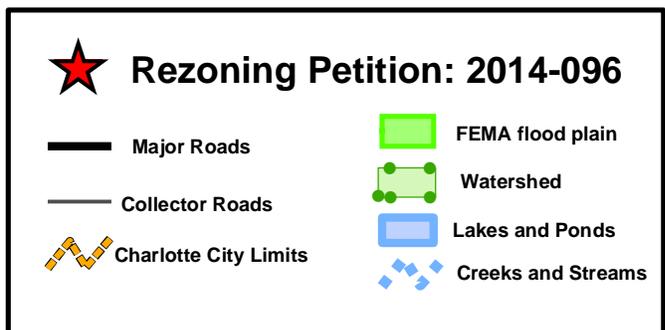
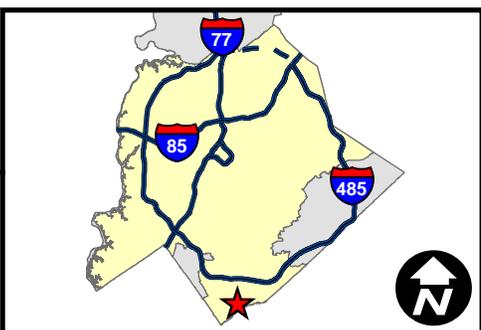
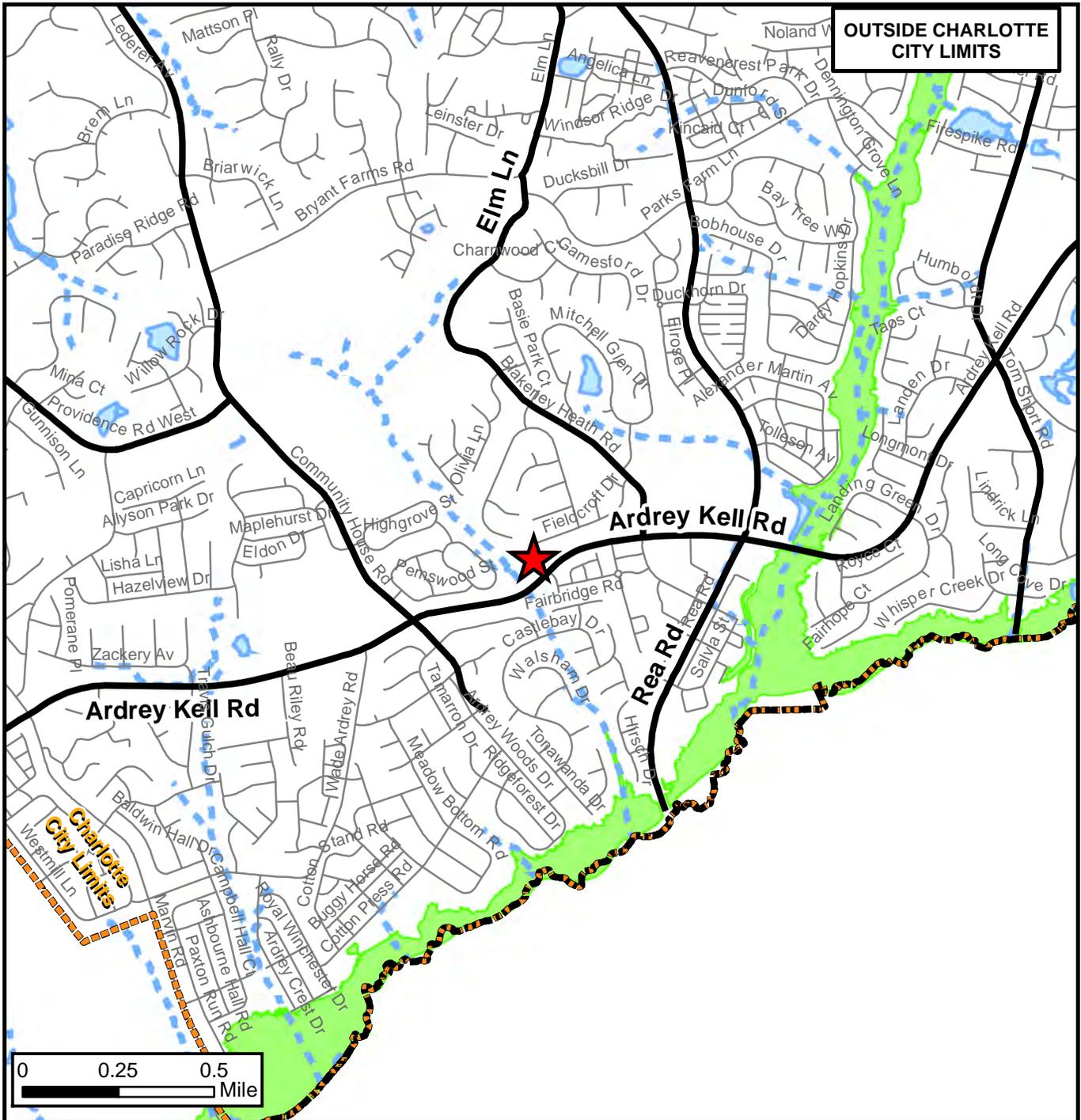
- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering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

Planner: Sonja Sanders (704) 336-8327

Petition #: **2014-096**

Vicinity Map

Acreage & Location : Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.



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Map

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NO.	DATE	REVISIONS
1	07/28/14	REVISIONS
2	09/19/14	Revision 01 Planning Comments
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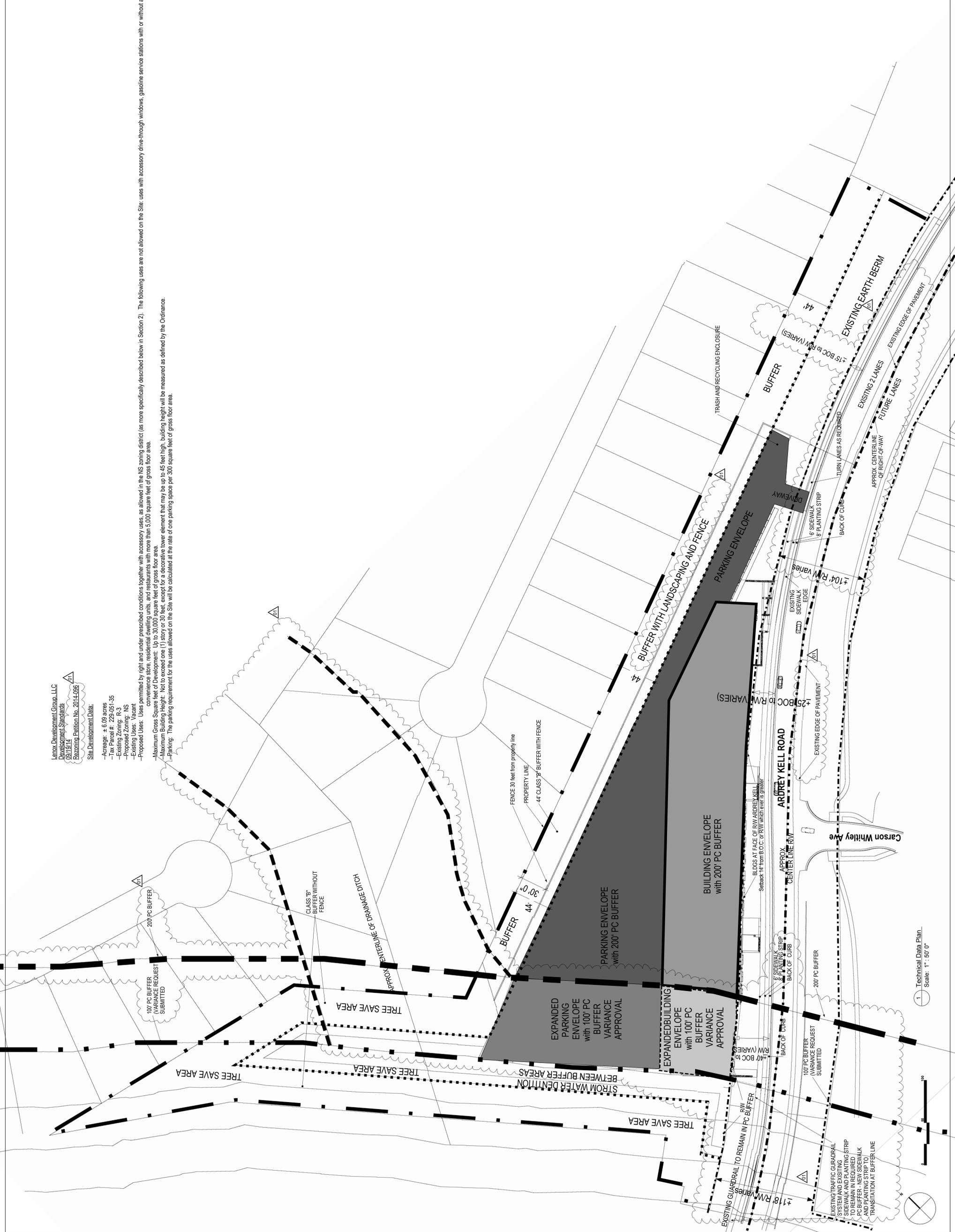
ARDREY KELL ROAD

BURGESS DESIGN STUDIO

TECHNICAL SITE DATA

09/19/14 Revision 01

RZ 001



Lenox Development Group, LLC
 Development Standards
 09/19/14
 Rezoning Petition No. 2014-096
 Site Development Data:

- Acreage: +6.09 acres
- Tax Parcel #: 225-051-35
- Existing Zoning: R-3
- Proposed Zoning: NS
- Existing Uses: Vacant
- Proposed Uses: Users permitted by right and under prescribed conditions together with accessory uses, as allowed in the NS zoning district (as more specifically described below in Section 2). The following uses are not allowed on the Site: uses with accessory drive-through windows, gasoline service stations with or without a convenience store, residential dwelling units, and restaurants with more than 5,000 square feet of gross floor area.
- Maximum Gross Square Feet of Development: Up to 30,000 square feet of gross floor area.
- Maximum Building Height: Not to exceed one (1) story or 30 feet, except for a decorative tower element that may be up to 45 feet high; building height will be measured as defined by the Ordinance.
- Parking: The parking requirement for the uses allowed on the Site will be calculated at the rate of one parking space per 300 square feet of gross floor area.

Technical Data Plan
 Scale: 1" = 50' 0"

NO.	DATE	REVISIONS
1	07/28/14	REVISIONS
2	09/19/14	Revision 01 Planning Comments
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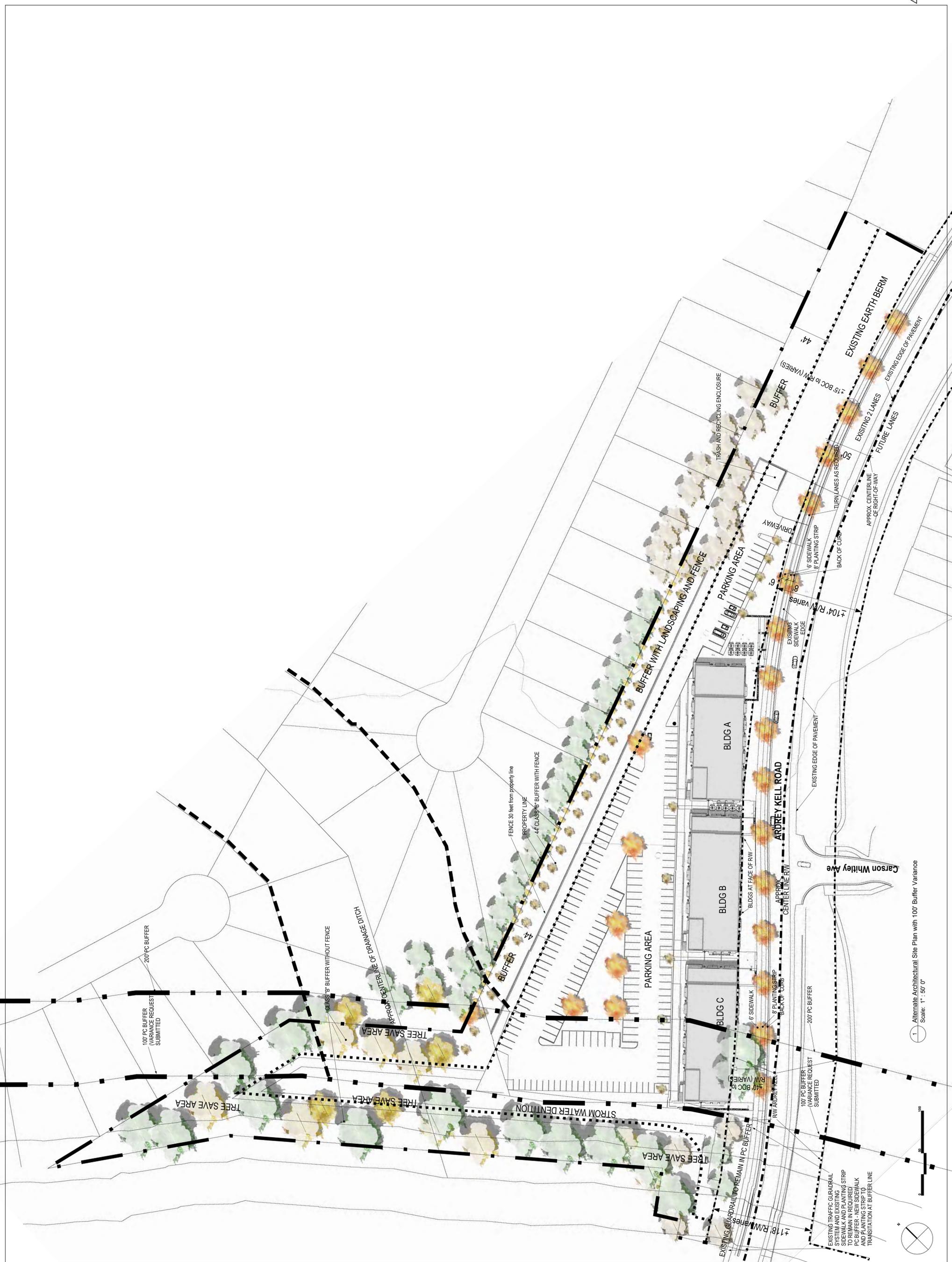
ARDREY KELL ROAD

BURGESS DESIGN STUDIO

ARCHITECTURAL SITE PLAN
ALTERNATE SITE PLAN WITH PC BUFFER VARIANCE APPROVAL

RZ 002a

09/19/14 Revision 01



1. Alternate Architectural Site Plan with 100' Buffer Variance
Scale: 1" = 30' 0"



1. General Provisions:

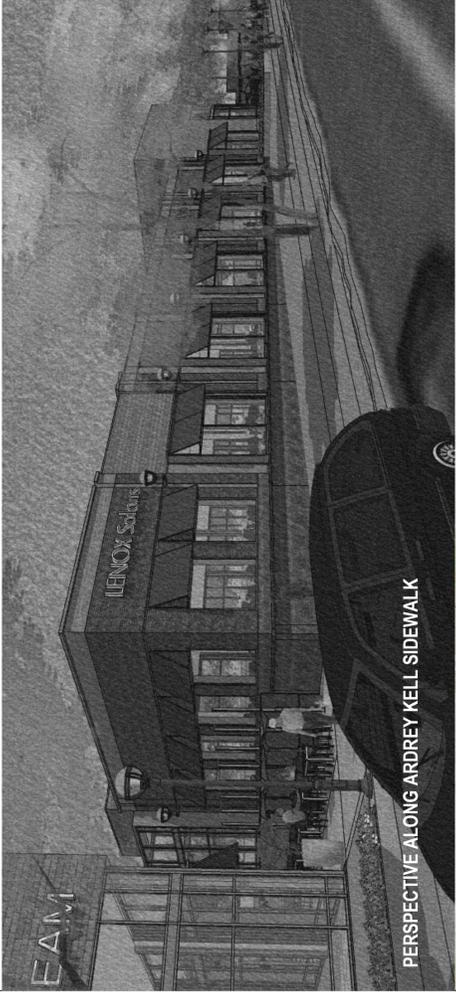
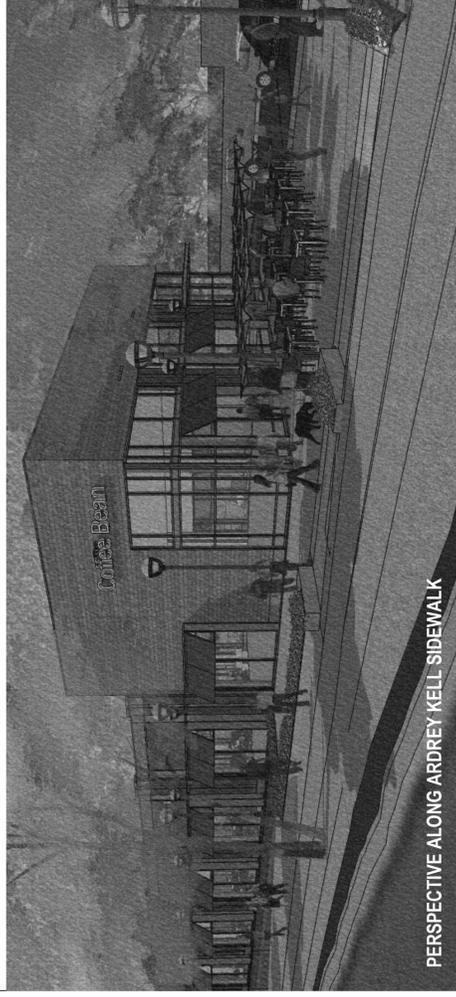
- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Lenox Development Group, LLC ("Petitioner") to accommodate the development of a "village style" group of one-story buildings with up to 30,000 square feet of gross floor area on approximately ± 6.09 acre site located on the north side of Ardrey Kell Road between Blakeney Heath Road and Community House Road across from Carson Whitley 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 NS 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. In these instances, minor modifications to graphics if they are:

- **Deemphasized** 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);
- **Minor** and don't materially change the overall design intent depicted on the Rezoning Plan; or
- **Relocated** 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
- **Relocated** 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 buildings to be developed on the Site shall not exceed 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 located on the Site.



2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 30,000 square feet of gross floor area of the following uses: office, retail, personal services, and restaurants with no more than 5,000 square feet of gross floor area (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, nail salons, massage shops, martial art training studios, locksmiths, and alike), together with accessory uses allowed in the NS zoning district.
- b. The following uses will not be allowed on the Site: uses with accessory drive-through windows, gasoline service stations with or without a convenience store, residential dwelling units, and restaurants with more than 5,000 square feet of gross floor area.

c. **Surface parking areas** will not be allowed between the proposed buildings and Ardrey Kell Road.

d. The setback along Ardrey Kell Road will be the existing right-of-way line. The minimum required setback is 14 feet from the back of curb or the existing right-of-way line whichever is the greatest. In this case the existing right-of-way line is located more than 14 feet behind the existing curb line and will be the required setback.

3. Access and Transportation:

- a. Access to the Site will be from Ardrey Kell Road in the manner generally depicted on the Rezoning Plan.
- b. If required by CDOT or NCDOT the Petitioner will install a left-turn lane and a right-turn lane along Ardrey Kell Road to serve the Site. The turn lanes will be designed to meet CDOT and NCDOT requirements.
- c. The placement and configuration of the vehicular access points 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.
- d. 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:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast concrete, synthetic stone, cementitious siding (such as hard-plank), stucco, EIFS, decorative block, architectural metal panels and/or wood. Vinyl 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 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. The buildings constructed on the Site abutting Ardrey Kell Road will be designed and constructed so that the building facades facing Ardrey Kell Road will include a minimum of 40% fenestration (fenestration will be defined as an opening in the exterior building wall with windows allowing light and views between the interior and exterior and not screened from view). Glazing of windows shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. Fenestrations shall extend from a height of no more than three feet from the exterior average grade at the base of the building to at least the height of the door head.
- d. Meter banks will be screened from adjoining properties and from Ardrey Kell Road.
- e. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade. HVAC and related mechanical equipment may not be located between the proposed building and Ardrey Kell Road.
- f. **Streetscapes, Buffers, Yards and Landscaping:**

a. Along a portion of Ardrey Kell Road the existing (5) foot sidewalk and three (3) foot planting strip will be preserved due to the existing topography (a shift in the sidewalk location or an increase in its width would require extensive filling and grading, the extension of storm water structures and the relocation of an existing gutter). The preservation of the existing sidewalk and planting strip will occur along the Site's frontage on Ardrey Kell Road where a gutter and a guardrail has been installed by NCDOT. Along the other portions of Ardrey Kell Road where a gutter and a guardrail is not in existence the Petitioner will provide an eight (8) foot planting strip and six (6) foot sidewalk as generally indicated on the Rezoning Plan.

b. A 44 foot Class B Buffer with a solid six foot decorative fence will be provided where the Site abuts existing single-family homes or R-3 zoning as generally depicted on the Rezoning Plan.

c. The Petitioner will provide a sidewalk network that links to each building on the Site to the sidewalk along Ardrey Kell Road in the manner generally depicted on the Rezoning Plan. The minimum width for this internal sidewalk will be five (5) feet.

d. Screening requirements of the Ordinance will be met.

e. Above ground backflow preventers will be screened from public view and will be located outside of the required setbacks.

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.

6. Environmental Features:

- a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Petitioner has applied for a variance from the 200 foot POCO buffer required along the western property boundary. The variance requests that the Site not have to comply with the 200 foot buffer because State regulations on which the buffer was established were adopted to only require a 100 foot buffer. Therefore, the Petitioner has submitted scientific data for the Site that show compliance with the greater buffer requirement and an alternative plan that shows compliance with the buffer requirements assuming a variance has been granted.
- c. 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.
- d. The Site will comply with the Tree Ordinance. Tree save areas are generally depicted on the Rezoning Plan the location of the proposed tree save areas may shift to accommodate site grades and changes to the proposed site plans.

7. Signage:

- a. One detached ground mounted identification sign will be allowed along Ardrey Kell Road. The allowed detached sign may be up to five (5) feet high and contain up to 50 square feet of sign area.
- b. Wall signs as allowed by the ordinance may be provided.
- c. **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 will be limited to 15 feet in height.

8. POCO Buffer Variance:

a. The Petitioner has applied for a variance from the required 200 foot POCO stream buffer (200 foot perennial stream buffer). The Rezoning Plans submitted with the rezoning application reflects compliance with this buffer requirement as well as how the Site plan would be modified if the variance request is granted (a 100 foot buffer will be maintained).

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 Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

10. Binding Effect of the Rezoning Application:

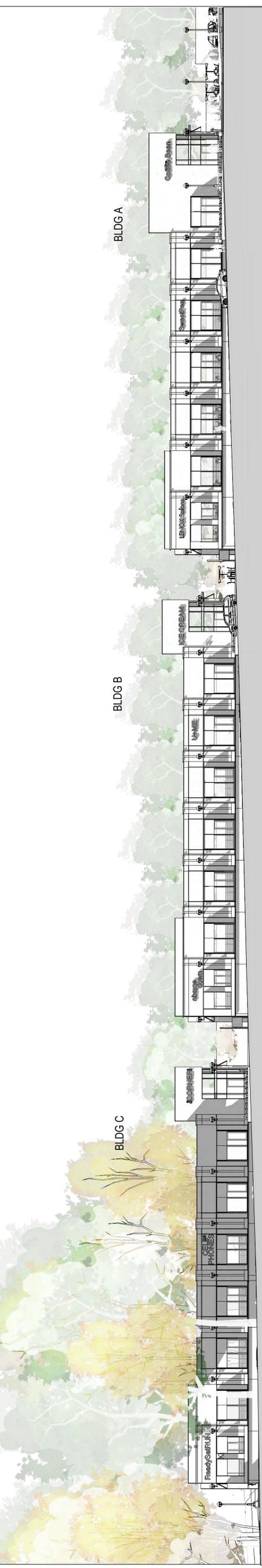
If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective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

REVISIONS	REMARKS
1	07/28/14
2	09/11/14
3	09/11/14
4	Revision 01 Planning Comments
5	

ARDREY KELL ROAD

BURGESS DESIGN STUDIO

CHARACTER IMAGES



2 Ardrey Kell Elevation
Scale: 1" = 20' 0"

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Tab

Item 32



Note: Staff is requesting a one-month deferral of this text amendment to November 17, 2014.

REQUEST	Text Amendment to Contents, Section 20-6, 20-10, 20-14, 20-16, 20-18, 20-22, 20-23, 20-25, 20-59, 20-88, 20-90, 20-91, 20-94, 20-95, 20-97, 20-99 through 20-114, and 20-115 of the Subdivision Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting, and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify the street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the North Carolina General Statutes, and consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goal to preserve and enhance existing neighborhoods. This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - The Subdivision Ordinance regulations were updated by City Council on December 20, 2010, to implement the *Urban Street Design Guidelines*.
 - Since adoption, staff has identified a number of clarifications, modifications, reformatting, and updates to section references that are needed.
 - New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding variances and appeals.
 - The new legislation focuses on providing greater clarity, creating standardized procedures for key actions and generally providing more certainty and predictability about the processes used for variances and appeals.
 - This text amendment aligns the Charlotte Subdivision Ordinance with the new legislation.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Modifies the definition of planned development to include a multi-family residential building, including a single building with more than 12 units.
 - Updates the name of the metropolitan planning organization from "Mecklenburg-Union Metropolitan Planning Organization" to "Charlotte Regional Transportation Planning Organization" throughout the Ordinance.
 - Corrects section references and misspellings.

- Modifies formatting of text for clarity.
- Removes the requirement that a sealed and recorded final plat must be delivered to the Planning staff within five days of recording because final plats are now digitally recorded at the Register of Deeds Office.
- Relocates requirements that existing local streets do not have to dedicate or reserve right-of-way from the incorrect subsection titled **"Non-local street right-of-way"** into the subsection titled **"Local street right-of-way"**.
- Clarifies the preferred and maximum street spacing requirements and provides an illustration.
- Clarifies tables and provide titles related to the text for preferred and maximum street spacing.
- Clarifies the design standards for lots. Where lots or building sites that are part of a multi-family development exceed the maximum street spacing, at least one street extending through **the development shall be a public street, in "both directions", instead of in "either direction."**
- Removes references to inspections by the County, filing fees set by the Board of Commissioners, and variance forms prepared by the Board of Commissioners.
- Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new North Carolina General Statute legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing in the affirmative of all of the following findings of fact:
 - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
 - The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 - The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.
- Adds new language that appropriate conditions may be imposed on any variance, provided they are reasonably related to the variance.
- Adds new requirements detailing the mailing of notices of hearings for variance and appeal petitions including:
 - Notices shall be mailed to the person who is the subject of the hearing, the owners of the property, and owners of abutting properties.
 - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
 - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
 - Notices shall be posted on the property that is the subject of the hearing, or an adjacent street right-of-way.
- Adds new requirements **about the Planning Commission or hearing committee's decisions and evidence:**
 - The hearing shall be conducted in a quasi-judicial manner.
 - The Planning Commission (or hearing committee) must determine contested facts and make its decision within a reasonable time.
 - Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record.
 - Each quasi-judicial decision shall be reduced to writing and reflect the Planning **Commission's (or hearing committee's)** determination of contested facts and their application to the applicable standards.
 - The written decision shall be signed by the chair or other duly authorized member of the Planning Commission (or hearing committee).
 - A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission (or hearing committee).
- Adds new requirements as to who is notified of the decision of the Planning Commission (or hearing committee), and how notice is delivered. Delivery methods for variance and appeal decisions include personal delivery, electronic mail or first-class mail. The decision is to be delivered to the applicant, property owner (if not the applicant), and to abutting property owners of the parcel of land that is the subject of the hearing.
- **Modifies when an appeal of the Planning Commission's (or hearing committee's) decision to the**

Superior Court must be filed with the clerk of the Superior Court. Currently, an aggrieved party has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days after a written copy of the decision is mailed to every aggrieved party who has filed a written request or such a copy with the Planning Director at the time of the hearing, whichever is later. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed with the clerk of Superior Court by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- **Public Plans and Policies**

- This petition is consistent with the North Carolina General Statutes, and consistent with the *Centers, Corridors and Wedges Growth Framework* goal to preserve and enhance existing neighborhoods.
 - This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Transportation Review
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: SUBDIVISION ORDINANCE REGULATIONS

8-15-14

2014-001 SUB

Purpose/Background: The purpose of this text amendment is to modify the Subdivision Ordinance regulations by 1) modifying the definition of planned development; 2) clarifying existing regulations and updating references, formatting, and tables; 3) relocating regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) removing the requirement for delivery of final plats to the Planning Department and removing references to the county and board of commissioners; 6) clarifying the street spacing requirements; 7) clarifying the standards for required streets when lots or building sites are part of a multi-family development; 8) updating the notice and hearing requirements for variances and appeals; the standards for granting a variance; and 9) updating the appeal regulations.

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Definitions</p> <ul style="list-style-type: none"> Block face – <i>The distance along a block between two adjacent intersections, measured from centerline to centerline.</i> Planned development means a group of two or more duplex, triplex, quadruplex, multifamily residential or nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. 	<ul style="list-style-type: none"> Remove italics and modify sentence to read: <ul style="list-style-type: none"> Block face <u>means</u> the distance along a block between two adjacent intersections, measured from centerline to centerline. Update the definition for planned development to read as follows: <ul style="list-style-type: none"> Planned development means <u>1) a group of two or more duplex, triplex, quadruplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.</u> 	<ul style="list-style-type: none"> Clarifies definitions. 	
<p>Monuments</p> <ul style="list-style-type: none"> The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. 	<ul style="list-style-type: none"> Replace the word, “map” with “phase”: The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per <u>phase</u> including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. 	<ul style="list-style-type: none"> Updates language for clarity. 	
<p>Final Plats</p> <ul style="list-style-type: none"> A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording. 	<ul style="list-style-type: none"> Removes this provision since final plats are now digitally recorded at the Register of Deeds Office and staff has computer access to the final plats. 	<ul style="list-style-type: none"> Removes requirements no longer needed. 	

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Design Standards for Streets</p>	<ul style="list-style-type: none"> Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved. Total right-of-way required for Local Residential Wide Streets: 71 feet. 	<ul style="list-style-type: none"> Relocates this provision from subsection (c) titled “non-local street right-of-way” to subsection (d) titled, “local street right-of-way”. Changes the total right-of-way required for Local Residential Wide Streets from 71 feet to 72 feet. 	<ul style="list-style-type: none"> Corrects location of regulations to corresponding subsection.
<p>Design Standards for Street Network and Blocks</p>	<ul style="list-style-type: none"> The requirements for additional new local streets are: <ul style="list-style-type: none"> Measure the <u>width</u> of each property boundary and divide by the appropriate <u>preferred spacing</u> from <u>the following table</u> to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length, one street is required. Where an odd-shaped parcel has a series of boundary segments shorter than the <u>preferred length</u>, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required. Table 1 and 2 have no titles. Table 1: right hand column is titled, “Preferred (Perimeter)”. Table 2: right hand column is titled, “Maximum”. 	<ul style="list-style-type: none"> Clarify the regulations as follows: <ul style="list-style-type: none"> Measure the <u>length</u> of each property boundary and divide by the appropriate <u>preferred block length spacing</u> from <u>Table 1</u> “<u>Preferred Street Spacing</u>”, the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length (Table 2 “<u>Maximum Street Spacing</u>”), one street is required. Where an odd-shaped parcel has a series of boundary segments shorter than the <u>preferred block length</u>, but separate blocks would be required if the site is measured across, (as opposed to along the boundary segments), then a local street shall be required. Where <u>the</u> extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required. Add a graphic to illustrate the regulations above. Clarify the tables by adding a more predominant title: <ul style="list-style-type: none"> Table 1: <u>Preferred Street Spacing</u> Table 2: <u>Maximum Street Spacing</u> Clarify Table 1, right hand column to read, “Preferred Block Length along Property Boundary”. Clarify Table 2, right hand column to read, “Maximum Block Length”. 	<ul style="list-style-type: none"> Clarify regulations.

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Design Standards for Lots</p>	<ul style="list-style-type: none"> Where lots or building sites that are part of a multifamily development exceed the <u>maximum street spacing</u> in Sec. 20-23(b)(2)b above, at least one street extending through the development in <u>either direction</u> shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. 	<ul style="list-style-type: none"> Clarify the regulations to require at least one public street in both directions: <ul style="list-style-type: none"> Where lots or building sites that are part of a multifamily development exceed the <u>maximum local street spacing</u> in Sec. 20-23(b)(2)b, at least one street extending through the development in <u>both directions</u> shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. 	<ul style="list-style-type: none"> Clarify regulations.
<p>Inspections</p>	<ul style="list-style-type: none"> The city or <u>county</u> must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or <u>county</u> engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. 	<ul style="list-style-type: none"> Remove references to the county. The revised section shall read: <ul style="list-style-type: none"> The city must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. 	<ul style="list-style-type: none"> Removes references to the County
<p>Filing of notice of Appeal</p>	<ul style="list-style-type: none"> A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council <u>and/or board of commissioners</u>. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. 	<ul style="list-style-type: none"> Remove references to the board of commissioners. The revised section shall read: <ul style="list-style-type: none"> A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. 	<ul style="list-style-type: none"> Remove references to the board of commissioners
<p>Filing of variance petition</p>	<ul style="list-style-type: none"> A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council <u>or board of commissioners</u>. 	<ul style="list-style-type: none"> Remove references to the board of commissioners. The revised section shall read: <ul style="list-style-type: none"> A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council. 	<ul style="list-style-type: none"> Remove references to the board of commissioners

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Notice and Hearing</p>	<ul style="list-style-type: none"> The Planning Commission, or hearing committee, will hold public hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose. The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing 	<ul style="list-style-type: none"> Updates regulations to align with new North Carolina legislation: The Planning Commission, or hearing committee, will hold quasi-judicial hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose. Replaces regulations for notification to read: <ul style="list-style-type: none"> Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing. County tax listings shall be used to determine owners of property, unless there is evidence to the contrary. Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing. Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way. 	<ul style="list-style-type: none"> Aligns with new legislation
<p>Standards for Granting a Variance</p>	<ul style="list-style-type: none"> Before granting a variance, the Planning Commission, or the hearing committee must determine that: <ul style="list-style-type: none"> The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or The granting of the variance would permit the preservation of an historic structure or site. 	<ul style="list-style-type: none"> Removes the existing findings and conditions and replaces them with new language to align with new North Carolina legislation: When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission, or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing of all of the following: <ul style="list-style-type: none"> Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may 	<ul style="list-style-type: none"> Aligns findings with new state legislation.

		<p>justify the granting of a variance shall not be regarded as a self-created hardship.</p> <ul style="list-style-type: none"> • The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved. • Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. 	
<p>Topic</p> <p>Action by the Planning Commission</p>	<p>Current Regulations</p> <ul style="list-style-type: none"> • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision. 	<p>Proposed Regulations</p> <ul style="list-style-type: none"> • Adds more detail about the Planning Commission's or hearing committee's decision and evidence to align with new North Carolina legislation: • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting: • <u>The Planning Commission, or hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission's (or committee's) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission or hearing committee.</u> • <u>The decision of the Planning Commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.</u> 	<p>Rationale</p> <ul style="list-style-type: none"> • Aligns with new legislation

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Appeal from Planning Commission</p>	<ul style="list-style-type: none"> Any appeal of a decision rendered by the Planning Commission, or the hearing committee, must be to the Superior Court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later. 	<ul style="list-style-type: none"> Replaces the language with updated language to match new North Carolina legislation: Every quasi-judicial decision of the Planning Commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Planning Commission's, or hearing committee's, decision in the nature of certiorari by the superior court must be filed with the clerk of Superior Court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. 	<ul style="list-style-type: none"> Aligns with new legislation
<p>Corrects misspelled words and updates names of organizations and section references</p>	<ul style="list-style-type: none"> "thoughtfares" MUMPO – Mecklenburg- Union Metropolitan Planning Organization 	<ul style="list-style-type: none"> Corrects misspelled words: <ul style="list-style-type: none"> "thoroughfares" Updates the name of the MUMPO organization: <ul style="list-style-type: none"> MUMPO becomes Charlotte Regional Transportation Planning Organization (CRTPO) Updates section references. Updates figure references. 	<ul style="list-style-type: none"> Updates references and corrects spelling

Insert

Tab

Item 33

REQUEST	Text amendment to Sections 2.201, 12.408 and 12.410 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) add new definitions for animal care and control division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer; 2) modify the definitions for commercial kennel and private kennel; 3) modify the prohibited customary home occupation list; and 4) add cross-references and clarify the prescribed conditions for private kennels.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with Chapter 3 "Animals", in Part II of the Charlotte City Code.
PETITIONER	Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Police Department
AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department and Charlotte-Mecklenburg Police Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

• **Background**

- **Chapter 3, "Animals" in Part II of the City Code of Ordinances** regulates animals.
- The Charlotte-Mecklenburg Police Department, Animal Care and Control Division, has an Animal Care and Control Fostering Program to provide a nurturing environment for dogs and cats before they are adopted. Examples include puppies and kittens that need to mature, and dogs and cats that need rehabilitation or socialization and training.
- This text amendment adds new definitions for animal rescue group, animal care and control fosterer and animal rescue group fosterer and classifies them as private kennels, which are allowed in single family and multi-family residential districts and non-residential districts.
- Private kennels are permitted, with prescribed conditions, in R-3, R-4, R-5, R-6, and R-8 (single family); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family); MX-1, MX-2, and MX-3 (mixed use); O-1, O-2, and O-3 (office); B-1 (neighborhood business); B-2 (general business); B-D (business distributive); BP (business park); I-1 (light industrial); and I-2 (general industrial) zoning districts.
- Commercial kennels are not permitted in single family or multi-family zoning districts.
- Commercial kennels are permitted, by right or with prescribed conditions, in UR-2 and UR-3 (urban residential); UR-C (urban residential - commercial); MX-2 and MX-3 (mixed use); MUDD (mixed use development); UMUD (uptown mixed use); CC (commercial center); NS (neighborhood services); TOD-E (transit oriented development - employment); TOD-M (transit oriented development - mixed-use); B-1 (neighborhood business); B-2 (general business); I-1 (light industrial); and I-2 (general industrial) zoning districts.

• **Proposed Request Details**

The text amendment contains the following provisions:

- Adds new definitions for animal care and control division of the Charlotte-Mecklenburg Police Department, animal care and control fosterer, animal rescue group, and animal rescue group fosterer.
- Modifies the definition of private kennel by classifying animal care and control fosterer, animal rescue group, and animal rescue group fosterer as a private kennel.
- Modifies the definition of commercial kennel by clarifying that animal care and control fosterer, animal rescue group, or animal rescue group fosterer are not classified as a commercial kennel.
- Clarifies that commercial kennels are a prohibited customary home occupation.
- Clarifies the private kennel supplementary standards and adds cross-references to other parts of the City Code that regulate private kennels.

- **Public Plans and Policies**

- The petition is consistent with the Chapter 3 "Animals" of Part II of the Charlotte City Code.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Animal Fostering

10-2-14

2014-071

Purpose/Background: The purpose of this text amendment is to 1)add new definitions for animal care and control division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer; 2) modify the definitions for commercial kennel and private kennel; 3) modify the prohibited customary home occupation list; and 4) clarify the prescribed conditions for private kennels and add cross-references to other parts of the City Code related to private kennels.

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Definitions</p>	<p>Private kennel: A structure used by the occupant of the property for outdoor storage of animals and not operated on a commercial basis.</p>	<ul style="list-style-type: none"> • Modifies the definition to include animal fosterer’s and rescue groups. • Modifies the definition to include both indoor and outdoor areas. • Modifies the definition by changing the term “structure” to “property” • Revised definition: “A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.” 	<ul style="list-style-type: none"> • Refines definitions in accordance with existing practice.
<p>Definitions</p>	<p>Commercial kennel: A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the occupant of the lot.</p>	<ul style="list-style-type: none"> • Modifies the definition to exclude properties used by an animal fosterer or rescue group. • Modifies the definition by changing the term “use or structure” to “property”. • Expands the definition to include “letting for hire”. • Revised definition: “Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.” 	<ul style="list-style-type: none"> • Refines definitions in accordance with existing practice.
<p>Definitions</p>	<p>None</p>	<ul style="list-style-type: none"> • Adds four new definitions: <ul style="list-style-type: none"> • Animal care and control division: “The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the enforcement of departmental and the City of 	<ul style="list-style-type: none"> • Adds definitions to alignment with other code definitions.

<p>Definitions</p>		<p>Charlotte animal-related policies and management of the county’s animal shelter.”</p> <ul style="list-style-type: none"> • Animal care and control fosterer: “An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.” • Animal rescue group: “A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control’s goal of eliminating the euthanasia of healthy, adoptable animals.” • Animal rescue group fosterer: “An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.” 	
<p>Customary Home Occupations</p>	<ul style="list-style-type: none"> • “Kennels” are currently listed as a prohibited customary home occupation in Section 12.408. 	<ul style="list-style-type: none"> • Clarifies the prohibited use by changing the term “kennels” to “commercial kennels”. 	<ul style="list-style-type: none"> • Clarifies that commercial kennels are a prohibited customary home occupation.
<p>Private Kennels</p>	<ul style="list-style-type: none"> • Section 12.410 contains supplementary standards for private kennels: <ul style="list-style-type: none"> • Pens, runs, cages, houses or other facilities for the keeping of dogs, cats and other small animals is permitted as an accessory use in any district EXCEPT institutional (INST), research (RE-1, RE-2), B-D and BP with prescribed conditions: <ul style="list-style-type: none"> • Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20% of the rear yard and 	<ul style="list-style-type: none"> • Retains all existing regulations. • Adds references to Part II, Chapter 3 of the City Code that regulates private kennels. • Clarifies sentences. 	<ul style="list-style-type: none"> • Adds references to Part II, Chapter 3 of the City Code related to private kennels.

	<p>shall be located no closer than 10' to any side lot line.</p> <ul style="list-style-type: none">• Extensions of, or additions to, property line fences to confine animals to be part of the property abutting the lot line shall not be permitted.• No such accessory use shall be operated for commercial purposes.		
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Petition No. 2014-71

Petitioner: Charlotte-Mecklenburg Planning Department and
Charlotte-Mecklenburg Police Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definitions for "animal care and control division", "animal care and control fosterer", "animal rescue group" and "animal rescue group fosterer" in alphabetical order. The new definitions shall read as follows:

Animal care and control division.

The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the enforcement of departmental and the City of Charlotte animal-related policies and management of the county's animal shelter.

Animal care and control fosterer.

An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.

Animal rescue group.

A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control's goal of eliminating the euthanasia of healthy, adoptable animals.

Animal rescue group fosterer.

An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.

- b. Amend Section 2.201, “Definitions” by modifying the definition for “commercial kennel” and adding an exclusion clause for an animal care and control fosterer, an animal rescue group fosterer, or an animal rescue group”. The revised definition shall read as follows:

Kennel, commercial.

~~A use or structure intended and used for the breeding or storage of animals for sale or for the training or overnight boarding of animals for persons other than the occupant of the lot. Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.~~

- c. Amend Section 2.201, “Definitions” by modifying the definition for “private kennel” and adding “an animal care and control fosterer, an animal rescue group fosterer, an animal rescue group” as examples of a private kennel. The revised definition shall read as follows:

Kennel, private

~~A structure used by the occupant of the property for the outdoor storage of animals and not operated on a commercial basis. A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.~~

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.408, “Customary home occupations” by clarifying that commercial kennels are not considered a customary home occupation and modifying the last paragraph of the section. The other parts of the section remain unchanged. The last paragraph shall read as follows:

Section 12.408. Customary Home occupations

Prohibited customary home occupations include, but are not limited to: caterers, food vendors, equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops, barber shops, beauty shops, commercial kennels, commercial bakeries, veterinarian clinics, funeral homes, commercial cabinetry shop, welding, trucking, adult oriented businesses, warehousing, on-site vehicular sales, and other similar uses.

- b. Amend Section 12.410, “Private kennels” by adding facility or structure requirements for private kennels that have outdoor facilities or structures used to keep dogs, cats and other small animals. The revised section shall read as follows:

Section 12.410. Private kennels.

~~Pens, runs, cages, houses, or other facilities for the keeping of any dogs, cats, and other small animals~~ Private kennels shall be permitted as an accessory use in any district except INST, RE-1, RE-2, B-D and BP ~~in accordance with~~. All facilities shall be regulated by Part II, Chapter 3 of the Charlotte City Code. If any private kennel utilizes outdoor facilities or structures (i.e. pens, runs, cages, dog houses, or other similar facilities) for the keeping of any dogs, cats, and other small animals, such facility or structure shall meet the following requirements:

- (1) Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall occupy no more than 20 percent of the rear yard and shall be located no closer than 10 feet to any side lot line.
- (2) Extensions of, or additions to, property line fences to confine animals to a part of the property abutting the lot line shall not be permitted.
- (3) ~~No such accessory use~~ Private kennels shall not be operated for commercial purposes.

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 _____, 2014, 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
_____ day of _____, 2014.

Insert

Tab

Item 34

REQUEST	Text amendment to Sections 9.406, 9.805, 9.8505, 9.905, 9.906, 9.1005, 9.1208, 10.812, 10.907, 11.205, 11.304, 11.505, 11.705, and 12.108 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to clarify the height limitations in the Zoning Ordinance.
STAFF RECOMMENDATION	Staff recommends approval of this petition. This petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goals of creating a vibrant economy, and preserving and enhancing existing neighborhoods. This petition clarifies the height limitations located in various parts of the Zoning Ordinance.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds cross-references for additional height requirements in the UR-C (urban residential - commercial), MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development, PED (pedestrian overlay), NS (neighborhood services), RE-3 (research), and TS (transit supportive) zoning districts.
- Adds three new footnotes that describe the height limitations for buildings located in the U-I (urban industrial) zoning district, based on existing height limitations in Section 12.108.
- Clarifies that in the MX-1 (mixed use), MX-2 (mixed use), and MX-3 (mixed use) districts, the height standards of the B-1 (neighborhood business) district shall apply.
- Clarifies that in the R-MH (manufactured housing) district, the height standards of the R-5 (single family) zoning district shall apply.
- Removes building height provisions in Section 12.108 that have been relocated into the zoning districts in previous text amendments, and clarified in this amendment.

- **Public Plans and Policies**

- The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals of creating a vibrant economy, and preserving and enhancing existing neighborhoods.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Transportation:** No comments received.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Historic Landmarks:** No comments received.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No comments received.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.

- **Mecklenburg County Parks and Recreation Department:** No issues.
-

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
-

Attachments Online at www.rezoning.org

- Application
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: Height Limitations for Permitted Structures

10-3-14

2014-098

Purpose/Background: The purpose of this text amendment is clarify the height limitations for permitted structures in various zoning districts.

Topic	Current Regulations	Proposed Regulations	Rationale
<p>Cross-references for other height requirements</p>	<p>None</p>	<ul style="list-style-type: none"> • Add cross-references for additional height requirements that reads, “Height requirements for other permitted structures are set forth in Section 12.108” in the following zoning districts: <ul style="list-style-type: none"> • Urban residential – commercial (UR-C) • Mixed use development (MUDD) • Uptown mixed use (UMUD) • Transit oriented development (TOD) • Pedestrian overlay district (PED) • Neighborhood services (NS) • Research (RE-3) • Transit supportive (TS) 	<ul style="list-style-type: none"> • Ensure knowledge of additional height requirements for other permitted structures by cross-references.
<p>Urban Industrial District</p>	<ul style="list-style-type: none"> • The maximum height in the Urban Industrial district is 40’; except higher as specified under Section 12.108. 	<ul style="list-style-type: none"> • Modify the height regulation by removing the reference to Section 12.108 and placing the information from that section into the height text. The revised standard: <ul style="list-style-type: none"> • 40’ within 100’ of any residential district • Add three new footnotes to the height maximum: <ul style="list-style-type: none"> • Footnote 1: A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet. • Footnote 2: A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of 	<ul style="list-style-type: none"> • Simplify the requirement by not requiring a citizen to flip to another section of the ordinance for the information, by adding the footnotes.

		<ul style="list-style-type: none"> • Footnote 3: Height requirements for other permitted structures are set forth in Section 12.108. 	<ul style="list-style-type: none"> • Clarify that the height restrictions apply to non-residential development.
Mixed Use Districts	<ul style="list-style-type: none"> • Nonresidential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60. 	<ul style="list-style-type: none"> • Add the term “height” in the list of development standards that must be met for non-residential development in the MX districts: • “Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.” 	
Manufactured Housing District	<ul style="list-style-type: none"> • Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot and yards shall be developed to the standards of the R-5 district. 	<ul style="list-style-type: none"> • Add the term “ height” in the list of development standards that must be met in the R-5 district: • “Each lot or space within a manufactured home park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, yards, and height shall be developed to the standards of the R-5 district.” 	<ul style="list-style-type: none"> • Clarify that the height restrictions apply to non-residential development.
Special height requirements – BP district	<ul style="list-style-type: none"> • Special height requirements for the Business Park District are set forth in subsection 9.805(6). 	<ul style="list-style-type: none"> • Delete incorrect cross-references for special height requirements for the Business Park District. 	<ul style="list-style-type: none"> • Remove references that do not pertain to heights.
Height limitations	<ul style="list-style-type: none"> • No structure shall exceed a height of 40’, except as follows: <ul style="list-style-type: none"> (1) A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet. (2) A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. 	<ul style="list-style-type: none"> • Deletes provision (1), (2), and (9) because height maximums are detailed within each zoning district. • Modifies provision (3) by deleting reference to the deleted provision (1) and adding “in each zoning district”: (4) The height limitations established in subsection (1) above in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment. 	<ul style="list-style-type: none"> • Updates language to align with placing height limitations which are now within each zoning district.

(4) The height limitations established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

(9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

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 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, "Urban Residential Districts; area, yard and height requirements" subsection (4), "UR-C" by 1) adding a new footnote reference for maximum height, and 2) adding a new footnote #5, that reads as follows:

- (4) UR-C: Dimensional requirements for the UR-C district are as follows:

Minimum lot area (square feet)	3,000
Minimum side yard (feet) ⁴	5
Minimum setback (feet) ^{3,4}	14 from back of existing or proposed curb, whichever is greater
Minimum rear yard (feet) ⁴	20
Maximum floor area ratio ²	3.0
Maximum height (feet) ^{1,5}	60
Minimum lot width (feet)	20

¹ Maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

² No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

³ Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by the Charlotte Department of Transportation in conjunction with the Planning Department staff. However, if new construction incorporates an existing structure located within the

required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

⁴ Reduction of any required yard by up to 25 percent is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

⁵ Height requirements for other permitted structures are set forth in Section 12.108.

2. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.805, “Development standards for business districts”, footnote #7, by deleting the last sentence in the footnote. All other footnotes remain unchanged. The revised footnote shall read as follows:

7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. ~~Special height requirements for the Business Park District are set forth in subsection 9.805(6).~~

3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8505, “Mixed Use Development District; area, yard and height regulations”, subsection (5) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(5) Maximum height: 120’

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.905, “Uptown Mixed Use District; area, yard and height regulations”, subsection (4) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

- (4) Maximum height: With the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(c)) and other permitted structures identified in Section 12.108, there is no maximum height, however, no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Height requirements for other permitted structures are set forth in Section 12.108.

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards” subsection (2)(d)(2)(c), “Building Height” by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

- (a) Building Height. Building heights shall be a maximum of 60 feet along Brevard Street and Caldwell Street. Building heights can exceed 60 feet if the upper portion of the building is stepped back 20 feet from the minimum setback, as illustrated below. See also Section 9.905(4).

Height requirements for other permitted structures are set forth in Section 12.108.

5. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1005, “Urban Industrial District; area, yard and height requirements”, by adding three new footnotes for maximum height that clarify the references. The revised section shall read as follows:

Section 9.1005. Urban Industrial District; area, yard and height requirements.

Minimum lot area (square feet)	5,000
Minimum lot width (feet)	50
Minimum setback (feet)	5
Minimum side yard (feet)*	0; except 20 feet when abutting any residential or office district
Minimum rear yard*	0; except 50 feet when abutting any residential

or office district

Maximum floor area ratio 2.0

Maximum height (feet)^{1,2,3} 40 within 100 feet of any residential district ; ~~except higher as specified under Section 12.108.~~

* Subject to all applicable building and fire codes for separation.

¹ A building that is not adjacent to and located greater than 100 feet from a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.

² A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

³ Height requirements for other permitted structures are set forth in Section 12.108.

6. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1208, “Development standards”, subsection (3), “Maximum height” by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108(4), (5), and (6).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

a. Amend Section 10.812, “Development standards” by modifying footnote #7 by adding a reference to Section 12.108.

⁷ Base Height	<p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40’ base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet,</p>
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	<p>for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</p> <p><u>Height requirements for other permitted structures are set forth in Section 12.108.</u></p>
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2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, “Development Standards”, subsection (3), “Maximum height”, by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.205, “Development standards for MX-1, MX-2 and MX-3 districts” by adding “height” in subsection (3). The revised subsection shall read as follows:

(3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Amend Section 11.304, “Development standards; density; common area requirements”, by adding “height” in subsection (3). The revised subsection shall read as follows:

(3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, ~~and~~ yards, and height shall be developed to the standards of the R-5 district.

3. PART 5: NEIGHBORHOOD SERVICES DISTRICT

- a. Amend Section 11.505, “Development standards”, subsection (8) by adding an additional sentence referencing Section 12.108. The revised subsection shall read as follows:

- (8) Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705, “Development standards”, subsection (8), by adding a new subsection (c). The revised section shall read as follows:

- (1) Maximum height: 90’.

- (a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.

- (b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

- (c) Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.108, “Height limitations” by deleting subsections (1), (2) and (9) and replacing them with “Reserved”. In subsection (4), delete the phrase “subsection (1) above” and replace it with “in each zoning district”. All remaining subsections shall remain unchanged. The revisions shall read as follows:

Section 12.108. Height limitations.

Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) ~~A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet. Reserved.~~
- (2) ~~A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Reserved.~~
- (4) The height limitations established in ~~subsection (1) above~~ in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (9) ~~The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10. Reserved.~~

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 ____, 2014, 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 ____ day of _____, 2014.

Insert

Tab

Item 35

REQUEST	Text amendment to Section 9.907 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to allow parking lot reconfiguration in the UMUD (uptown mixed use) zoning district under limited circumstances.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> goals and guiding principles to support a diverse and adaptable economy.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The text amendment contains the following provisions:

- Allows existing parking lot reconfiguration by expanding the parking area onto abutting property and eliminating an equal area of existing parking in the UMUD (uptown mixed use) district if the following standards are met:
 - Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than five percent from the original number of parking spaces;
 - All parking spaces shall be located outside of the required setbacks; and
 - The existing and reconfigured portions of the parking lot shall meet the screening standards for grade level parking lots as a principal use.

- **Public Plans and Policies**

- The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals and guiding principles to support a diverse and adaptable economy.
-

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No comments received.
 - **Vehicle Trip Generation:** Not applicable
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Charlotte-Mecklenburg Utilities:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
-

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*.
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Charlotte-Mecklenburg Utilities Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722

TEXT AMENDMENT SUMMARY: RECONFIGURATION OF AN EXISTING PARKING LOT
8-18-14 **2014-99**

Purpose/Background: The purpose of this text amendment is to allow parking lot reconfiguration in the Uptown Mixed Use District under limited conditions.

Current Regulations	Proposed Regulations	Rationale
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Allows reconfiguration of an existing parking lot by expanding the parking area onto abutting Uptown Mixed Use District zoned land and eliminating an equal area of existing parking if the following standards are met: • Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces; • All parking spaces shall be located outside of the required setbacks; and • The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2) (c) for grade level parking lots as a principal use. 	<ul style="list-style-type: none"> • Adds flexibility for existing parking lots that are reconfigured.

Petition No: 2014-99
Petitioner: Charlotte-Mecklenburg Planning Department

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 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.907, "Uptown Mixed Use District; parking and loading standards", subsection (1), "Parking standards", by adding a new subsection (l). All remaining subsections shall remain unchanged. The new subsection shall read as follows:

- (l) The reconfiguration of an existing parking lot by expanding the parking area onto abutting UMUD zoned land and eliminating an equal area of existing parking shall be allowed if the following standards are met:

- (a) Any parking lot reconfiguration shall not increase the square footage of the parking lot and shall not increase the number of parking spaces by more than 5% from the original number of parking spaces.

- (b) All parking spaces shall be located outside of the required setbacks; and

- (c) The existing and reconfigured portions of the parking lot shall meet the screening standards of Section 9.906(2)(c) for grade level parking lots as a principal use.

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 _____, 2014, 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 __ day of _____, 2014.
