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<th>Mayor Daniel Clodfelter</th>
<th>Mayor Pro-Tem Michael D. Barnes</th>
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<td>Al Austin</td>
<td>John Autry</td>
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<td>Ed Driggs</td>
<td>Claire Fallon</td>
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<td>David Howard</td>
<td>Patsy Kinsey</td>
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<td>Vi Alexander Lyles</td>
<td>LaWana Mayfield</td>
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<td>Greg Phipps</td>
<td>Kenny Smith</td>
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**CITY COUNCIL ZONING AGENDA**

*Monday, April 28, 2014*

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT [www.rezoning.org](http://www.rezoning.org)
## 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-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
- **LNWWPA** – 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
- **MILWWPA** – 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
1. **Petition No. 2013-072** (Council District 4 – Phipps) by **Full Moon of Union, LLC** for a change in zoning for approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road from R-3 (single family residential) to NS (neighborhood services).

This petition is found to be inconsistent with the *Northeast Area Plan* but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. A note has been added that all buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum of clear vision class will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided.
2. The distance from the centerline from Prosperity Church Road and Eastfield Road have been labeled and shown as right-of-way to be dedicated.
3. A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been show on the site plan.
4. An eight-foot planting strip and six-foot sidewalk has been shown on the internal private street on the site.
5. The planting strip and sidewalk width along the internal private street.
6. A note has been added that a public access easement will be provided for the private street.
7. An eight-foot planting strip and six-foot sidewalk has been provided along the 30-foot buffer internal to the site.
8. The plan has been labeled to show a minimum of 6,000 square feet for the landscaped area along Eastfield Road.
9. Note 4 A under Streetscape and Landscaping has been modified to read: "The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However, if the Homeowners do not agree the wall will be removed."
10. Note 8 "C" under Lighting has been removed.
11. The site layout matches the current CRTPO (formerly MUMPO) approved alignment.
12. The proposed 8,000-square foot building has been adjusted to create an “urban streetscape” along Eastfield Road.
13. A building edge for the proposed buildings along Eastfield Road has been shown on the plan.
14. The proposed and existing masonry wall along the western edge of the property has been shown on the site.
15. Note B under Streetscape and Landscaping has been removed from the plan.
16. Direct sidewalk connections from the proposed buildings to Eastfield Road have been show on the site plan.
17. Transportation issues have been addressed by providing turn lanes that will be constructed by the petitioner along Eastfield and Prosperity Church Road and also providing additional right-of-way along Eastfield and Prosperity Church Road.

**Staff recommends approval of this petition.**

*Attachment 1*
2. **Petition No. 2013-085** (Outside City Limits) by Providence Road Farms, LLC / Crosland Southeast / Childress Klein Properties for a change in zoning for approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane from R-3 (single family residential) & R-3(CD) (single family residential, conditional) to MUDD-O (mixed use development, optional) & MX-2(Innov.), 5 year vested rights (mixed use, innovative, 5 year vested rights).

This petition is found to be inconsistent with the Providence Road / I-485 Area Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

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<tr>
<td>1.</td>
<td>Modified Note 1.c &quot;Graphics and Alterations/Modifications” on Sheet RZ-3A to clarify the processes involved to allow modifications to the rezoning plan.</td>
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<td>2.</td>
<td>Modified Note 2.I.a on Sheet RZ-3A to read: “To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets and is contained in Sections 5 and 6.”</td>
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<td>3.</td>
<td>Modified the optional provision in Note 2.I.m on Sheet RZ-3A to indicate that the minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent.</td>
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<td>4.</td>
<td>Modified Note 4.III.j on Sheet RZ-3A to allow adjustments to vehicular circulation subject to CDOT approval.</td>
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<td>5.</td>
<td>Modified Note 5.III.c on Sheet RZ-3A to indicate that a minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent.</td>
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<td>6.</td>
<td>Modified Note 5.II.k on Sheet RZ-3A to read: “Building materials accent walls, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Development Areas B, C, D, and E in a manner that is harmonious, complementary and creates a cohesive appearance along Providence Road, keeping in mind differences in the proposed land uses and structures that may develop in these areas while allowing each building to have its own unique characteristics.”</td>
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<td>7.</td>
<td>Modified Note 5.IV.g on Sheet RZ-3A to state: “Surface parking areas, except the surface parking area located between Private Street 1 within Development Area A and Development Area C, shall be framed by either a public or private street, or an abutting exterior property line designed in a manner that utilizes landscape islands as required by the Tree Ordinance to create smaller pockets of parking areas as generally depicted on Sheet RZ-4.”</td>
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<td>8.</td>
<td>Defined “personal services.”</td>
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<td>9.</td>
<td>Deleted Note 11.b on Sheet RZ-3B that allows the site to be considered a mixed-use center for the purposes of compliance with the Tree Ordinance.</td>
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<td>10.</td>
<td>Modified the third sentence of the building fenestration note on Sheet RZ-4 to state: “Fenestrations shall extend from the sill or from a base of contrasting material, 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.”</td>
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<td>11.</td>
<td>Modified the note under “Secondary Frontage” on Sheet RZ-4 to indicate that the buildings must have at least 40 percent fenestration in aggregate but in no case will any individual building have less than 25 percent fenestration.</td>
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<td>12.</td>
<td>Eliminated the “schematic depictions” note on Sheets RZ-4 and RZ-5.</td>
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<td>13.</td>
<td>Provided building elevations of the proposed multi-family buildings and the carport/garage buildings located within “Development Area I” that front along the public streets.</td>
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<td>14.</td>
<td>Removed the reference to outparcel sign locations on Sheet RZ-5.</td>
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<td>15.</td>
<td>Reduced the size of Sheets RZ-4 and RZ-5 to 24”X36” site plan sheets.</td>
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16. Addressed Charlotte-Mecklenburg Storm Water Services outstanding issue by removing notes "a" through "d" under Note 8 "Environmental Features" on Sheet RZ-3B in their entirety and replacing them with the following: "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 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."

17. Addressed the following remaining Transportation outstanding issues:
   a. Clarified when Ardrey Kell Road would be constructed to the northernmost property line.
   b. Indicated the back of curb location for Ardrey Kell Road to be 29.5 feet from the centerline of the street.
   c. Revised the first bullet under Transportation Note "D" to the following: "Install a full-movement traffic signal upon meeting applicable MUTCD signal warrants. A signal warrant analysis will be submitted upon completion of Development Area "A".
   d. Deleted the last two sentence of Note 4.III.g on Sheet RZ-3A.
   e. Indicated that the proposed median shown on Ardrey Kell extension at the intersection with Providence Road will accommodate an eight-foot pedestrian refuge island. The final design of the pedestrian refuge island will be determined during the driveway permit process.
   f. Revised the first bullet under Note "f" of the "Transportation Improvements and Access" section to the following: "Install a traffic signal with full pedestrian accommodations upon meeting the applicable MUTCD signal warrants. The petitioner will provide a signal warrant analysis to CDOT for review and approval upon completion of the construction of the dense multi-use area of the site."
   g. Revised “Access” Note "g" to the following: “The petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the petitioner understands that they would need to obtain an encroachment agreement for any decorative pavers and/or stamped pavement proposed in the public right-of-way.”
   h. Revised “Access” Note “i” to the following: “The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the petitioner, subject to CDOT’s final approval, to accommodate changes in in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.”
   i. Revised the wording of the “Right-of-way Availability” note as such:
      i. Remove the minimum 60 day good faith period, and specify that all minimum good faith time periods will be in accordance with the standard City right-of-way acquisition process as administered by the City’s Engineering & Property Management Department.
      ii. Re-word the sentence starting with “Furthermore, in the event...” to the following: “Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in acquisition of additional right-of-way as contemplated herein above, then the petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations.”

Staff recommends approval of this petition.

Attachment 2
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<th>Deferral (to May)</th>
<th>3. <strong>Petition No. 2013-102</strong> (Council District 1 – Kinsey) by Wajahat &amp; Ferah Syed for a change in zoning for approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street from R-5 (single family residential) &amp; MUDD-O (mixed use development, optional) to TOD-MO (transit oriented development, mixed, optional) &amp; MUDD-O SPA (mixed use development, optional, site plan amendment). The Zoning Committee voted 7-0 to <strong>DEFER</strong> this petition to their May 5, 2014 meeting. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 3</th>
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<tr>
<td>Deferral (to May)</td>
<td>4. <strong>Petition No. 2014-013</strong> (Council District 7 – Driggs) by Hawthorn Retirement, LLC for a change in zoning for approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road from R-3 (single family residential) to INST(CD) (institutional, conditional). Petitioner is requesting a one-month deferral of this petition to the May 19, 2014 meeting. This petition is found to be inconsistent with the <em>South District Plan</em> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-1 vote of the Zoning Committee. The Committee voted 6-1 to recommend <strong>APPROVAL</strong> of this petition with the following modifications: 1. Amended note 2a to refer to Section 9.503 and specify the type of &quot;Home for the Aged&quot; units as dependent units. The petitioner added the following language for clarity, “except for the two independent units, for management staff only, not for rental purposes.” 2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff. 3. Placed an X over note 5c; the note will be removed completely with final plan submission. 4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3. 5. Provided additional building articulation and step downs along the southeastern and northern building façades. 6. Revised the Site Section A-A to reflect the current site design. 7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned. 8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings. 9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows. 10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit. 11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan. 12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff. 13. Clarified &quot;non-peak hours&quot; by specifying the hours of 7am-9am and 4pm-6pm. 14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan. 15. Removed the “Undisturbed Natural Area” label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway. 16. Clarified the conflict between the “Undisturbed Natural Area” labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the &quot;Undisturbed Natural Area” labels and adding a note stating “Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners.” 17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan.</td>
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18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer.
19. Removed unneeded sheets in the site plan packet.
20. Added note 8b for garage lighting.
21. Added overhang foliage to the retaining wall on the landscape plan and site sections.

Staff recommends approval of this petition.

Attachment 4

5. Petition No. 2014-014 (Council District 2 - Austin) by Sam's Real Estate Holdings, Georgia, LLC for a change in zoning for approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O'Woods Drive from R-3, single family residential to NS, neighborhood services.

The Zoning Committee voted 7-0 to DEFER this petition to their May 5, 2014 meeting.

Staff does not recommend approval of this petition in its current form.

Attachment 5

6. Petition No. 2014-015 (Council District 2 - Austin) by St. Michael & All Angels for a change in zoning for approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road from NS (neighborhood services) to R-3 (single family residential).

This petition is found to be inconsistent with the Northeast District Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend APPROVAL of this petition.

Attachment 6

7. Petition No. 2014-021 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance adding a new definition for mobile farmer’s markets and allowing it with prescribed conditions in a variety of zoning districts.

The Zoning Committee voted 7-0 to DEFER this petition to their May 5, 2014 meeting.

Staff recommends one-month deferral of this petition to allow time to consider modifications to the text amendment.

Attachment 7

8. Petition No. 2014-023 (Council District 1 – Kinsey) by Edgeline Residential, LLC for a change in zoning for approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 16th Street, North Davidson Street, and East 16th Street from MUDD(CD) (mixed use development, conditional) to MUDD(CD) SPA (mixed use development, conditional, site plan amendment).

This petition is found to be consistent with the Blue Line Extension(BLE) 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 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:

1. The proposed 20,000 square feet of non-residential uses has been listed on the site plan.
2. A note has been added that states “The streetscapes along 16th Street and Caldwell Street will include enhancements at four locations generally depicted on the site plan. Those enhancements will include a minimum of one piece of artwork at one location, plus specialty pavers and a bench at the other three locations. A minimum of 30 percent of the grillwork will be decorative along 16th Street and Caldwell Street.”

3. A note has been provided that decorative grillwork will be provided for the parking deck.

4. “Veterinary use/indoor pet services” has been added as an allowed use on the site plan.

5. A note has been added that “no spans of blank unarticulated walls greater than twenty feet in length will be allowed”.

6. “A note has been provided that the elevator lobby entrance located along 16th street will incorporate glass into the façade at the elevator lobby.”

Staff recommends approval of this petition.

Attachment 8

9. **Petition No. 2014-024** (Council District 12 – Kinsey) by Stonehunt, LLC for a change in zoning for approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).

This petition is found to be inconsistent with the **Midtown Morehead Cherry Area Plan** and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee. The Committee voted 5-1 to recommend **DENIAL** of this petition. The following modifications have been made:

1. Amended acreage on site plan to reflect 5.71 acres, as specified on the amended application.

2. Labeled Sites B and C as referenced on the site plan.

3. Specified building materials as cement fiber siding, natural wood siding, masonry and stone exterior finishes, with a minimum 10 percent masonry material. Each home will be set on a stone or masonry foundation. CMU and other raw concrete are not allowed as a finished foundation wall. CMU block parged in stucco is not allowed as a foundation wall finish.

4. Noted that duplex units will display the same architectural integrity and requirements as the single family homes, which includes porches with a minimum depth of eight feet.

5. Added a note that referenced the site comprised of Site A, B and C as a planned development devoted to residential single family detached dwelling units and two duplexes.

6. Specified that the lots in Areas B and C may have frontage on either street.

7. Labeled planting strips and/or sidewalks along all street frontages.

8. Added a note specifying that the petitioner will construct two duplexes within the planned development and each of the resulting four housing units will be affordable to buyers whose income is at or below 80 percent of the Charlotte Metropolitan Statistical Area (MSA) adjusted mean income.


Staff recommends approval of this petition.

Attachment 9
**Petition No. 2014-025** (Council District 7 – Driggs) by Trinity Capital Advisors, LLC for a change in zoning for approximately 8.50 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).

This petition is found to be consistent with the **South District Plan** and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Added notes stating "If a bank/financial institution is constructed on the Site as the allowed use with accessory drive-through windows it must be constructed with an internal drive-through window. An internal drive-through window will be defined as the drive-through lanes designed in such a manner that:
   a. the area where a car(s) stops to utilize the pickup window(s) is located between two buildings; or
   b. a solid building edge/wall covers at least 80% of the length of the area where a car(s) stops to utilize the pickup window(s) associated with the drive-through lanes.

   If a Limited Service Restaurant, as defined above, is constructed on the Site as the allowed use with an accessory drive-through window it may not be developed as a free standing use, it must be part of a building designed for more than one tenant or more than one use. In addition, the Limited Service Restaurant must be constructed with an internal drive through window as defined above."

2. Amended Note 7g indicating that off-street parking areas, as well as maneuvering for parking or drive-through windows, will not be located between Community House Road, the internal private drive and the proposed buildings; however, vehicular parking and maneuvering may be located to the side or behind such buildings.

3. Provided detail of how building edges will relate to uses across the internal street.

4. Added a note committing to provision of an open space area located within Development Area C at the intersection of Community House Road and the internal private drive as generally depicted on the Schematic Site Plan. This open space area will be designed as a focal point for the development and will include attractively landscaped areas and may also include development signage as well as other architectural features.

5. Added note requiring buildings located along the internal private drive to be designed with building facades that face the internal private drive and to have a minimum of 50 percent fenestration.

6. Reduced the number of uses that may be developed with accessory drive through windows from two uses to one use.

7. Reduced the maximum gross floor area of a Limited Service Restaurant from 2,500 square feet to 1,800 square feet.

8. Amended Note 7c to add that the minimum average height of the one story building will be no less than 25 feet as measured to the top of the parapet wall.

9. Amended Note 7d to specify that the allowed drive-through lanes must be located internally to the proposed building.

10. Provided a cross-section of proposed open space area to be located in Development Area C at the intersection of Community House Road and the internal private drive labeled as Inset A.

**Staff recommends approval of this petition.**

**Attachment 10**
11. **Petition No. 2014-027** (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for two parcels approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place from I-2 (general industrial) to TOD-M (transit oriented development, mixed).

This petition is found to be consistent with the *New Bern 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 7-0 vote of the Zoning Committee. The Committee voted 7-0 to recommend **APPROVAL** of this petition.

Staff recommends approval of this petition.

Attachment 11
# ZONING HEARINGS

| Deferral (to May) | 12. 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 southwest corner at the intersection of Ardrey Kell Road and Marvin Road from R-3 (single family residential) to O-1(CD) (office, conditional). A community Meeting Report has not been submitted for this petition; therefore, a public hearing may not be held and the petition is automatically deferred to the May 19, 2014 meeting. Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 12 |
| Protest Sufficiency TBD | |
| 13. Petition No. 2014-028 (Council District 6 - Smith) by Lat Purser & Associates for a change in zoning for approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 13 |
| Protest Sufficiency TBD | |
| 14. Petition No. 2014-030 (Council District 1 - Kinsey) by Golden Triangle # 2 for a change in zoning for approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed used development, optional, site plan amendment). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 14 |
| 15. Petition No. 2014-031 (Outside City Limits) by Wilkison Partners, LLC for a change in zoning for approximately 5.9 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). Staff recommends approval of this petition upon resolution of outstanding issues. Attachment 15 |
| 16. Petition No. 2014-032 (Council District 2 – Austin) by The Affordable Housing Group of North Carolina, Inc. / The Drakeford Company for a change in zoning for approximately 3.72 acres located on the west side of Beatties Ford Road between Pauline Lane and Sunset Road from R-4 (single family residential) to UR-2(CD) (urban residential, conditional). Staff does not recommend approval of this petition in its current form. Attachment 16 |
17. **Petition No. 2014-38** by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to add stadiums, coliseums, and arenas as uses permitted under prescribed conditions in the MUDD (mixed use development) district, and to correct the use table to indicate stadiums and coliseums are currently permitted, under prescribed conditions, in the UMUD (uptown mixed use district).

Staff recommends approval of this petition.

Attachment 17
Rezoning Petition 2013-072
Zoning Committee Recommendation
March 26, 2014

REQUEST
Current Zoning: R-3, single-family residential
Proposed Zoning: NS, neighborhood services

LOCATION
Approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road.
(Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes a 22,000-square foot commercial development in two buildings, and allows all uses permitted in the NS (neighborhood services) district.

PROPERTY OWNER
Full Moon of Union, LLC

PETITIONER
Full Moon of Union, LLC

AGENT/REPRESENTATIVE
Keith MacVean/Moore & Van Allen, PLLC

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 15

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the Northeast Area Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:

1. A note has been added that all buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum of clear vision class will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided.
2. The distance from the centerline from Prosperity Church Road and Eastfield Road have been labeled and shown as right-of-way to be dedicated.
3. A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been show on the site plan.
4. An eight-foot planting strip and six-foot sidewalk has been shown on the internal private street on the site.
5. The planting strip and sidewalk width along the internal private street.
6. A note has been added that a public access easement will be provided for the private street.
7. An eight-foot planting strip and six-foot sidewalk has been provided along the 30-foot buffer internal to the site.
8. The plan has been labeled to show a minimum of 6,000 square feet for the landscaped area along Eastfield Road.
9. Note 4 A under Streetscape and Landscaping has been modified to read: “The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However, if the Homeowners do not agree the wall will be removed.”
10. Note 8 “C” under Lighting has been removed.
11. The site layout matches the current CRTPO (formerly MUMPO) approved alignment.
12. The proposed 8,000-square foot building has been adjusted to create an “urban streetscape” along Eastfield Road.
13. A building edge for the proposed buildings along Eastfield Road has been shown on the plan.
14. The proposed and existing masonry wall along the western edge of the property has been shown on the site.
15. Note B under Streetscape and Landscaping has been removed from the plan.
16. Direct sidewalk connections from the proposed buildings to Eastfield Road have been show on the site plan.
17. Transportation issues have been addressed by providing turn lanes that will be constructed by the petitioner along Eastfield and Prosperity Church Road and also providing additional right-of-way along Eastfield and Prosperity Church Road.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented the petition to the Zoning Committee and indicated all outstanding site plan issues have been resolved. One Commissioner stated that they appreciated the large amount of open space being preserved on the development site. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**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:
    - Two buildings with a total square footage not to exceed 22,000 square feet.
    - All allowed uses in the NS (neighborhood services) district, except convenience stores with gasoline sales, automobile service stations, pet crematoriums, funeral homes, nightclubs, bars and lounges.
    - Building edges located and architecturally oriented toward Eastfield Road with no parking between the building and the street.
    - All buildings facing along Eastfield Road will have a minimum of 40% clear vision glass along the façade of the building. If a drug store/pharmacy is constructed the minimum of clear vision class will be 30% along Eastfield Road; however, additional architectural features such as articulated facades, false windows, decorative-off sets, and water tables will be provided.
    - A minimum 20-foot build-to line for both buildings proposed along Eastfield Road has been show on the site plan.
    - An eight-foot planting strip and six-foot sidewalk has been shown on the internal private drive on the site.
    - An eight-foot planting strip and six-foot sidewalk has been provided along the 30-foot buffer internal to the site.
    - A note stating “The petitioner will submit plans for the wall encroachment along the adjacent single family property line to the appropriate homeowners and provide a letter of approval from the homeowners to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review. However if the Homeowners do not agree the wall will be removed.”
    - A public access easement will be provided for the private road.
    - Both buildings may have accessory drive-through service windows.
    - A 6,000-square foot minimum plaza amenity area.
• 30-foot Class B landscape buffer adjacent to the existing R-3 (single family residential)
  development.
• A maximum height of 25 feet for all detached lighting fixtures.
• Three-foot low masonry screening wall with shrubs to screen parking areas adjacent to the
  public right-of-way for Eastfield Road and Prosperity Church Road.
• Building materials consisting of brick, architectural concrete block, and/or stucco.
• A note stating blank walls over twenty feet will not be permitted for the proposed
  structures.
• Two buildings to be developed with similar building materials, architectural style and color.
• Dedication of 55 and 60 feet from the centerline of right-of-way along the site’s frontage
  for Eastfield Road and Prosperity Church Road.
• Maximum building height of 60 feet.
• Access to the site via two limited access driveways on Eastfield Road and a full access
  driveway on Prosperity Church Road.
• Transportation improvements that include right-turn lanes that will be constructed by the
  petitioner along Eastfield and Prosperity Church Road and additional right-of-way along
  Eastfield and Prosperity Church Road.

Public Plans and Policies
• The draft Prosperity Hucks Area Plan recommends a mixture of uses such as residential, office,
  and retail on the subject property.
• The Northeast District Plan (1996) recommends residential for the subject property.
• The proposed petition is consistent with the draft Prosperity Hucks Area Plan.
• The petition is inconsistent with the adopted Northeast Area Plan.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No comments received.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Department of Solid Waste Services: No issues.
• 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.
• 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
• No issues.
Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste 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 #: 2013-072

Acreage & Location: Approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road.
Petition #: 2013-072
Petitioner: Full Moon of Union, LLC

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 5.94 acres located at the intersection of Eastfield Road and Prosperity Church Road.

Map Produced by the Charlotte-Mecklenburg Planning Department
1-28-14
1. Permitted Uses

Site Development Data
- Site Address (Street) E street Name
- Site Address to be Deed (legal) E street Name
- Site Address as Acquired (legal) E street Name
- Tax Parcel 123456789
- Existing Zoning R-2
- Proposed Zoning NS - Neighborhood Services
- Existing (zoning) Vacant Residential
- Proposed (zoning) 1.0
- Min. Building Height: 60 ft
- Parking: 100 spaces
- Open Space: 10% of site

General Provisions

1. Site Development Data

The petitioner will provide a right turn lane from eastbound Eastfield Road to southbound Prosperity Church Road as generally indicated on sheet RZ-1.0. The petitioner will be responsible for the installation of all proposed traffic improvements as generally indicated on sheet RZ-1.0.

2. Transportation

Facilities on the Site shall be as generally depicted on the Technical Data Sheet. The placement and configuration of the parking spaces is subject to site, setback, and design requirements as well as any other regulations which may be in effect on the date this Rezoning Petition is approved.

3. Architectural Standards

a. Building materials for the buildings to be constructed on the Site shall include brick, architectural concrete block, and/or stucco. Architectural accent materials may be composed of other materials. Exposure of brick walls to nearly 30 feet will be avoided through the introduction of secluded PW, decorative overhangs, transom windows, variations in color and design of brick and other specially designed architectural elements. No brick or stone or other facing material shall be used on the elevations of the building.

b. All exterior walls shall use the same building materials from top to bottom and side-to-side.

c. The two buildings shall be architecturally oriented toward Eastfield Road with clear glass windows that address the street. Clear glass windows shall be 70% of the glass area of the front elevation. If the Petitioner decides to cover up one of the 70% glass portions of glass enclosed on Eastfield Road facade for the pharmacy storefront may be reduced to 50% provided the following additional requirements are met:

i. When the glass area is covered, the area covered shall be located on the first floor and not extend above the roof level of the second floor.
ii. The post to the glass area covered shall be 15" in height from the floor level.
iii. The portion of wall glass that is covered shall remain unobstructed by any window cornice or overhang.
iv. No other windows shall have shades or window coverings.

4. Streetscape and Landscaping

a. Storm water runoff from the site must comply with the requirements of the Stormwater Management Ordinance.

b. All storm water management facilities and systems shall be designed and constructed to minimize the runoff of storm water from the Site.

c. The petitioner shall install a right turn lane from eastbound Eastfield Road to southbound Prosperity Church Road as generally indicated on sheet RZ-1.0.

5. Environmental Features

a. Storm water runoff shall be from the proposed parking area and streets.

b. Off site storm water management systems shall be required on the Site.

6. Parks, Greenways and Open Space

a. Storm water runoff shall be from the proposed parking area and streets.

b. Off site storm water management systems shall be required on the Site.

7. Signage

a. Street signs at the entrance to the Site will be designed and installed to comply with the requirements of the Signage Ordinance.

b. All proposed street signs shall be located off site at the entrance to the Site.

8. Lighting

a. No street lighting shall be required.

b. No site lighting shall be required.

9. Amendments to the Rezoning Plan

a. All amendments to the Rezoning Plan shall be reviewed and approved by the City of Charlotte.

b. Amendments to the Rezoning Plan shall be submitted to the City of Charlotte for review and approval.

10. Revisions to the Rezoning Plan

a. All revisions to the Rezoning Plan shall be reviewed and approved by the City of Charlotte.

b. All revisions to the Rezoning Plan shall be submitted to the City of Charlotte for review and approval.

11. Public Involvement

a. All public hearings and meetings shall be held to discuss the proposed Rezoning Plan.

b. All public hearings and meetings shall be held to discuss the proposed Rezoning Plan.

12. Public Service Connection

a. All public service connections shall be made to the City as provided in the Rezoning Plan.

b. All public service connections shall be made to the City as provided in the Rezoning Plan.

13. Public Service Access

a. All public service access shall be as provided in the Rezoning Plan.

b. All public service access shall be as provided in the Rezoning Plan.

14. Public Service Improvement

a. All public service improvements shall be as provided in the Rezoning Plan.

b. All public service improvements shall be as provided in the Rezoning Plan.

15. Public Service Requirements

a. All public service requirements shall be as provided in the Rezoning Plan.

b. All public service requirements shall be as provided in the Rezoning Plan.

16. Public Service Costs

a. All public service costs shall be as provided in the Rezoning Plan.

b. All public service costs shall be as provided in the Rezoning Plan.

17. Public Service Payment

a. All public service payments shall be as provided in the Rezoning Plan.

b. All public service payments shall be as provided in the Rezoning Plan.

18. Public Service Agreement

a. All public service agreements shall be as provided in the Rezoning Plan.

b. All public service agreements shall be as provided in the Rezoning Plan.

19. Public Service Conditions

a. All public service conditions shall be as provided in the Rezoning Plan.

b. All public service conditions shall be as provided in the Rezoning Plan.

20. Public Service Approvals

a. All public service approvals shall be as provided in the Rezoning Plan.

b. All public service approvals shall be as provided in the Rezoning Plan.

21. Public Service Variances

a. All public service variances shall be as provided in the Rezoning Plan.

b. All public service variances shall be as provided in the Rezoning Plan.

22. Public Service Exemptions

a. All public service exemptions shall be as provided in the Rezoning Plan.

b. All public service exemptions shall be as provided in the Rezoning Plan.

23. Public Service Delays

a. All public service delays shall be as provided in the Rezoning Plan.

b. All public service delays shall be as provided in the Rezoning Plan.

24. Public Service Waivers

a. All public service waivers shall be as provided in the Rezoning Plan.

b. All public service waivers shall be as provided in the Rezoning Plan.

25. Public Service Incentives

a. All public service incentives shall be as provided in the Rezoning Plan.

b. All public service incentives shall be as provided in the Rezoning Plan.

26. Public Service Credits

a. All public service credits shall be as provided in the Rezoning Plan.

b. All public service credits shall be as provided in the Rezoning Plan.

27. Public Service Reserves

a. All public service reserves shall be as provided in the Rezoning Plan.

b. All public service reserves shall be as provided in the Rezoning Plan.

28. Public Service Liens

a. All public service liens shall be as provided in the Rezoning Plan.

b. All public service liens shall be as provided in the Rezoning Plan.

29. Public Service Charges

a. All public service charges shall be as provided in the Rezoning Plan.

b. All public service charges shall be as provided in the Rezoning Plan.

30. Public Service Fees

a. All public service fees shall be as provided in the Rezoning Plan.

b. All public service fees shall be as provided in the Rezoning Plan.

31. Public Service Costs and Benefits

a. All public service costs and benefits shall be as provided in the Rezoning Plan.

b. All public service costs and benefits shall be as provided in the Rezoning Plan.

32. Public Service Indemnification

a. All public service indemnification shall be as provided in the Rezoning Plan.

b. All public service indemnification shall be as provided in the Rezoning Plan.

33. Public Service Insurance

a. All public service insurance shall be as provided in the Rezoning Plan.

b. All public service insurance shall be as provided in the Rezoning Plan.

34. Public Service Ordinances

a. All public service ordinances shall be as provided in the Rezoning Plan.

b. All public service ordinances shall be as provided in the Rezoning Plan.

35. Public Service Regulations

a. All public service regulations shall be as provided in the Rezoning Plan.

b. All public service regulations shall be as provided in the Rezoning Plan.

36. Public Service Standards

a. All public service standards shall be as provided in the Rezoning Plan.

b. All public service standards shall be as provided in the Rezoning Plan.

37. Public Service Criteria

a. All public service criteria shall be as provided in the Rezoning Plan.

b. All public service criteria shall be as provided in the Rezoning Plan.

38. Public Service Specifications

a. All public service specifications shall be as provided in the Rezoning Plan.

b. All public service specifications shall be as provided in the Rezoning Plan.

39. Public Service Requirements

a. All public service requirements shall be as provided in the Rezoning Plan.

b. All public service requirements shall be as provided in the Rezoning Plan.

40. Public Service Approvals

a. All public service approvals shall be as provided in the Rezoning Plan.

b. All public service approvals shall be as provided in the Rezoning Plan.

41. Public Service Delays

a. All public service delays shall be as provided in the Rezoning Plan.

b. All public service delays shall be as provided in the Rezoning Plan.

42. Public Service Waivers

a. All public service waivers shall be as provided in the Rezoning Plan.

b. All public service waivers shall be as provided in the Rezoning Plan.

43. Public Service Credits

a. All public service credits shall be as provided in the Rezoning Plan.

b. All public service credits shall be as provided in the Rezoning Plan.

44. Public Service Reserves

a. All public service reserves shall be as provided in the Rezoning Plan.

b. All public service reserves shall be as provided in the Rezoning Plan.

45. Public Service Liens

a. All public service liens shall be as provided in the Rezoning Plan.

b. All public service liens shall be as provided in the Rezoning Plan.

46. Public Service Charges

a. All public service charges shall be as provided in the Rezoning Plan.

b. All public service charges shall be as provided in the Rezoning Plan.

47. Public Service Fees

a. All public service fees shall be as provided in the Rezoning Plan.

b. All public service fees shall be as provided in the Rezoning Plan.
REQUEST

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

Proposed Zoning: MUDD-O, mixed use development, optional and MX-2, mixed use, with five-year vested rights

LOCATION

Approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane.
(Outside City Limits)

SUMMARY OF PETITION

The petition proposes a mixed-use development that would permit up to 560,000 square feet of office and commercial land uses, a 150-room hotel and 561 dwelling units.

PROPERTY OWNER

Numerous. See application on website.

PETITIONER

Providence Road Farms LLC, Crosland Southeast, and Childress Klein Properties

AGENT/REPRESENTATIVE

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: 50

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the Providence Road/I-485 Area Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:

1. Modified Note 1.c “Graphics and Alterations/Modifications” on Sheet RZ-3A to clarify the processes involved to allow modifications to the rezoning plan.

2. Modified Note 2.I.a on Sheet RZ-3A to read: "To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections 5 and 6."

3. Modified the optional provision in Note 2.I.m on Sheet RZ-3A to indicate that the minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent.

4. Modified Note 4.III.j on Sheet RZ-3A to allow adjustments to vehicular circulation subject to CDOT approval.

5. Modified Note 5.III.c on Sheet RZ-3A to indicate that a minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 55 percent of the length of the Providence Road frontage rather than a minimum of 50 percent.

6. Modified Note 5.II.k on Sheet RZ-3A to read: "Buildings, accent walls, landscaping, hardscape elements and/or similar site furnishings will be developed within Development Areas B, C, D, and E in a manner that is harmonious, complementary and creates a cohesive appearance along Providence Road while allowing each building to have its own unique characteristics."
7. Modified Note 5.IV.g on Sheet RZ-3A to state: “Surface parking areas, except the surface parking area located between Private Street 1 within Development Area A and Development Area C, shall be framed by either a public or private street, or an abutting exterior property line designed in a manner that utilizes landscape islands to create smaller pockets of parking areas as generally depicted on Sheet RZ-4.”

8. Defined “personal services.”

9. Deleted Note 11.b on Sheet RZ-3B that allows the site to be considered a mixed-use center for the purposes of compliance with the Tree Ordinance.

10. Modified the third sentence of the building fenestration note on Sheet RZ-4 to state: “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.”

11. Modified the note under “Secondary Frontage” on Sheet RZ-4 to indicate that the buildings must have at least 40 percent fenestration in aggregate but in no case will any individual building have less than 25 percent fenestration.

12. Eliminated the “schematic depictions” note on Sheets RZ-4 and RZ-5.

13. Provided building elevations of the proposed multi-family buildings and the carport/garage buildings located within “Development Area I” that front along the public streets.

14. Removed the reference to outparcel sign locations on Sheet RZ-5.

15. Reduced the size of Sheets RZ-4 and RZ-5 to 24”X36” site plan sheets.

16. Addressed Charlotte-Mecklenburg Storm Water Services outstanding issue by removing notes “a” through “d” under Note 8 “Environmental Features” on Sheet RZ-3B in their entirety and replacing them with the following: “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 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”.

17. Addressed the following remaining Transportation outstanding issues:
   a. Clarified when Ardrey Kell Road would be constructed to the northernmost property line.
   b. Indicated the back of curb location for Ardrey Kell Road to be 29.5 feet from the centerline of the street.
   c. Revised the first bullet under Transportation Note “D” to the following: “Install a full-movement traffic signal upon meeting applicable MUTCD signal warrants. A signal warrant analysis will be submitted upon completion of Development Area “A””.
   d. Deleted the last two sentence of Note 4.III.g on Sheet RZ-3A.
   e. Indicated that the proposed median shown on Ardrey Kell extension at the intersection with Providence Road will accommodate an eight-foot pedestrian refuge island. The final design of the pedestrian refuge island will be determined during the driveway permit process.
   f. Revised the first bullet under Note “f” of the “Transportation Improvements and Access” section to the following: “Install a traffic signal with full pedestrian accommodations upon meeting the applicable MUTCD signal warrants. The petitioner will provide a signal warrant analysis to CDOT for review and approval upon completion of the construction of the dense multi-use area of the site.”
g. Revised “Access” Note “g” to the following: “The petitioner will coordinate the design of any decorative pavement elements proposed within the public right-of-way with CDOT during the driveway permit process. Furthermore, the petitioner understands that they would need to obtain an encroachment agreement for any decorative pavers and/or stamped pavement proposed in the public right-of-way.”

h. Revised “Access” Note “i” to the following: “The alignment of the internal public and private streets, vehicular circulation and driveways may be modified by the petitioner, subject to CDOT’s final approval, to accommodate changes in in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards and industry best practices so long as the street network set forth on the Rezoning Plan is not materially altered.”

i. Revised the wording of the “Right-of-way Availability” note as such:
   i. Remove the minimum 60 day good faith period, and specify that all minimum good faith time periods will be in accordance with the standard City right-of-way acquisition process as administered by the City’s Engineering & Property Management Department.
   ii. Re-word the sentence starting with “Furthermore, in the event…” to the following: “Furthermore, in the event public roadway improvements referenced in subsection a. above are delayed because of delays in acquisition of additional right-of-way as contemplated herein above, then the petitioner will contact the Planning Department and CDOT regarding an appropriate infrastructure phasing plan that appropriately matches the scale of the development proposed to the public infrastructure mitigations.”

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

ZONING COMMITTEE DISCUSSION
Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. One committee member began the discussions by asking staff to comment on the proposed transportation improvements associated with the subject rezoning. Staff indicated that the improvements are sufficient to mitigate the traffic generated by the proposed development. It was also noted that the internal street network is design to accommodate the local traffic associated with the proposed development and that signalization improvements and other road improvements along Providence Road will help to mitigate any additional congestion along Providence Road. A question was then asked by the committee member as to whether the access issue with the Cranfield Academy had been addressed. The committee suspended their rules of procedure to allow the petitioner’s agent to respond to the question. The agent stated that the owner of the Cranfield Academy and the petitioner are close to reaching an easement agreement to allow the Cranfield Academy to utilize the abutting proposed private streets. The agent also stated that another option is to convert the private streets to public streets.
Before the Zoning Committee took action on the petition, Staff read the revised optional provision Note 2.I.a on Sheet RZ-3A for the record. The note states: "To allow vehicular parking, maneuvering and service between the proposed buildings and Providence Road, Golf Links Drive and the interior public and private streets, in the manner generally depicted on the Rezoning Plan. Additional detail on where and how parking and maneuvering is allowed to occur between the buildings and streets is contained in Sections 5 and 6."

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

*(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org)*

**PLANNING STAFF REVIEW**

- **Background**
  - The R-3(CD) (single family residential, conditional) portion of the subject rezoning was part of a larger rezoning approved per Petition 2011-021. The 2011 rezoning indicated an 80-foot wide right-of-way dedication from the Providence Country Club Drive extension to the southern property line and allowed for all uses permitted within the R-3 (single-family residential) zoning district.
  - It is anticipated that the petitioner will submit an application for the subject property to be voluntarily annexed into the city limits of Charlotte.
  - A proposed thoroughfare realignment for the Ardrey Kell Road extension is currently being evaluated by the Charlotte Regional Transportation Planning Organization (CRTPO).

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Up to 560,000 square feet of office and commercial land uses. This includes 330,000 square feet of office and 230,000 square feet of non-office commercial land uses (i.e. retail, restaurant, and personal services).
    - A hotel with up to 150 rooms.
    - Up to 561 residential dwelling units. This includes 471 units of all types within the MUDD-O (mixed use development, optional) portion of the site and 90 detached/attached units within the MX-2 (mixed-use) portion of the site.
    - Several conversion stipulations. This includes office square footage to non-office commercial square footage and vice-versa at varying rates, hotel rooms to office and non-office commercial square footage resulting in up to 50 additional hotel rooms, an additional 33,300 square feet of office square footage, and up to 50,000 square feet of office and non-office commercial uses.
    - Up to six uses with accessory drive-through window facilities and one gas station with or without a convenience store.
    - Access to the site provided along Providence Road, the proposed extension of Ardrey Kell Road and future streets. Up to 15 access points proposed to Ardrey Kell Extension.
    - Parking standards within the MUDD-O (mixed use development, optional) portion of the site will be at the higher parking ratios required for typical suburban residential, office, and commercial uses rather than the reduced urban ratios of the MUDD (mixed use development) zoning district.
    - Height is limited to 95 feet in the MUDD-O (mixed use development, optional) portion of the site.
    - Architectural design guidelines for portions of the site to regulate how buildings will address public streets, private streets, open space areas, and parking areas.
    - Building materials will be a combination of glass, brick, stone, simulated stone, precast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
    - Certain outparcels along Providence Road at certain intersections will be restricted from having parking, maneuvering, and drive-through lanes between the buildings and the abutting streets.
    - Outparcels along Providence Road at other intersections with drive-through lanes between the buildings and the streets will have low walls with accent plantings along those street frontages.
• A public plaza internal to the main commercial area of the site will be designed as a significant pedestrian focal point with amenities that include water features, specialty paving, seating, artwork, and other elements to create a vibrant plaza.
• The area surrounding the water quality pond will be improved as an amenity area with seating, trails, and landscaping.
• A 29-foot wide landscaped setback from the back of curb with a variety of landscape materials will be provided along Providence Road. A low wall will be provided in portions of this landscaped setback where parking areas exceed 150 linear feet. Such low wall will extend for at least 50 percent of the length of the parking area.
• Landscape areas of varying width will be provided along the exterior property lines of the MUDD-O (mixed use development, optional) portion of the subject property.
• A total of 40 non-exclusive park and ride spaces will be provided to CATS along with the construction of a bus shelter waiting pad.
• Detached lighting limited to 30 feet in height in portions of the site used for nonresidential uses and 25 feet in height in the portions used for residential uses.
• The following optional provisions are requested for the MUDD-O (mixed use development, optional) portion of the site:
  • Parking, maneuvering, and service areas between the buildings and Providence Road, Golf Links Drive, and interior public and private streets as generally depicted on the site plan.
  • Interim surface parking lots in locations identified on the site plan as parking decks.
  • Up to six uses with accessory drive-through facilities.
  • Various modifications to the sign regulations for both detached and wall signs.
  • Elimination of the recessed doorway requirement when buildings abut sidewalks greater than six feet in width.
  • Allowance for long-term bike parking spaces to be located within the parking decks on site.
  • Allow the streetscape along Providence Road to be modified by indicating that a minimum eight-foot wide planting strip will be provided between the sidewalk and Providence Road for at least 50 percent of the length of the Providence Road frontage. In areas where the sidewalk meanders, the sidewalk shall never be closer than four feet from the back of curb of Providence Road.
• The following innovative development standards were requested for consideration by the Zoning Committee for the MX-2 (mixed use) portion of the site:
  • Allow single family lots to front private streets.
  • Reduce minimum lot sizes for interior lots from 4,500 square feet to 3,800 square feet.
  • Reduce minimum lot widths for interior lots from 40 feet to 35 feet.
  • Reduce minimum side yards from five feet to 3.75 feet for lots that have vehicular access from an alley.
  • Modify the setback from 32 feet from back of curb to five feet from the right-of-way or back of sidewalk, whichever is greater.
  • Reduce minimum rear yards for interior lots from 30 feet to 20 feet.
  • Increase the maximum building height measured at the side yard from 35 feet to 40 feet.

**Public Plans and Policies**
• The Providence Road/I-485 Area Plan (2000) recommends residential uses up to a density of eight dwelling units per acre for the portion of the subject site north of the original Ardrey Kell Road extension alignment. This northern portion of the site is also identified for a small pedestrian oriented retail center (less than 50,000 square feet) integrated into the residential development with access off the Ardrey Kell Road extension. The majority of the subject site, located south of the original Ardrey Kell Road extension alignment, is recommended for residential uses up to a density of four dwelling units per acre.
• In 2011, the I-485 & Providence Road Development Response Memorandum (not adopted by City Council) was drafted to determine whether a consensus on a development framework (i.e. streets/connectivity, open space, and land use) was possible and if a broader reconsideration of the existing adopted area plan was warranted. During that process, consensus was not reached on land use.
• The land use concept developed during that process explored an alternative to the existing area plan and included a 340,000-square foot multi-use commercial center on the east side of Providence Road between Ardrey Kell Road and Golf Links Drive. The concept included a mix of retail, office, and higher density residential in a walkable pedestrian-oriented pattern.
• The petition is inconsistent with the Providence Road/I-485 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 comments received.
- Charlotte-Mecklenburg Schools: The development proposed by the subject rezoning would generate 121 students. The number of students generated under the existing zoning would be 134 students. Therefore, the net decrease in the number of students generated from the existing zoning to the proposed zoning is thirteen 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.

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 40 non-exclusive parking spaces for CATS transit customers along with the construction of a bus shelter waiting pad.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- 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: Shad Spencer  (704) 353-1132
Petition #: 2013-085

Acreage & Location: Approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane.
Petition #: 2013-085
Petitioner: Providence Road Farms, LLC / Crosland Southeast / Childress Klein Properties

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

Zoning Classification (Requested): MUDD-O & MX-2 5-Year Vested Rights
(Mixed Use Development District, Optional and Mixed Use, Five-Year Vested Rights)

Acreage & Location: Approximately 89.5 acres located on the east side of Providence Road between Golf Links Drive and Chancelot Lane.
substantial completion of the construction of the driveway connection to Providence Road by way of Ardrey Kell Road Extension as generally depicted as Intersection #3 on figure 10.1 on

02.17.14 - REVISE PER STAFF COMMENTS
01.17.14 - REVISE PER STAFF COMMENTS

v. A minimum rear yard of 20 feet except for the Exterior Lots which will have a 30 foot rear yard.vi. A maximum building height of 40 feet as measured at the side yard; and

without being required to construct the remainder of the required transportation improvements listed above in Section 4.I. a - h until the development density levels shown below are

(i)The Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate driveway connection to Providence Road

b. A 29 foot landscape setback area along Providence Road, as measured from the back of the existing curb or the back of the future curb of Providence Road, as applicable, will be

a. The Petitioner shall create an appropriately landscaped corridor along Providence Road utilizing plantings to draw attention to areas of visual interest and deter from highlighting

e. To allow one (1) detached ground mounted identification sign for each building located within Development Areas B, C, D, and E.  These detached identification signs may be up to

4. Proposed Improvements:

II. The following optional provisions shall apply to the portions of the Site designated MUDD-O on the Technical Data Sheet:

1. Streetscape Improvement

a. The Site shall have a streetscape that is visually appealing and depicts a strong link between the commercial core of the development and adjacent uses.  Long expanses of blank walls will be... materials, fenestration, windows, building setback and landscaping, artwork, display cases or other similar items.  The

c. Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping, and when provided site furnishings throughout the Site.

b. 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

3. Area Specific Plan

C. In no case shall the number of hotel rooms be less than one (1) square foot of hotel rooms as calculated above.  Furthermore, the Petitioner understands that in order to have

3. Total Development:  The Petitioner shall construct a total of 5,000 square feet of hotel rooms at the Site, as calculated above, with no less than one (1) square foot of hotel rooms being

This is intended to ensure that the Site is properly zoned and that no areas of the Site are dedicated for the exclusive use of the Petitioner.  The Site may be subdivided.

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It is intended that site plan for the Site provide a horizontal mix of uses that includes office, retail, service uses and varying levels of residential uses in a manner that creates a unified

Proposed Improvements:

d. Those streets expressly designated as Private Streets on the Rezoning Plan shall be kept open to the public for vehicular and pedestrian use except on a temporary basis due to repairs,

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3. Total Development:  The Petitioner shall construct a total of 5,000 square feet of hotel rooms at the Site, as calculated above, with no less than one (1) square foot of hotel rooms being
10. Buffering – Design and Construction Guidelines:

a. Buffering requirements shall be suitable for the intended development type as generally provided in standards and codes with weighting given to the size and intensity of the development site.

b. Parking spaces shall be designed to ensure proper drainage across the lot. Buffering shall be adjacent to public or private streets or public/private streets and properties. Of note, some uses require a buffer located with a maximum 30-foot setback, 30 feet wide, depending on the setback and setback created, taking into consideration differences associated with parking structures.

c. The size of the open space buffer for a building site is a function of the size and number of parking spaces, the intended use of the site, and/or the Fire Department’s requirements. The buffer shall be a continuous strip of land between the building and the public street.

d. The use of space for the creation of buffers shall be determined by the City of Matthews in consultation with the Fire Department and the City of Matthews in consultation with the Building and Land Use Departments.

e. The use of buffers shall be subject to the provisions of the City’s Zoning Code.

11. Environmental Features:

a. 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 facilities required to be developed for the Petitioner pursuant to the Ordinance shall be in consultation with the City of Matthews and the City of Matthews’ Engineer.

b. Zoning as approved by the Ordinance and by the Ordinal Periodic Stormwater Review to the Ordinance as approved. Because the use will be classified as Planned Development in a Limited Zoning Category, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. In the Ordinance as approved, the Petitioner is required to provide plans for stormwater management. 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**Non-Residential Key**
- **Primary Frontage**
  - 60% Fenestration
  - Door Entry for Each Tenant
- **Secondary Frontage**
  - 40% Fenestration (1/2 of which is unobstructed views)
  - Alternate Entry Permitted
- **Critical Corridor**
  - 60% Fenestration
  - Alternate Entry Permitted
- **MUDI Min. Requirement**

Note:
A fenestration is 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. This requirement for fenestration will be applied to the noted Percentage of linear feet of

**Multi-Family Street Frontage Key**
- **Primary Frontage**
  - 55% Building Frontage*
- **Secondary Frontage**
  - 35% Building Frontage*
  - The buildings must have at least 40% fenestration in the aggregate, but in no case will any individual building have less than 25% fenestration.

* Plazas, Greenspace, and Building Edges may count towards this requirement.

**Pedestrian Connections**

**BMP Location**
- (Amenitized Pond)

Note:
Loading areas along critical corridor will be screened from view by a masonry wall to match architecture. This frontage will not contribute to the required fenestration.

Please see Development Standards for provisions allowing alterations or modifications of these graphic depictions.
Setback
Parking, Circulation, or Building Edge

6' Meandering Sidewalk

Existing Providence Road

Providence Road Outparcel Section

Overall Plan Section Two

Section One

Section Two

Section Three

Section Four

Note:
Parking areas along Providence Road over 150' in length will have a low wall no less than 50% of the length of the parking area.

Note:
Please see Development Standards for provisions allowing alterations or modifications of these graphic depictions.

Waverly
Charlotte, NC
Providence Road Frontage RZ-5
04.22.2014 | LDI#1013058

N.T.S.

Sidewalk Connection

Retain Existing Power Pole

Low Accent Wall at Corners

Relocate Existing Power Pole

8' Wide pedestrian refuge island at Ardrey Kell and Providence Road intersection. The final design of the pedestrian refuge island will be determined during the driveway permit process.

Retain Existing Power Pole

Project Monument Sign to be Integrated Into Entry Design

Retain Existing Power Pole

Project Monument Sign to be Integrated Into Entry Design

Retain Existing Power Pole

Project Monument Sign to be Integrated Into Entry Design

Retain Existing Power Pole

Project Monument Sign to be Integrated Into Entry Design

Providence Road Frontage RZ-5
Note:
These elevations are provided to reflect the architectural style and quality of the multi-family buildings that may be constructed within Development Area I (the actual building constructed within Development Area I may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained.)
REQUEST

Area A - Current Zoning: MUDD-O (mixed use development, optional)
Proposed Zoning: MUDD-O SPA (mixed use development, optional, site plan amendment)
Area B - Current Zoning: R-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION

Area A - Approximately 0.18 acres located on the south side of North Davidson Street at the southeast corner of the intersection of 34th Street and North Davidson Street.
Area B - Approximately 0.22 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

This petition proposes the following:
Area A - Reuse an existing building to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
Area B - Reuse an existing building to allow all uses permitted in the TOD-MO (transit oriented development – mixed use, optional) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.

PROPERTY OWNER

Wajahat Syed & Ferah Syed

PETITIONER

Wajahat & Ferah Syed

AGENT/REPRESENTATIVE

N/A

COMMUNITY MEETING

Area A and B – Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 30

ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to DEFER this petition to their May 5, 2014 meeting.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff recommended that this petition be deferred to the April Zoning Committee meeting, to be held on May 5, 2014, to allow the petitioner time to address outstanding issues. There was no discussion on this petition.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

• Background
  Petition 2003-066 rezoned Area A from R-5 (single family residential) to MUDD-O (mixed use development, optional) to allow for a pottery studio and residence.
• **Proposed Request Details**  
This petition contains two areas.

**Area A** is a site plan amendment which contains the following changes:

- Expands the list of permitted uses from pottery studio and residence to allow all uses permitted in the MUDD (mixed use development) district, except automotive service stations, adult establishments, car washes, restaurants with drive-thru windows, bars and nightclubs.
- Existing building to remain and retain residential character, including any expansions.
- Provides an area for future expansion to the side and rear of the existing building.
- Provides off-street parking along North Davidson Street and 34th Street.
- Optional requests include:
  - Reduce the required 14-foot setback along 34th Street to nine feet.
  - Allow the existing streetscape along 34th Street to remain. There are currently two trees along the street and no sidewalk.
- Optional requests carried over from Petition 2003-066
  - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
  - Allow the existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

**Area B**’s site plan accompanying this petition contains the following provisions:

- Allows all uses in the TOD-M (transit oriented development - mixed-use) district, except automotive service stations, adult establishments, car washes, restaurants with drive-through windows, bars and nightclubs.
- Provides an area for future expansion behind the existing building.
- Existing building to remain and retain residential character, including any expansions.
- Provides an area for off street parking to the rear of the existing building.
- Optional requests include:
  - Reduce the required 14-foot setback along North Davidson Street to 12 feet.
  - Allow existing four-foot sidewalk and four-foot planting strip along North Davidson Street to remain.

• **Public Plans and Policies**
- The *Blue Line Extension Transit Station Area Plan (2013)* recommends transit oriented mixed-use. The subject property is located within the ½ mile walk distance of the proposed 36th Street Station.
- The petition is consistent with the *Blue Line Extension 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:** The following changes should be made to the site plan for Area A:
  - Adequate space may not be available for the accessible ramp and parking space between the building and west property line on North Davidson Street. Provide a note on the plan stating the following: “Provided there is not enough space between the house and the west property line for accessible parking and accessible ramp, all parking shall be located on the portion of the site with direct access to 34th Street. No access will be allowed on North Davidson Street.”
  - Show how trash pick-up will be handled.
- **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 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*.
  - Area A – Minimizes impacts to the natural environment by reusing the existing building.
  - Area B – Minimizes impacts to the natural environment by reusing the existing building.

OUTSTANDING ISSUES

- The petitioner should:
  - Area A:
    1. Show all elements on the site plan to scale.
    2. Address CDOT issues.
  - Area B:
    1. Show all elements on the site plan to scale.

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

- Application
- Site Plan
- Rezoning Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- 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:** John Kinley (704) 336-8311
Acreage & Location: Approximately 0.40 acres located on the south side of North Davidson Street between East 33rd Street and East 35th Street.
REQUEST

Current Zoning: R-3 (single family residential)
Proposed Zoning: INST(CD) (institutional, conditional)

LOCATION

Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road. (Council District 7 - Driggs)

SUMMARY OF PETITION

The petition proposes to allow the development of a three-story, 134-suite, dependent living facility with a total square footage of approximately 120,000 square feet.

PROPERTY OWNER

Margaret K. Bissell heirs (Sue Bissell Peck, Barbara Bissell Lindstedt, and William Bissell) and Roy E. Lindstedt

PETITIONER

Hawthorn Retirement LLC, Mark D. Lowen/Daniel S. Roach – Lenity Architecture

AGENT/REPRESENTATIVE

Lenity Architecture, Inc., Mark D. Lowen/Daniel S. Roach

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 27

STATEMENT OF CONSISTENCY

This petition is found to be inconsistent with the South District Plan but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-1 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:

1. Amended note 2a to refer to Section 9.503 and specify the type of “Home for the Aged” units as dependent units. The petitioner added the following language for clarity, “except for the two independent units, for management staff only, not for rental purposes.”
2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff.
3. Placed an X over note 5c; the note will be removed completely with final plan submission.
4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3.
5. Provided additional building articulation and step downs along the southeastern and northern building façades.
6. Revisited the Site Section A-A to reflect the current site design.
7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned.
8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings.
9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows.
10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit.
11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan.
12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff.
13. Clarified “non-peak hours” by specifying the hours of 7am-9am and 4pm-6pm.
14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan.
15. Removed the "Undisturbed Natural Area" label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway.
16. Clarified the conflict between the “Undisturbed Natural Area” labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the "Undisturbed Natural Area” labels and adding a note stating “Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners.”
17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan.
18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer.
19. Removed unneeded sheets in the site plan packet.
20. Added note 8b for garage lighting.
21. Added overhang foliage to the retaining wall on the landscape plan and site sections.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

One commissioner stated they felt the proposed building was out of scale for the area and that they also had concerns that the amount of grading would eliminate the existing trees. They said the trees shown in the plan would take many years to grow to appear as they do in the images provided. Even though there is a lot of land between the building and the neighborhood to the rear, the building sits up on a hill and it will be visible to those neighbors. The commissioner continued by saying it seemed that this was just a building from somewhere else that was placed on the site. It does not relate to the site in terms of grading, context, mass and location of parking. This commissioner felt the use is needed in Charlotte but the project does not fit the area.

Another commissioner said one of her considerations was the site was 10 acres and large portion is being reserved. This development does not create the traffic issues that other types of development could create. Charlotte Latin is a large facility but it is also on a large site. The commissioner felt this was the best use for the site.

One commissioner’s concern was the visual impact of the building from a driver’s perspective going down Providence Road. Another commissioner asked staff about the justification of the massing of the building. Staff responded by explaining that the zoning for Charlotte Latin would allow buildings up to 40 feet and this building is limited to 44 feet. Additionally, the site is 10 acres with the building pushed up to the street and away from the single family homes, thus reducing the impact to the homes. The large tree save area and preserved and proposed trees provide a buffer to the neighboring homes and visual barrier.

One commissioner stated they struggled with the design even though the land use is appropriate. Another commissioner said one thing that made a difference was the project would have a lesser impact on traffic than other uses.
MINORITY OPINION
The minority of the Zoning Committee felt the proposed building was out of scale and context for the area and expressed concern about the impact the grading would have on the existing trees. Newly planted trees would take years to grow and, due to the elevation difference, would leave the proposed building exposed to the neighborhood to the rear.

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

FINIAL 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:
  - Allows for the development of a dependent living facility with up to 134 suites within a 124,000-square foot building.
  - Limits building height to three stories and 44 feet.
  - A total of 81 parking spaces provided via surface parking and two garages providing six spaces each.
  - Reserves 3.0 acres as an undisturbed tree save area.
  - Access to site provided on Providence Road and Kuykendall Road.
  - Limits service truck access to Providence Road entrance and delivery times to non-peak hours.
  - Supplements the required Class C buffer by providing additional conifer trees along the northern property line in common with the abutting property.
  - Provides step-downs in the building architecture from three stories to one and two stories, varying rooflines, patios and balconies, and asymmetrical building shape to provide a residential feel and appearance.
  - Building material consisting of stucco, horizontal siding with brick, brick veneer, stone or simulated stone. Vinyl siding is prohibited as an exterior building material.
  - Extensive landscaping utilizing existing and new vegetation.
  - Usable outdoor open space and amenity areas.
  - CATS bus waiting pad in front of the site along Providence Road.
  - Directs the stormwater runoff into two separate stormwater facilities, one in the front of the building and one in the rear.
  - Freestanding lighting limited to 16 feet in height with full cut-off type fixtures.
  - Additional pavement provided along Kuykendall Road to accommodate future transportation improvements.
  - Exceeds minimum development standards by providing side and rear yards greater than the 20 feet required by the Zoning Ordinance.

- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends single family residential for the subject property.
  - The petition is inconsistent with the *South District Plan*. However, area plans do not typically recommend locations for institutional uses and these uses are considered on a case-by-case basis.

Senior living facilities are an institutional use designed to fit into a residential setting, and are considered to be compatible with single family residential neighborhoods. This type of use has a low impact with respect to noise and traffic due to the nature of the residents. The concentrated building footprint of the proposed development allows for perimeter landscaping, buffers and a large undisturbed tree save area. The site's location on Providence Road, a major thoroughfare, and Kuykendall Road, a minor thoroughfare, is appropriate for an institutional use such as the proposed facility.
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.
  - Protects environmentally sensitive areas by providing a large, undisturbed tree save area that exceeds the minimum Zoning Ordinance standards. Splits the site’s stormwater runoff into separate stormwater facilities and creek drainage basins.
  - Minimizes impacts to the natural environment by concentrating the building footprint and parking areas close to the front of the site allowing the rear of the property to be left undeveloped.
  - Facilitates the use of alternative modes of transportation by providing a CATS bus stop along Providence Road.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- 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: John Kinley  (704) 336-8311
Providence Rd
E I-485 Outer Hy
W I-485 Inner Hy
Mckee Rd
RaintreeLn
High Ridge Rd
Kuykendall Rd
Four Mile Creek Rd
Alexa Rd
LancelotDr
I-485 Ra
Ballantyne Commons Py
Fairway
Ridge
Rd
TilleyMorris Rd
Country Ln
Alvarado Wy
Wilson Dr
Woodview Cr
Crestwood Dr
Brushy Ln
Oakmeade Dr
HamptonOaksLn
CamelotDr
Houston Branch Rd
Summerston Pl
StonemedeLn
Winding Oak Dr
Winding Oak Ln
Harmony Park Ln
East Raleigh Tr
Towne Rd
South Grocery Rd
Sandy Creek Rd
Iverleigh Tl
Sikes Pl
Knox Av
Willow Point Dr
Bellwood Ln
Peverell Ln
Maricopa Rd
Silver Fox Rd
Rounding Run Rd
Providence Manor Rd
Hollybrook Dr
Lady Grace Ln
Brook Hollow Rd
Boykin Spaniel Rd
Valley Rd
W Harton Ln
LaurelParkLn
Smokerise Hill Dr
Ashleytown Ln
Fairchild Ln
Cambridge Hill Ln
Alanby Ln
Fred Gutt Dr
Scott Gate Ct
St Pierre Ln
South Gate Rd
Takeridge Ct
I-485 Ra
I-485 Ra
Pineville-Matthews Rd
Whitethorn Dr
WindbluffDr
Shallowood Ln
Oakmeade Dr
Loma Linda Ln
Berkeley Pond Dr
Wood Valley Ln
Kuykendall Rd
Kuykendall Rd
Lakeside Dr
Lakeside Dr
Valley Rd
Country Ln
Lady Grade
HamptonOaksLn
Kuykendall Rd
Charlotte City Limits
Charlotte City Limits
77
85
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485
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485

Rezoning Petition: 2014-013

Petition #: 2014-013

Acreage & Location: Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road.
Petition #: 2014-013
Petitioner: Hawthorn Retirement, LLC

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

Zoning Classification (Requested): INST(CD)
(Institutional, Conditional)

Acreage & Location: Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road.
REQUEST
Current Zoning: R-3, single family residential
Proposed Zoning: NS, neighborhood services

LOCATION
Approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Point O’Woods Drive. (Council District 2 – Austin)

SUMMARY OF PETITION
The petition proposes to allow 8,200 square feet of retail and office uses, including a convenience store with gas sales.

PROPERTY OWNER
Charles Gibson

PETITIONER
Sam’s Real Estate Holdings, Georgia, LLC

AGENT/REPRESENTATIVE
Walter Fields

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to their May 5, 2014 meeting.

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

ZONING COMMITTEE DISCUSSION
Staff noted that the petition is requesting a deferral of this petition to the April Zoning Committee meeting. There was no discussion of this petition.

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 8,200 square feet of retail and office uses, including a convenience store.
  • Site plan specifies 2,000 square feet of retail, 3,700 square feet of convenience store/gas sales, and 2,500 of office on second floor.
  • Prohibited uses include automobile repair, nurseries and greenhouses, nightclubs, bars and lounges, locksmiths, gunsmiths, and pet services (outdoors).
  • Maximum two-story building that addresses the intersection of Northlake Center Parkway and Point O’Woods Drive, with articulated facades, windows and/or doors to prevent expanses of blank walls in excess of 20 feet in length.
  • An eight-foot sidewalk and eight-foot planting strip along Northlake Centre Parkway.
  • A 24-foot setback along Point O’ Woods Drive and Northlake Centre Parkway and a five-foot side yard with landscaping abutting the CC (commercial center) zoning developed with residential homes to the north.
  • A full access vehicular connection to Point O’Woods Drive and to Northlake Centre Parkway.
  • Reservation of land for future public street right-of-way on the northern end of site.
  • Construction and use of a temporary private driveway connection located in an area reserved for a future public street right-of-way on the northern end of the site, which will be used until such time that right-of-way for a future public street is acquired and the street is constructed.
  • Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway.
• Petitioner will work with CDOT on the design and installation of a northbound left-turn lane and storage at the signalized intersection that serves Northlake Mall and the properties to the west, including the petitioner’s site.
• Alternate underground storm water detention.
• Height of freestanding lights limited to 30 feet.

**Public Plans and Policies**
• The Northlake Area Plan (2008) recommends a pedestrian-oriented, mixed-use “town center” Activity Center, which should:
  • Provide concentrations of economic activity and contain mixtures of uses including retail, office, residential, and civic or cultural uses
  • Provide for the coordination of land use and transportation networks in the creation of a more walkable, less auto-oriented environment with mixed-uses fronting Northlake Centre Parkway and W.T. Harris Boulevard
  • Integrate where people live with working, shopping, leisure time opportunities, civic spaces, and travel choices
• The Plan further recommends:
  • A mix of residential (up to 17 dwelling units per acre), office, and retail
  • Residential uses above office and/or retail
  • Working towards a unified development with the adjacent properties zoned CC (commercial center) in 2008 (re zoning petition 2008-060)
• A freestanding, single-tenant or office/retail building could be considered if:
  • The building is oriented towards and addresses both Northlake Centre Parkway and Point O’Woods Drive
  • Is well integrated into the site
  • Has parking in the rear
  • Enhances the pedestrian environment within the Activity Center
  • Meets the design goals and vision of the Plan
  • Is designed in a village-arrangement around shared amenities
• The petition is consistent with the Northlake Area Plan (2008) in terms of land use. However, the design is inconsistent with the Plan’s pedestrian-friendly site design goals.

**DEPARTMENT COMMENTS** (see full department reports online)
• Charlotte Area Transit System:  No issues.
• Charlotte Department of Neighborhood & Business Services:  No comments received.
• Transportation:  CDOT has the following issues:
  • CDOT understands the previous rezoning petition number 2008-060 for the subject parcel was modified via an Administrative Approval that included a realignment of Dolley Todd Drive to Northlake Centre Parkway, as a public local commercial street, built to public street standards identified in the City’s Subdivision Ordinance. This future realignment and connection of Dolley Todd Road to Northlake Centre Parkway needs to align properly with the Northlake Mall’s private street, east of Northlake Centre Parkway. Dolley Todd Road at Northlake Centre Parkway will become the existing signalized intersection’s fourth (4th) approach leg, and therefore needs to be aligned properly at this location. The petitioner will be responsible for the dedication of the public right-of-way and the construction of this commercial street within the site. The petitioner will need to dedicate the proper street right-of-way width after the construction permitting phase (i.e. after site engineering determines the minimum Dolley Todd Road right-of-way requirements). Public street right-of-way needs to be dedicated from Northlake Centre Parkway to the site’s northern property line.
  • When Dolley Todd Road is further extended to Philadelphia Court, access from Dolley Todd Road to this site needs to be provided through parcel number 02529117 and the interim driveway closest to the Northlake Centre Parkway must be closed. CDOT requests that a conditional note committing to the closure of the interim driveway upon street extension be added, or that the petitioner acquire a permanent easement thru parcel number 02529117. If the petitioner is unsuccessful in gaining a permanent access easement thru parcel 02529117 prior to when Dolley Todd Road is extended north, then a raised median will be added to Dolley Todd Road at the petitioner’s expense at the interim full-access driveway (Figure 1 provided on CDOT memorandum). The final median design will be determined during the driveway permit process.
• The petitioner will be responsible for all traffic signal modifications necessary to create the fourth approach of the existing traffic signal intersection located at Northlake Center Parkway/Dolley Todd Road/Northlake Mall Private Street. A Traffic Signal Developer’s Agreement will be needed by the petitioner during the construction permitting phase to identify and agree to all traffic signal modifications and funding responsibility at this existing signalized location. CDOT requests that the petitioner add a conditional note to the revised site plan.
• CDOT has determined that a left-turn lane is necessary to serve the traffic using the proposed public street connection for this site. The engineering design and construction of the left-turn lane is the responsibility of the owner, and shall be performed by a professional engineer registered in the State of North Carolina who has roadway-design experience. CDOT will only approve the proposed public street connection provided that a northbound left-turn lane is constructed on Northlake Centre Parkway at Dolley Todd Road. CDOT recommends the rezoning plan reflect the design of this required left-turn lane prior to submittal/approval of the public street connection. The left-turn lane needs to be designed using NCDOT standards with a minimum 150 feet of storage. CDOT requests that the petitioner add a conditional note to the revised site plan.

• 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 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 proposed petition in its current form is inconsistent with the Northlake Area Plan. The Northlake Area Plan encourages that the rezoning site and the abutting parcels be designed under a unified plan in order to support the Plan’s vision of a walkable town center.

• The petitioner should:
  1. Modify the site design and layout to ensure the proposed building has a stronger presence along Northlake Centre Parkway and Point O’Woods Drive. The frontage is disrupted by the location of the proposed water quality area and parking that should be located in the rear of the site.
  2. Provide information noting how the water quality area will be incorporated into the site.
  3. Ensure the proposed building contains clear glass windows that face the streets.
  4. Modify the building façade to provide for better pedestrian access via doors, and walkways connecting to sidewalks along Northlake Centre Parkway and Point O’Woods Drive.
  5. Provide additional building elevations, including perspectives of the building internal to the site, as well as from Northlake Centre Parkway and Point O’Woods Drive.
  6. Identify and label the required cross-section components (including dimensions) for Northlake Centre Parkway, as per the Northlake Area Plan. The cross-section requirements for Northlake Centre Parkway should be labeled on the site plan as follows: 24-foot setback, eight-foot amenity zone, eight-foot pedestrian sidewalk, eight-foot planting strip, five-foot bike lane, 22-foot travel lanes, and 16-foot median/turn lane.
  7. Confirm the cross-section for Point O’Woods Drive (Commercial local) by identifying and labeling all requirements for the cross-section on the site plan. The cross-section includes the following: 16-foot setback, eight-foot pedestrian sidewalk, eight-foot planting strip, seven-foot parking/trees, and 26-foot mixed vehicle zone with 13-foot lanes.
8. Clarify the following statements and indicate what is specifically being committed to by noting that the "petitioner will work with CDOT":
   a. Petitioner will work with CDOT on changes to the signal located at the intersection of the proposed private driveway and Northlake Centre Parkway.
   b. Petitioner will work with CDOT on the design and installation of a northbound left-turn lane and storage at the signalized intersection that serves Northlake Mall and the properties to the west, including the petitioner's site.
9. Specify architectural standards for this site. The Architectural Standards language refers to the regulations of the NS (Neighborhood Services) district. This district has no design guidelines.
10. Add that a drive-through window as an accessory use is prohibited under Permitted Uses.
11. Provide more detail on treatment of the open space provided at the intersection of Northlake Centre Parkway and Point O'Woods Drive.
12. Limit the maximum height of freestanding lighting to 25 feet.
13. Address all CDOT comments.

Attachments Online at www.rezoning.org

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- 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
Acreage & Location: Approximately 1.9 acres located on the north corner at the intersection of Northlake Centre Parkway and Points O'Woods Drive.
REQUEST
Current Zoning: NS (neighborhood services)
Proposed Zoning: R-3 (single family residential)

LOCATION
Approximately 5.73 acres located on the southeast corner at the
intersection of West Sugar Creek Road and David Cox Road.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow all uses in the R-3 (single family
residential) zoning district.

PROPERTY OWNER
Diocese of NC Protestant Episcopal Church

PETITIONER
St. Michael and All Angels

AGENT/REPRESENTATIVE
Connie Sessoms, Jr.

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the Northeast District Plan
but to be reasonable and in the public interest, based on information
from the staff analysis and the public hearing by a 7-0 vote of the
Zoning Committee (motion by Commissioner Allen seconded by
Commissioner Ryan).

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

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

ZONING COMMITTEE DISCUSSION
Staff presented this petition and noted that it is a conventional request
with no associated site plan. The Northeast District Plan recommends a
mix of retail and office uses based on the previous rezoning in 2004.
Staff noted that prior to the 2004 rezoning, the land use plan
recommended single family uses for the parcel.

STAFF OPINION
Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• Background
  • Rezoning Petition 2004-021 rezoned the property from R-3 (single family residential) and
    O-1(CD) (office, conditional) to NS (neighborhood services) to allow restaurant, retail, and
    office uses not to exceed 35,000 square feet, plus community open space.

• Proposed Request Details
  • This is a conventional rezoning petition with no associated site plan.

• Public Plans and Policies
  • The Northeast District Plan (1996), as amended by rezoning petition 2004-021, recommends a
    mix of retail and office uses. Prior to the 2004-021 rezoning, the land use plan recommended
    single family residential uses.
  • The petition is inconsistent with the Northeast District Plan; however, the uses allowed in R-3
    (single family residential) are appropriate in this location.
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.
- **Charlotte Fire Department**: No comments received.
- **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate 0 (zero) students, while the development allowed under the proposed zoning will produce 11 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 11 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](http://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**: John Kinley  (704) 336-8311
Acreage & Location: Approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road.
Petition #: 2014-015
Petitioner: St. Michael and All Angels

Zoning Classification (Existing): NS (Neighborhood Services)

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

Acreage & Location: Approximately 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 11-26-13.
REQUEST

SUMMARY OF PETITION
The petition proposes to:
1) Create a new definition for mobile farmer’s market;
2) Allow mobile farmer’s markets in all zoning districts. In some districts they will be allowed as a principal use, and in other districts they will be allowed as an accessory use; and
3) Create new prescribed conditions for mobile farmer’s markets.

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required. A citizen’s advisory group meeting was held on January 29, 2014.

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to their May 5, 2014 meeting.

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

ZONING COMMITTEE DISCUSSION
Staff is requesting a one-month deferral to allow time to consider modifications to the text amendment.

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

PLANNING STAFF REVIEW

- Background
  - Currently, the Zoning Ordinance does not have a definition for mobile grocery stores or mobile farmer’s markets. However, the use is permitted as a Periodic Retail Sales Event, Off-Premise, with a permit good for 14 days, and renewable up to six times per calendar year.
  - In the summer of 2013, City Council requested staff research how other cities regulate mobile grocery stores and explore how mobile grocery stores (also called mobile farmer’s markets) can be permitted for longer periods of time as a viable way of providing fresh fruits and vegetables to areas lacking access to full-service grocery stores or only having access to limited grocery stores, such as convenience stores.
  - On September 5, 2013, City Council’s Economic Development Committee received a presentation on the Mecklenburg County Food Assessment from representatives of the University of North Carolina–Charlotte and the Charlotte-Mecklenburg Food Policy Council. The study addressed the absence of food stores in Mecklenburg County and found the following: 1) There are food deserts where there is limited access to affordable and nutritious food, particularly in low income areas. In these neighborhoods, health issues, including heart disease, were found to be higher than in non-food deserts; and 2) A statistical analysis, controlled for income, race and population density, found that adding a limited or full service food store to a census block group results in a lower number of premature deaths due to heart disease.
On September 19, 2013, the Economic Development Committee continued their discussion about food deserts and received information from staff on the existing land use classifications in the Zoning Ordinance where fresh food can be sold. Staff suggested that one strategy to increase the availability of fresh produce in food deserts was through a text amendment, to add mobile grocery or mobile farmer’s markets as a new use in the Zoning Ordinance. Staff suggested that a Citizen Advisory Group (CAG) should be involved with the development of the regulations and reviewed a proposed process for engaging a Citizen Advisory Group.

In January 2014, a Citizen Advisory Group was formed and charged with providing staff input on: 1) the issues and opportunities associated with mobile farmer’s markets, 2) a draft definition for mobile farmer’s markets, and 3) associated prescribed conditions. The group included representatives from the Charlotte-Mecklenburg Food Policy Council, Friendship Gardens, an outdoor fresh produce stand operator, and a mobile market operator. Four stakeholders met on January 29, 2014 to review and discuss the proposed regulations.

Proposed Request Details
The text amendment contains the following provisions:

- Adds a definition for mobile farmer’s market: a commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).
- Allows mobile farmer’s markets as a principal use and/or accessory use in all zoning districts under prescribed conditions:
  - A mobile farmer’s market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: urban residential – commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed-use (TOD-M); urban industrial (U-I) district; light industrial (I-1); and general industrial (I-2).
  - A mobile farmer’s market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: single family residential (R-3, R-4, R-5, R-6, and R-8); multi-family residential (R-8MF, R-12MF, R-7MF, R-22MF, and R-43MF); manufactured housing (R-MH); urban residential (UR-1, UR-2, and UR-3); mixed use (MX-1, MX-2, and MX-3); institutional (INST); research (RE-1 and RE-2); office (O-1, O-2, and O-3); and transit oriented development – residential (TOD-R).
- Adds new prescribed conditions for mobile farmer’s markets:
  - The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.
  - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
  - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer’s market on each property.
  - A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
  - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
  - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
  - The mobile farmer’s market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer’s market shall not locate in any minimum required parking spaces for other uses on the site.
  - One table and one fabric covered tent (maximum size of 12 feet X 12 feet) for shelter only are permitted in association with the use, if removed daily.
  - No products shall be displayed or stored off the vehicle or trailer.
  - All applicable local and state codes shall be met.
  - A mobile farmer’s market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
  - Signs must be in compliance with Chapter 13. No portable signs are allowed.
  - Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, “Citations”.


• Adds two extra prescribed conditions for mobile farmer’s markets allowed as an accessory use to a religious institution, school, college, university, hospital or office:
  • If the mobile farmer’s market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
  • In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.

• **Public Plans and Policies**
  • This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.

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**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.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
• **Mecklenburg County Parks and Recreation Department:** No comments received.

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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.

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**OUTSTANDING/issues**

• No issues.

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

• Application
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Engineering and Property Management Review

**Planner:** Sandra Montgomery (704) 336-5722
**Purpose/Background:** The purpose of this text amendment is to create a new definition for mobile farmer’s market and permit the use with prescribed conditions either as a principal or accessory use in all zoning districts. This amendment will assist in expanding the availability of fresh fruits, vegetables and dairy products in all zoning districts.

### Definitions

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| None                | Adds a new definition:  
  **Mobile Farmer’s Market:** A mobile vehicle, commercially licensed by the Department of Motor Vehicles, from which perishable and commercially prepared fruits, vegetables and dairy products are sold (excluding alcoholic beverages, homemade food products and goods). | Creates a new definition for a new use. |

### Items Sold

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| None                | Allows the same fresh produce to be sold that is allowed for outdoors fresh produce stands, plus dairy products:  
  - Mobile farmer’s market operator(s) may sell dairy products, all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Mobile farmer’s markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. | Allows the same types of fresh produce to be sold as outdoors fresh produce stands, plus dairy products. |

### Districts Allowed and Prescribed Conditions

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| None                | Allows a mobile farmer’s market as a principal use or an accessory use in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions:  
  - The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.  
  - Any operator of a mobile farmer’s market must receive a zoning use permit and display placard from Neighborhood & Business Services. It must be posted in the front window of the mobile farmer’s market vehicle, while in use. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. A list of dates and times the mobile farmer’s market will be at each location shall be submitted with the zoning use permit application. There is a maximum of three (3) locations that can be listed for each permit.  
  - The operator of a mobile farmer’s market shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer’s market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application. | Allows the use in all zoning districts, including residential districts.  
  Establishes prescribed conditions to regulate the use. |
• A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.

• The operator of a mobile farmer’s market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.

• The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.

• The mobile farmer’s market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site.

• One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily.

• No products shall be displayed or stored off the vehicle or trailer.

• All applicable local and state codes shall be met.

• A mobile farmer’s market and an outdoors fresh produce stand shall not occupy the same lot at the same time.

• Signs must be in compliance with Chapter 13. No portable signs are allowed.

• Violations are subject to Section 8.105, “Citations”. Violations may result in the revocation of the zoning use permit.

• Allows a mobile farmer’s market as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed above and the following additional prescribed condition:

  • If the mobile farmer’s market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.

  • In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.
| REQUEST | Current Zoning: MUDD(CD), mixed use development, conditional  
Proposed Zoning: MUDD(CD) SPA, mixed use development, conditional, site plan amendment |
|---|---|
| LOCATION | Approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 15th Street, North Davidson Street, and East 16th Street.  
(Council District 1- Kinsey) |
| SUMMARY OF PETITION | The petition proposes a site plan amendment to reduce the total number of units from 150 to 120 and to allow a “for rent” option. |
| PROPERTY OWNER | Edgeline Residential, LLC |
| PETITIONER | Edgeline Residential, LLC |
| AGENT/REPRESENTATIVE | Matt Langston/Landworks Design Group |
| 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 Blue Line Extension (BLE) 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 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Walker). |
| ZONING COMMITTEE ACTION | The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:  
1. The proposed 20,000 square feet of non-residential uses has been listed on the site plan.  
2. A note has been added that states "The streetscapes along 16th Street and Caldwell Street will include enhancements at four locations generally depicted on the site plan. Those enhancements will include a minimum of one piece of artwork at one location, plus specialty pavers and a bench at the other three locations. A minimum of 30 percent of the grillwork will be decorative along 16th Street and Caldwell Street."
3. A note has been provided that decorative grillwork will be provided for the parking deck.  
4. "Veterinary use/indoor pet services” has been added as an allowed use on the site plan.  
5. A noted has been added that “no spans of blank unarticulated walls greater than twenty feet in length will be allowed”.  
6. "A note has been provided that the elevator lobby entrance located along 16th street will incorporate glass into the façade at the elevator lobby.” |
| VOTE | Motion/Second: Ryan/Walker  
Yeas: Allen, Dodson, Labovitz, Nelson, Ryan, Sullivan, and Walker  
Nays: None  
Absent: None  
Recused: None |
| ZONING COMMITTEE DISCUSSION | Staff presented the petition to the Zoning Committee and indicated all but one transportation issue had been addressed. Staff stated that the request to extend the on-street parking along 16th Street could provide additional parking options for the future commercial and residential development of the proposed buildings. |
Staff noted that the petitioner had concerns about how the extension of the on-street parking would affect the setback of the building. A Commissioner asked staff about the request. CDOT staff stated that the petitioner could develop the proposed structures without the on-street parking. They stated that the additional on street parking might help with the future commercial development and guest parking on the site but was okay with removing the request since the petitioner was meeting the minimum off-street parking requirements and did not want to cause a time delay in the process. There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  The subject site was rezoned under petition 2006-097 to MUDD(CD) (mixed use development, conditional) to allow the development of 150 for-sale condominium units and 20,000 square feet of retail and office space. Approximately 36 residential units have been constructed to date.

- **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Maximum of 120 multi-family residential units.
  - Maximum of 20,000 square feet for non-residential uses.
  - Modification to allow a “for rent” option for the residential units.
  - Non-residential uses are limited to retail sales allowed in B-1 (neighborhood business) zoning district, office space, studios, restaurants, veterinary clinics with no outdoor runs, barbers, and beauty shops.
  - Maximum height limited to five stories or 65 feet adjacent to 15th Street and Davidson Street and four stories or 52 feet adjacent to 16th Street and Davidson Street.
  - Building elevations of the proposed structure.
  - 50 percent of the ground floor multi-family units that front on 16th Street will have a direct access to 16th Street.
  - The streetscapes along 16th Street and Caldwell Street will include enhancements at four locations generally depicted on the site plan. Those enhancements will include a minimum of one piece of artwork at one location, plus specialty pavers and a bench at the other three locations. A minimum of 30 percent of the grillwork will be decorative along 16th street and Caldwell Street.
  - Decorative grillwork will be provided for the parking structure.
  - No spans of blank unarticulated walls greater than twenty feet in length will be allowed.
  - A note that the street level building elevation along 16th Street will incorporate glass into the façade at the elevator lobby.
  - Eight-foot planting strip and six-foot sidewalk will be provided along the project frontage on 15th Street, Caldwell Street, and 16th Street. A minimum eight-foot sidewalk and eight-foot planting strip will be provided along North Davidson Street.
  - Proposed building materials consist of brick, stone or similar masonry products, metal siding and/or hardi-plank/fiber cement board. Vinyl, EIFS, or Masonite material prohibited as siding materials.
  - Detached lighting limited to 20 feet in height.
  - Number of buildings along 16th Street has reduced from three to two.

- **Public Plans and Policies**
  - The Blue Line Extension (BLE) Transit Station Area Plan (2013) recommends transit supportive residential, office, and retail land uses for the subject parcel. The subject property is within the quarter mile walk of the proposed Parkwood Station.
  - This petition is consistent with the Blue Line Extension (BLE) 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: 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 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.
  - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- 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 Parks and Recreation Review

Planner: Solomon Fortune  (704) 336-8326
Approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 16th Street, North Davidson Street, and East 15th Street.

Rezoning Petition: 2014-023

Charlotte City Limits

INSIDE CHARLOTTE CITY LIMITS

FEMA flood plain
Watershed
Lakes and Ponds
Creeks and Streams
Petition #: 2014-023
Petitioner: Edgeline Residential, LLC

Zoning Classification (Existing): MUDD(CD)
(Mixed Use Development District, Conditional)

Zoning Classification (Requested): MUDD(CD) S.P.A.
(Mixed Use Development District, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street and generally surrounded by East 16th Street, North Davidson Street, and East 16th Street.
REQUEST
Current Zoning: UR-2(CD), urban residential, conditional
Proposed Zoning: UR-2(CD) SPA, urban residential, conditional, site plan amendment

LOCATION
Approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes a site plan amendment to allow development of 39 single family detached dwellings and two duplexes, at an overall density of 7.53 units per acre.

PROPERTY OWNER
Stonehunt, LLC

PETITIONER
Stonehunt, LLC

AGENT/REPRESENTATIVE
Anthony Hunt

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 55

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the Midtown Morehead Cherry Area Plan and to not be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-2 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Walker).

ZONING COMMITTEE ACTION
The Zoning Committee voted 5-1 to recommend DENIAL of this petition. The following modifications have been made:

1. Amended acreage on site plan to reflect 5.71 acres, as specified on the amended application.
2. Labeled Sites B and C as referenced on the site plan.
3. Specified building materials as cement fiber siding, natural wood siding, masonry and stone exterior finishes, with a minimum 10 percent masonry material. Each home will be set on a stone or masonry foundation. CMU and other raw concrete are not allowed as a finished foundation wall. CMU block parged in stucco is not allowed as a foundation wall finish.
4. Noted that duplex units will display the same architectural integrity and requirements as the single family homes, which includes porches with a minimum depth of eight feet.
5. Added a note that referenced the site comprised of Site A, B and C as a planned development devoted to residential single family detached dwelling units and two duplexes.
6. Specified that the lots in Areas B and C may have frontage on either street.
7. Labeled planting strips and/or sidewalks along all street frontages.
8. Added a note specifying that the petitioner will construct two duplexes within the planned development and each of the resulting four housing units will be affordable to buyers whose income is at or below 80 percent of the Charlotte Metropolitan Statistical Area (MSA) adjusted mean income.

VOTE
Motion/Second: Allen/Walker
Yeas: Allen, Dodson, Labovitz, Sullivan and Walker
Nays: Ryan
Absent: None
Recused: Nelson
ZONING COMMITTEE DISCUSSION

Staff presented this item and stated all outstanding issues were addressed. Staff mentioned the addition of a new note to the site plan since the public hearing, providing four units within the planned development affordable to buyers whose income is at or below 80 percent of the Charlotte MSA adjusted mean income.

A Committee member stated that neighborhoods do not stay frozen in time but evolve and redevelop. As such, the proposed single family development is consistent with the area, more so than the approved townhome development, and would complement but not affect the quality of the neighborhood. It was noted that the proposed elevations indicate the houses will be in character with some of the larger homes that have already been built in the neighborhood, and that the homes retain the pattern of windows, porches, roof pitch, building materials similar to existing homes.

Another Committee member questioned how the proposed development could be considered in keeping with one of the adopted area plan’s land use goals to continue to provide viable affordable housing opportunities. Staff responded that the area plan set forth affordability as a goal and serves as a guide but does not specify that rezoning should be the means of achieving the goal.

Other Committee members expressed concern about finding a balance between providing quality development while not impacting the existing nature and pattern of the neighborhood. The need for clarity regarding the size of homes was mentioned. Staff indicated that the site plan lists the required minimum lot size of 3,000 square feet, which would allow a maximum 3,000 building footprint with the floor area ratio of 1.0 allowed in the UR (urban residential) district.

The Committee discussed the infill impacts of potentially larger houses abutting smaller existing homes, and suspended the rules to ask the petitioner the number of existing homes that will need to be removed to allow for the development. The petitioner stated that four buildings, containing 12 units, will be demolished, and added that the size and length of the majority of houses on interior lots will not impact existing homes.

There was no further discussion of the petition.

MINORITY OPINION

The minority of the Zoning Committee felt that the proposal was appropriate, in that it sought to retain the pattern of windows, porches, roof pitch, and building materials in the existing neighborhood. In addition, a single family development is a better alternative than the townhomes currently allowed, and the proposed homes are similar to larger homes already existing in the neighborhood. As such, the development would complement but not negatively affect the quality of the area.

STAFF OPINION

Staff disagrees with the recommendation of the majority of the Zoning Committee. The petition is consistent with the Midtown Morehead Cherry Area Plan, which recognizes the existing townhome approval from a previous rezoning but suggests that any new proposal should be single family residential that is compatible with the neighborhood character, at up to eight units per acre. The proposed detached dwellings provide porches. In addition, the style and architectural style of the proposed houses strikes a balance between the existing housing styles in the neighborhood, which range from single story smaller bungalow style homes to newer, often modern homes being developed by-right in the existing zoning without limits on the number of stories, building materials, maximum size and character.

The proposed site plan provides porches on all units, places limits on building materials, limits building height to a maximum of 40 feet, limits the building footprint to a maximum of 3,000 square feet, and prohibits front loaded two-car garages.
FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Background**
  - The subject property was rezoned via Petition 2007-128 from R-8 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 63 townhome units at a density of 9.3 units per acre. The site was limited to no more than 14 buildings. The petition sought to abandon a portion of Main Street.

• **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Overall 5.71-acre rezoning area is divided into two sections. Site A consists of 5.15 acres located south of Baldwin Avenue and sites B and C consists of one acre located north of Baldwin Avenue. Located between the two sections are Baldwin Avenue, a pocket park, and housing owned by the Charlotte Housing Authority.
  - 33 single family detached dwellings are proposed on Site A.
  - Six (6) single family detached dwellings and two duplexes are proposed on Sites B and C. The two duplexes will be located on corner lots of South Torrence Street and Luther Street.
  - A new public street provided between Main Street and Luther Street.
  - Elevations provided for proposed house designs, which limit units with front entry garages to a single car garage.
  - Vinyl siding is prohibited as a building material but may be used on windows and door trim.
  - All houses will have a porch that is a minimum of eight feet in depth.
  - Identical house designs will be prohibited on abutting lots.
  - A side or rear entry garage will be provided for 35 percent of the units while 45 percent of units will have a front entry and a one car garage. The remaining 20 percent of units will have a parking area provided in the front or side of the unit.
  - All garages will be recessed from the face of the primary structure by a minimum of two feet and provide for 20 feet of driveway between the face of the garage and the back of the sidewalk.
  - A six-foot sidewalk will be provided on lots fronting on an existing street where a sidewalk does not currently exist.
  - Detached lighting limited to 20 feet in height.

• **Public Plans and Policies**
  - The *Midtown Morehead Cherry Area Plan* (2012) acknowledges the validity of an existing townhome approval from Petition 2002-128 that was never developed, but recommends that the site be developed with single family residential uses compatible with the neighborhood character at up to eight dwelling units per acre should the previously approved development not be built.
  - The petition is consistent with the *Midtown Morehead Cherry 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:** The development allowed under the existing zoning would generate three students, while the development allowed under the proposed zoning will produce 23 students. Therefore, the net change in the number of student generated from existing zoning to proposed zoning is 20 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 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.
  • Minimizes impacts to the natural environment by building on infill lots.

OUTSTANDING ISSUES
• No issues.

Attachments Online at www.rezoning.org
• Application
• Pre-Hearing Staff Analysis
• 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: Sonja Sanders (704) 336-8327
Petition # 2014-024

Acreage & Location: Approximately 6.57 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street.

Rezoning Petition: 2014-024

Charlotte City Limits

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

March 3, 2014
Petition #: 2014-024
Petitioner: Stonehunt, LLC

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

Zoning Classification (Requested): UR-2(CD) S.P. A.
(Urban Residential, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 2-27-14.
REQUEST
Current Zoning: CC, commercial center
Proposed Zoning: CC SPA, commercial center, site plan amendment

LOCATION
Approximately 8.5 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road.
(Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes a site plan amendment to a portion of a unified development to allow:
• an additional 10,000 square feet of office space,
• the consolidation of two office buildings into one,
• relocation of a 120-room hotel, and 13,000 square feet of additional retail space.

PROPERTY OWNER
Toringdon Future Development, LLC

PETITIONER
Trinity Capital Advisors, LLC

AGENT/REPRESENTATIVE
Jeff Brown and Keith MacVean/Moore & Van Allen

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 2

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Allen).

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:

1. Added notes stating “If a bank/financial institution is constructed on the Site as the allowed use with accessory drive-through windows it must be constructed with an internal drive-through window. An internal drive-through window will be defined as the drive-through lanes designed in such a manner that:
   a. the area where a car(s) stops to utilize the pickup window(s) is located between two buildings; or
   b. a solid building edge/wall covers at least 80% of the length of the area where a car(s) stops to utilize the pickup window(s) associated with the drive-through lanes.

   If a Limited Service Restaurant, as defined above, is constructed on the Site as the allowed use with an accessory drive-through window it may not be developed as a free standing use, it must be part of a building designed for more than one tenant or more than one use. In addition, the Limited Service Restaurant must be constructed with an internal drive through window as defined above.”

2. Amended Note 7g indicating that off-street parking areas, as well as maneuvering for parking or drive-through windows, will not be located between Community House Road, the internal private drive and the proposed buildings; however, vehicular parking and maneuvering may be located to the side or behind such buildings.

3. Provided detail of how building edges will relate to uses across the internal street.
4. Added a note committing to provision of an open space area located within Development Area C at the intersection of Community House Road and the internal private drive as generally depicted on the Schematic Site Plan. This open space area will be designed as a focal point for the development and will include attractively landscaped areas and may also include development signage as well as other architectural features.

5. Added note requiring buildings located along the internal private drive to be designed with building facades that face the internal private drive and to have a minimum of 50 percent fenestration.

6. Reduced the number of uses that may be developed with accessory drive through windows from two uses to one use.

7. Reduced the maximum gross floor area of a Limited Service Restaurant from 2,500 square feet to 1,800 square feet.

8. Amended Note 7c to add that the minimum average height of the one story building will be no less than 25 feet as measured to the top of the parapet wall.

9. Amended Note 7d to specify that the allowed drive-through lanes must be located internally to the proposed building.

10. Provided a cross-section of proposed open space area to be located in Development Area C at the intersection of Community House Road and the internal private drive labeled as Inset A.

VOTE

Motion/Second: Ryan/Sullivan

Yea: Allen, Dodson, Labovitz, Nelson, Ryan, Sullivan and Walker

Nay: None

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this item and stated all outstanding issues were 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
  - The subject property was part of a larger rezoning in 1999 for the Toringdon development, Petition 1999-88, that rezoned 172 acres on the east and west corners of the intersection of Johnston Road and Interstate 485 from R-3 (single family residential) to CC (commercial center) to allow a mixed use development with office, retail, hotel and residential uses.

  Subsequent site plan amendments that included the subject property are as follows:
  - Petition 2003-048 amended 36.6 acres of the previously approved plan and added 0.784 acres which were rezoned from R-3 (single family residential) to CC (commercial center) to allow 675,000 square feet of office, 27,000 square feet of retail and one outparcel, and added 50 residential units.
  - Petition 2005-126 amended 36.6 acres to add 7,000 square feet of office space, 38,312 square feet of retail space within office buildings, and up to 90 multi-family residential units.
  - Petition 2008-040 amended 36.6 acres to increase retail space from 5,762 to 8,200 square feet, and increased the number of residential units from 140 to 260.
  - Petition 2010-035 amended 37.3 acres to allow relocation of 240 previously approved multi-family residential units, a decrease in the approved retail space by 52,000 square feet, an increase of office space by 38,000 square feet, and the addition of a 120-room hotel.
• **Proposed Request Details**
  The site plan amendment contains the following changes:
  - Consolidation of two office buildings into one building which is limited to eight stories.
  - Increase of general and medical office space from 190,000 square feet to 200,000 square feet.
  - Addition of 13,000 square feet of retail, restaurant, bank/financial institution, and personal services uses in a new building up to two stories located at the corner of Community House Road and the internal private drive.
  - Relocation of an approved six-story, 120-room hotel from an internal location to frontage along North Community House Road.
  - Additional retail/personal services/restaurant uses may be located within office buildings, provided that the additional uses will not occupy more than 50 percent of the ground floor area of such office buildings.
  - The number of principal buildings located on the site is limited to seven.
  - One use with an accessory drive-through window may be established in Development Area C as part of a building designed for more than one tenant or more than one use. The uses with an accessory drive-through window will be limited to a bank/financial institution or a limited service restaurant (defined as a restaurant primarily serving items such as coffee, ice cream, yogurt, juices, bagels, muffins, pastries, sandwiches and similar foods that do not require on-premise cooking of food beyond heating) that does not exceed 2,500 square feet.
  - Accessory drive-through window located within Development Area C may not have more than three lanes in total.
  - Buildings located along the internal private drive will be designed with building facades that face the internal private drive having a minimum of 50 percent fenestration, and will have at least one operable pedestrian entrance from the building to internal private drive.
  - Expanses of blank walls greater than 20 feet will not be allowed.
  - Each building constructed in Area C will be designed to have the appearance of a multi-story building.
  - Buildings within Development Areas A, B, and C that have frontage on Community House Road or the private drive indicated on the Technical Data Sheet will be designed to address the abutting street or drive and will have an entrance that faces the public street, except that buildings with frontage on two streets may have an entrance on only one street.
  - Buildings located within Development Area B will not orient the service side of such buildings to Community House Road, and the buildings constructed within Development Area A will not orient the service side of the building to the internal private drive.

• **Public Plans and Policies**
  - The *South District Plan* (1993) as amended by previous rezonings recommends mixed use residential, office, and retail uses on the subject property.
  - The petition is consistent 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:** This site plan amendment will 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 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*.
  - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- No issues.

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

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- 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 #: 2014-025

Acreage & Location: Approximately 8.50 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road.
Petition #: 2014-025
Petitioner: Trinity Capital Advisors, LLC
Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 8.5 acres located on the north side of Interstate 485 between Johnston Road, Toringdon Way, and North Community House Road.
TORINGDON REZONING PLAN

TORINGDON DEVELOPMENT

2014 REZONING PETITION # 2014 - 025

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FOR PUBLIC HEARING
PETITION # 2014 - 025

LOCATION MAP
SCALE: 1" = 150'

SITEMAP

PETITIONER: TORINGDON FUTURE DEVELOPMENT, LLC
440 S. CHURCH ST
SUITE 800
CHARLOTTE, NC 28202
CONTACT: SHERRIE CHAFFIN

OWNER: TORINGDON FUTURE DEVELOPMENT, LLC
440 S. CHURCH ST
SUITE 800
CHARLOTTE, NC 28202
CONTACT: SHERRIE CHAFFIN

CIVIL ENGINEER: DEWBERRY ENGINEERS INC.
6520 LANCASTER ROAD
SUITE 150
CHARLOTTE, NC 28268
PHONE: 704-502-2018
FAX: 704-502-2007
CONTACT: CHRISTOPHER M. FLOCK, PE

DEWBERRY ENGINEERS INC.
REQUEST

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

LOCATION

Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.
(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

Dunavant Development, LLC

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Argos Real Estate Advisors, Inc.

COMMUNITY MEETING

Meeting is not required.

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the New Bern 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 7-0 vote of the Zoning Committee (motion by Commissioner Walker seconded by Nelson).

ZONING COMMITTEE ACTION

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

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this petition and noted that it is a conventional request with no associated site plan. The New Bern Transit Station Area Plan recommends mixed transit supportive development for the property. Staff noted that the site is approximately a ½-mile walk from the New Bern Street Station.

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 New Bern Transit Station Area Plan (2005) recommends mixed transit supportive development for the property. The site is approximately a ½ mile walk from the New Bern Street Station.
  • 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:  No issues.
- Charlotte Fire Department:  No comments received.
- Charlotte-Mecklenburg Schools: The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- Charlotte-Mecklenburg Storm Water Services:  No issues.
- Charlotte-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.

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](http://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-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

Planner: John Kinley  (704) 336-8311
Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.

Petition #: 2014-027

Vicinity Map

Rezoning Petition: 2014-027

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

March 3, 2014
Petition #: 2014-027
Petitioner: Charlotte-Mecklenburg Planning Department

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

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

Acreage & Location: Approximately 0.81 acres located on the west side of Dunavant Street between Remount Road and Merve Place.
Pet. No.
2014-003

A Community Meeting Report has not been submitted for this petition; therefore, it cannot go to public hearing and will be DEFERRED to May 19, 2014
REQUEST
Current Zoning:  O-1, office
Proposed Zoning:  MUDD(CD), mixed use development, conditional

LOCATION
Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive.  (Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow up to 150 dwelling units with the possibility of ground floor non-residential uses, in a mid-rise building up to 66 feet in height in the Park Woodlawn Major Activity Center.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Park Woodlawn Area Plan.

PROPERTY OWNER
Metrotimwatch, LLC.

PETITIONER
Lat Purser & Associates

AGENT/REPRESENTATIVE
Adam Purser

COMMUNITY MEETING
Meeting is required and has been held. Report available online.  Number of people attending the Community Meeting:  12

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 150 residential dwelling units at a density of 107.6 dwelling units per acre, retail sales limited to uses permitted in the B-1 district, and professional business and general offices.
  - Limits the number of principal structures to one.
  - Limits the height to 66 feet along Abbey Place and 65 feet along Hedgemore Drive.
  - Access to the site via two full movement driveways along Abbey Place.
  - A two-level parking structure with one level below grade and the other at grade.
  - On-street parking along Abbey Place and Hedgemore Drive.
  - Describes the architectural elements of the building which break up massing. The elements include balconies, decorative cast masonry and concert elements, and canopies.
  - Building materials consisting of brick, stone, precast stone, exposed concrete cementitious siding, stucco, or wood.
  - Restricts the use of vinyl to windows and soffits.
  - A ten-foot sidewalk and eight-foot planting strip along Abbey Place and Hedgemore Drive.
  - Limits the height of freestanding lighting to 25-feet.
  - Requires all new lighting to be full cut-off type excluding low, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.
  - Urban open space at a rate of one square foot for every 100 square feet of gross floor area.
  - A pedestrian plaza area at the corner of Abbey Place and Hedgemore Drive.
  - A compactor and recycle service area in the ground level parking deck.
  - A perspective of the structure from Abbey Place and Hedgemore Drive intersection.

- Existing Zoning and Land Use
  - The property is currently devoted to an office building with surface parking.
  - Properties to the north, west, and south are zoned O-1 (office) and used for office purposes. Property to the northeast is zoned O-2 (office) and is developed with an office use. The property to the east is zoned R-22MF (multi-family residential) and used for multi-family residential.

- Rezoning History in Area
  - Recent rezonings approved in the area include:
    - Petition 2011-034 rezoned approximately 1.25 acres located on the southwest corner of Park Road and Heather Lane, northwest of the subject rezoning, from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development district, optional) to allow for office uses and to permit an accessory drive-through when associated with a financial institution.
• Petition 2012-056 rezoned approximately 1.13 acres located on the southwest corner at the intersection of Park Road and Drexel Place, northwest of the subject rezoning, from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow for 42 residential dwelling units and 4,200 square feet of commercial uses.
• Petition 2012-095 rezoned approximately 0.35 acres located on the northwest corner at the intersection of Mockingbird Lane and Park Road, west of the subject rezoning, from O-2 (office) to MUDD-O (mixed use development, optional) to allow approximately 9,000 square feet of uses permitted in MUDD (mixed use development).

• Public Plans and Policies
  • The Park Woodlawn Area Plan (2013) recommends a mix of uses (residential, office and/or retail) for the site, which is located in a Major Activity Center. Single use or multi-use is appropriate for projects that follow the Community Design policies; these policies include recommendations for building architecture and site design, creation of a safe and efficient network for pedestrians, bicyclists, and automobiles, and protection of the natural environment.
  • The petition is consistent with the Park Woodlawn 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:
  1. Provide a note that states: "The petitioner will install additional concrete at corner of Abbey Place and Hedgemore Drive to allow for cyclists to maneuver around the building corner clear of pedestrians exiting the building. The final design of this corner treatment will be determined during the commercial permit process. Note that this transition area will not be brick pavers but will be concrete with the construction joints designed in a manner that is consistent with the construction joints on typical shared use paths that the City has constructed."
  2. Acknowledge in Note “B” under “Streetscape, Landscaping, and Buffer” the commitment to construct the 12-foot sidewalk along the site’s public street frontage where the proposed sidewalk abuts the building as generally depicted on sheet RZ-1.
• Vehicle Trip Generation:
  Current Zoning: 285 trips per day.
  Proposed Zoning: 1,030 trips per day.
• Connectivity: No issues.
• Charlotte Fire Department: No issues.
• Charlotte-Mecklenburg Utilities Department: No issues.
• Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce 17 students. Therefore, the net change in the number of students generated from the existing zoning to the proposed zoning is 15 students.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department:
  • Provide additional dedication and conveyance of the area south and east of the CMUD sewer easement as indicated on the exhibit provided in the Department’s comments.

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 project is a redevelopment project that makes use of existing infrastructure.
  • Protects environmentally sensitive areas along Little Sugar Creek with dedication of land to Mecklenburg County Parks and Recreation for future development of a greenway.
OUTSTANDING ISSUES

- The petitioner should:
  1. Amend the proposed zoning on Sheet RZ-3 to say MUDD(CD).
  2. Label the A-A site section guideline clearly on sheets RZ-1 and RZ-2.
  3. Amend the proposed uses on Sheet RZ-3 to say “Proposed use: multi-family residential with up to (amount to be specified by petitioner) square feet of retail sales limited to those permitted in the B-1 district, professional businesses and/or general offices and located on the ground floor.”
  4. Show parking access controls on Sheets RZ-1 and RZ-2 per Section 9.8507(8).
  5. Provide a five-foot wide sidewalk from the fire access door on the southern side of the building to the sidewalk along Hedgemore Drive.
  6. Show the required loading space.
  7. Provide a note on sheet RZ-3 describing the dedication of land to Mecklenburg County Parks and Recreation. Specify the number of acres and use as a greenway/recreation area.
  8. Provide at least 50% active ground floor uses along Hedgemore Drive and Abbey Place. The trash collection area does not count toward the 50% requirement.
  9. Provide and show recessed doorways along both street frontages.
  10. Illustrate how the lobby is accessed from the street.
  11. Provide elevations, as opposed to perspective drawings, that match the site plan.
  12. Revise Note 2.a. on Sheet RZ-3 to say, “Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up to 150 multi-family residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor.”
  13. Move Note 5.b. to be under Note 14.
  14. Show the possible dumpster pad location referenced in Note 5.b. according to Section 12.403 of the Zoning Ordinance.
  15. Replace the words “on existing and proposed streets” with “Abbey Place and Hedgemore Drive.”
  17. Clarify the nature of the amenity areas (intended for resident use or leasable spaces for businesses and offices).
  18. Provide useable open space that is well integrated into the community through greenways, parks and plazas as recommended by the Park Woodlawn Area Plan. Staff suggests the open area east of the proposed building be developed with park/plaza that complements the future greenway.
  19. Make a clear distinction between the open space references in the site data on Sheets RZ-1 and RZ-2 and the required urban space described on Sheet RZ-3. The area to be dedicated to Parks and Recreation cannot count towards the minimum urban open space requirement. Describe the location of urban open space to be provided such as the upper level courtyard, 4th floor terrace and any other areas for urban open space.
  20. Address Transportation issues.
  21. Address Mecklenburg County Parks and Recreation issue.

Attachments Online at www.rezoning.org

- Application
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools 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: John Kinley (704) 336-8311
Acreage & Location: Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive.

Petition #: 2014-028

Rezoning Petition: 2014-028

INSIDE CHARLOTTE CITY LIMITS

Charlotte City Limits

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

April 9, 2014
Petition #: 2014-028
Petitioner: Lat Purser & Associates

Zoning Classification (Existing): O-1
(Office)

Zoning Classification (Requested): MUDD(CD)
(Mixed Use Development District, Conditional)

Acreage & Location: Approximately 1.68 acres located on the southeast corner at the intersection of Abbey Place and Hedgemore Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-8-14.

Requested MUDD(CD) from O-1

Map Produced by the Charlotte-Mecklenburg Planning Department, 4-8-14.
GROUND LEVEL PARKING DECK

VARYING WIDTH PLANTING STRIP (MIN 8' WIDE) (TYP.)

8' WIDE PLANTING STRIP (TYP.)

SAWCUT EXISTING PAVEMENT TO PROVIDE SMOOTH TRANSITION (TYP.)

TYPE II MODIFIED DRIVEWAY (TYP.)

PROPOSED STREET TREE @ 40' O.C. (TYP.)

10' SIDEWALK

10,110 SF (0.23 AC) AREA DEDICATED TO MECKLENBURG COUNTY PARKS AND RECREATION

PEDESTRIAN SIDEWALK/HARDSCAPE AREA AND PLAZA (MATERIAL TO BE COMBINATION OF 80% CONCRETE AND 20% BRICK PAVERS)

DECORATIVE PAVEMENT PATIO/PLAZA AREA

UrbAN FORESTRY/CITY ARBORIST TO BE CONSULTED TO DETERMINE EXTENT OF ALLOWABLE ENCROACHMENT OF SIDEWALK INTO DRIPLINE (10' MIN. WIDTH)

SECTION A-A

NOT TO SCALE

ABBES PLACE

60' PUBLIC RIGHT-OF-WAY

ZONING: O-1

08 18108, MG 286

VICINITY MAP KEY TO SCALE

REVISIONS

NO. DATE

015 03/18/14

1700 ABBEY PLACE

CHARLOTTE, MECKLENBURG COUNTY

NORTH CAROLINA

ABBEY PLACE MULTIFAMILY PETITION #2014-028

REZONING PLAN

NORTH
PROPOSED IMPROVEMENTS:

TRASH SERVICE:

1. A COMPACTOR WILL BE PROVIDED IN THE DECK FOR TRASH SERVICE.

SITE DEVELOPMENT DATA:

TRANSFER & CONVERSION RIGHTS, AND CERTAIN BUILDING EDGE

ZONING DISTRICT/ORDINANCE

REZONING PETITION NO. 2014-028

1. PROPOSED DENSITY: 107.6 DUA (BASED ON NET ACREAGE)

PARKING:

· MAXIMUM BUILDING HEIGHT:
· MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:
· PROPOSED USES:
· EXISTING USES:
· PROPOSED ZONING:
·

THESE DEVELOPMENT STANDARDS (BUT NOT TO BE CONSTRUED AS

OUTDOOR DINING AREAS WILL BE PROVIDED AS REQUIRED BY THE

OUTDOOR COOLERS AND OUTDOOR DINING AREAS WHETHER ON

CRAWL SPACES), ALL LOADING DOCK AREAS (OPEN OR ENCLOSED),

SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE

SHALL NOT EXCEED WHAT IS SHOWN ON THE REZONING PLAN.

CHANGES TO THE REZONING PLAN NOT PERMITTED BY THE

REZONING PLAN WILL BE REVIEWED AND APPROVED AS

PROVIDED, FURTHER THAT ANY ALTERATIONS OR

REZONING PLAN AND THE DEVELOPMENT STANDARDS,

BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK,

YARD AND BUFFER REQUIREMENTS SET FORTH ON THIS

REZONING PLAN DATED JUNE 10, 2013.

HEDGEMORE ROAD AS REQUESTED BY THE PARK WOODLAWN AREA

STANDARDS, PHASING AND OTHER PROVISIONS.

A. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL

ENVIRONMENTAL FEATURES:

A. A SETBACK AS REQUIRED BY THE MUDD ZONING DISTRICT AND THE PARK

WOODLAWN SMALL AREA PLAN WILL BE ESTABLISHED ALONG EXISTING

AN ADJUSTMENT TO THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS,

IMPLANTED PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS

UNDERSTOOD THAT SUCH IMPROVEMENTS MAY BE UNDERTAKEN BY

ADDITIONAL ON STREET PARKING ALONG ABBEY PLACE AND

TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT

AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT

ADJUSTMENTS MAY BE IMPLEMENTED TO THE PETITIONER'S SITE PLAN TO

IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE

DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL

THE PetITIONER WILL PROVIDE A TEN (10) FOOT SHEDULK AND A MINIMUM

AVON STREET PARKING LANE WITHIN THE SITE BOUNDARY AS SHOWN ON

THE FOLLOWING TRANSPORTATION IMPROVEMENTS ARE ILLUSTRATED

IMPLEMENTATION PROVISIONS.

THE FOLLOWING TRANSPORTATION IMPROVEMENTS ARE REGISTERED ON EXISTING RZ-1 AND RZ-2 OF THE REZONING PLAN AND ARE DEPICTED ON THE SCHEMATIC DEPICTIONS OF

THE SCHEMATIC DEPICTIONS OF

THE SCHEMATIC DEPICTIONS OF
PERSPECTIVE AT CORNER OF ABBEY PLACE & HEDGEMORE DRIVE
Note: a protest petition has been filed for this petition. Sufficiency is to be determined.

| REQUEST                              | Current Zoning: MUDD-O, mixed use development, optional  
Proposed Zoning: MUDD-O SPA, mixed use development, optional, site plan amendment |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION</td>
<td>Approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street. (Council District 1 - Kinsey)</td>
</tr>
<tr>
<td>SUMMARY OF PETITION</td>
<td>The petition proposes a site plan amendment to a portion of the Metropolitan planned development to allow a 285-foot high building containing a maximum of 155 multi-family dwelling units and a 175-room hotel.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Midtown Morehead Cherry Area Plan, which recommends continued build-out of the Metropolitan planned development for residential, office and/or retail uses.</td>
</tr>
<tr>
<td>PROPERTY OWNER</td>
<td>Golden Triangle #2, LLC</td>
</tr>
<tr>
<td>PETITIONER</td>
<td>Golden Triangle 32</td>
</tr>
<tr>
<td>AGENT/REPRESENTATIVE</td>
<td>Jeff Brown and Keith MacVean, Moore and Van Allen</td>
</tr>
<tr>
<td>COMMUNITY MEETING</td>
<td>Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 8</td>
</tr>
</tbody>
</table>

**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was part of a larger rezoning in 2005 for the Metropolitan development, Petition 2005-60, that rezoned 26.6 acres on the west side of South Kings Drive, south of East Third Street and north of Baxter Street to MUDD-O (mixed use development, optional) and UR-C(CD) (urban residential-commercial, conditional). The development rights for the subject property identified as “Component C” allows the following:
    - 413,000 square feet of commercial uses (retail and restaurants);
    - 256 residential units;
    - Conversion rights allow flexibility between the allowed uses.
  - Subject property has been developed with approximately 192,000 square feet of retail/restaurant uses, 183,000 square feet of office uses, and 101 residential units.
  - Primary residential building was limited to 250 feet in height.
  - Primary office building was limited to 165 feet in height.

- **Proposed Request Details**
  - The site plan amendment contains the following changes:
    - One building containing a maximum of 155 multi-family dwelling units and a 175-room hotel.
    - Up to 25 additional residential units may be added by converting hotel rooms at a rate of one for one.
    - Up to 25 additional hotel rooms may be added by converting residential dwelling units at a rate of one for one.
    - Building materials include brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, and stucco and tile cladding. Vinyl siding and unfinished concrete masonry units are prohibited as exterior building materials.
    - Building facades designed to reduce mass, scale and appearance of large unadorned walls. Specific frontage types are identified as a) greenway entry; b) park protection; and c) urban edge, with architectural guidelines provided for each.
    - Endeavor to enter into an agreement with County Parks and Recreation to provide shared site elements that may be located on the site and/or the adjoining park property including, but not limited to, bathrooms, gathering space, outdoor seating areas, storage and landscaping areas.
• Optional provisions include:
  • Building height of up to 285 feet.
  • Allow two detached signs with 36 square feet of sign area and up to five feet in height.
  • Allow wall signs up to 750 square feet of surface area per wall or 20 percent of the wall area to which attached, whichever is less. Submittal of a signage package as part of the MUDD (mixed use development) approval process detailing the size, number and type of signs to be constructed on the site.
  • Allow up to 380 square feet of the allowed 750 sign area for each of the park projection and urban edge elevations to be used for digital wall signs, which may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, as well as events occurring at Midtown Park and on Sugar Creek Greenway, and to promote major events. A minimum 80 percent of the sign must be composed of interesting and unique art like graphic images. Copy area will be limited to 20 percent of the sign area.
  • Allow a portion of the building wall along the southern property boundary to be used as a screen for projected images and activities associated with the Sugar Creek Greenway.

• **Existing Zoning and Land Use**
  • The subject property is currently developed with a sales office for the Metropolitan development. The Metropolitan mixed use development consisting of retail, residential and office uses exists to the north in MUDD-O (mixed use development, optional) zoning. The site is bounded to the west and south by the Little Sugar Creek Greenway and Midtown Neighborhood Park, in MUDD (mixed use development) and MUDD-O (mixed use development, optional) zoning.
  • Properties along both sides of Kenilworth Avenue are zoned B-2 (general business) and O-2 (office) and are developed with Pearl Street Park, single family dwellings and office uses. Properties along S. Kings Drive are zoned a variety of districts and developed with residential, office, commercial and institutional uses.

• **Rezoning History in Area**
  • Petition 2011-073 located on the northwest corner of Charlottetowne Avenue and Cherry Street rezoned 2.8 acres from B-2 (general business) to MUDD-O (mixed use development, optional) to allow all uses permitted in the MUDD (mixed use development) district.
  • Petition 2008-113 rezoned 1.92 acres located on the west side of South Kings Drive between Baxter Street and South Torrence Street from B-1 (neighborhood business) to MUDD (mixed use development) to allow all uses in the MUDD (mixed use development) district.

• **Public Plans and Policies**
  • The *Midtown Morehead Cherry Area Plan* (2012) recommends continued build-out of the Metropolitan planned development for residential, office and/or retail uses. It further encourages future changes to the approved site plan that improve the pedestrian experience with active uses along the site perimeter.
  • The petition is consistent with the *Midtown Morehead Cherry Area Plan*.

**DEPARTMENT COMMENTS** (see full department reports online)

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Transportation:** Requests the existing approved entitlements for the 1.3 acre C-1 site (Parcel D) be provided, in order to determine the existing trip generation potential.
  • **Vehicle Trip Generation:**
    - Current Zoning: Not enough information to accurately estimate the trips per day.
    - Proposed Zoning: 2,250 trips per day.
  • **Connectivity:** No issues.

• **Charlotte Fire Department:** No issues.
• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate two students, while the development allowed under the proposed zoning will produce one student. Therefore, the net change 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:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• Mecklenburg County Parks and Recreation Department:
  • The architectural guidelines for the “Greenway Entry” side pertains almost exclusively to the
    northern facade of the building. The site plan should indicate how the building relates to the
    greenway itself (the northwest facade) in addition to the 60% glass and excluding any service
    uses described in the guidelines.
  • The petitioner should be encouraged to provide shared site elements, particularly the bathrooms
    and storage, since there is already seating, gathering space and landscaping in Midtown Park.
  • On the “Park Projection” provide an architectural response, in the form of an elevation or
    description of how this façade will be treated, to the artwork located in the center of Midtown
    Park. The publicly funded piece is a favorite location for the public to take pictures so an
    appropriate and attractive backdrop should be considered.

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
    required.
  • Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

• The petitioner should:
  1. Condense the verbiage in Note 1C.
  2. Amend Note 2C by reducing the optional request for wall signage from a maximum of 750
     square feet to 150 square feet and reduce other signs specified in note 2D accordingly.
  3. Limit the location of proposed digital wall signs requested in Note 2D to the Park Projection side
     only.
  4. Delete the request to allow a portion of the building wall along the southern property boundary
     to be used as a screen for projected images and activities associated with the Sugar Creek
     Greenway (Note 2E) if it is in addition to the digital wall signs requested in Note 2D.
  5. Amend Note 2E to state that use of a portion of the building wall along the southern property
     boundary as a screen will not include advertising.
  6. Amend Note 5A to indicate that “concept imagery” is intended only to illustrate examples of a
     building façade that meets the criteria set forth in the Architectural Guidelines and is not a
     specific or binding building elevation, nor are they a full list of possibilities.
  7. Define display cases as noted in Note 5E.
  8. Amend Note 5G to clearly impart that if the property lines are adjusted it will not adjust the
     rezoning lines.
  9. Amend Note 5G to provide a description of the proposed building element that is less
     subjective than “stylish, memorable and highly visible.”
  10. Clarify whether “display windows” in Note 5I is the same as “display cases” referenced in Note
    5E.
  11. Clarify if sign options are in addition to or instead of what is allowed by the ordinance.
  12. Amend Note 5I to state that building service areas will be located internally.
  13. Delete Note 6D, as it is an ordinance requirement.
  14. Provide a note detailing how and where meaningful urban open space will be provided.
  15. Address Park and Recreation comments.

Attachments Online at www.rezoning.org

• Application
• Site Plan
• Community Meeting Report
• Charlotte Area Transit System 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: Sonja Sanders (704) 336-8327
Petition #: 2014-030

Acreage & Location: Approximately 1.3 acres located on the southwest corner at the intersection of Metropolitan Avenue and South Kings Drive.

Vicinity Map

Rezoning Petition: 2014-030

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

INSIDE CHARLOTTE CITY LIMITS

April 9, 2014
Petition #: 2014-030
Petitioner: Golden Triangle #2

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

Zoning Classification (Requested): MUDD-O (S.P.A.)
(Mixed Use Development District, Optional, Site Plan Amendment)

Acreage & Location: Approximately 1.3 acres located on the southeast corner at the intersection of Metropolitan Avenue, South Kings Drive, and Baxter Street.
GREENWAY ENTRY

Provide an open, inviting and dynamic arrival experience through the use of:

1. Large percentage of clear glass, minimum of 60%
2. Decorative pavers, landscape planters
3. Stylish canopy with lighting
4. Outdoor seating, minimum of 300SF
5. Mix of materials to designate an arrival space

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.
PARK PROJECTION

Deliver aesthetic continuity with the existing Midtown Park by using:

1. Layers of plantings at grade and on lower level building elevation to enhance pedestrian experience (SECTION A)
2. Transitioning up the façade into standard screening materials in accordance with code
3. Potential for shared site elements with County P&R including bathrooms, gathering space, outdoor seating areas, storage and landscaping (SECTION B)

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.

Metropolitan Component C-1 Parcel
Rezoning Petition 2014-030
URBAN EDGE
Create a stylish, memorable and highly visible element from:

1. Articulated façade with a mix of materials including masonry, precast concrete, louvers and panels
2. Decorative openings at ground level, screened parking on all levels
3. Focal point feature on primary corner

This graphic is intended only to illustrate a conceptual site plan. The building configuration, parking and access points are subject to final engineering and will be finalized during permitting of the project.

Metropolitan Component C-1 Parcel
Rezoning Petition 2014-030
Golden Triangle #2, LLC  
Development Standards  
03/28/14  
Rezoning Petition No. 2014-030

Site Development Data:

--Acreage: ± 1.30 acres  
--Tax Parcel #: 125-227-05  
--Existing Zoning: MUDD-O by Rezoning Petition No. 2005-060  
--Proposed Zoning: MUDD-(O)  
--Existing Uses: Vacant with some limited parking and circulation areas for Metropolitan.  
--Proposed Uses: Up to 155 multi-family dwelling units and a hotel with up to 175 hotel rooms  
   together with accessory uses, as allowed in the MUDD zoning district.  
--Maximum Building Height: Not to exceed 285 feet as calculated by the Ordinance.  
--Parking: Per the standards of the Zoning Regulations at minimum.  
--Urban Open Space: Will be provided as required by the Ordinance.

1. General Provisions:

   a. Site Location. These Development Standards form a part of the Technical Data Sheet  
      associated with the Rezoning Petition filed by Metropolitan Residential, LLC to accommodate  
      development of mixed use building containing multi-family residential dwellings units and a  
      hotel on an approximately ± 1.30 acre site located at the intersection of South Kings Drive and  
      Metropolitan Avenue (the "Site").

   b. Zoning District/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 MUDD-O zoning classification shall govern all  
      development taking place on the Site, subject to the Optional Provisions provided below.

   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 reviewed in conjunction with the provisions of these Development Standards. The ultimate  
      layout, locations and sizes of the development and site elements depicted on the Rezoning Plan  
      as well as any schematic building elevations 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, however, any such alterations and 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.

      Note: These Development Standards replace and supersed the previous development standards  
      approved as part of the prior Rezoning Petition for this Site.

2. Optional Provisions:

   a. To allow the building constructed on the Site to have a building height of up to 285 feet.
b. To allow up to two (2) detached signs for the Site with 36 square feet of sign area and up to five (5) feet in height. Detached signs must be located behind the required setback.

c. To allow wall signs to have up to 750 square feet of sign surface area per wall or 20% of the wall area to which they are attached, whichever is less. The Petitioner will submit a signage package to the Planning Department for review as part of the MUDD approval process for the Site. The signage package that is submitted will provide details on the number, size and type of signs to be constructed on the Site. Administrative approvals of deviations from the maximum size of the wall signs specified in this Section may be granted by the Planning Staff, subject to approval of a specific sign design, location and plan.

d. To allow up to 380 square feet of the allowed 750 square feet of sign area for each of the Park Projection and Urban Edge elevations to be used for digital wall signs. Digital wall signs may be used to advertise and identify tenants and merchandise located and sold at Metropolitan (Metropolitan to be defined as the area included in rezoning petition no. 2005-060) as well as events occurring at Mid-Town Park and on Sugar Creek Greenway. The digital wall signs may also be used to promote Major Events, Major Events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to, golf tournaments, festivals, and major or seasonal sporting events. The design/content of the signs displayed on the digital wall signs will contain predominantly graphic images (a minimum of 80% of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20% of the sign area.

e. To allow a portion of the building wall along the southern property boundary to be used as a screen for projected images and activities associated with the Sugar Creek Greenway.

3. **Permitted Uses & Development Limitations:**
   
a. Subject to the restrictions, limitations, and conversion rights listed below, the building constructed on the Site may be developed with up to 155 multi-family dwelling units and a hotel with up to 175 hotel rooms together with accessory uses allowed in the MUDD zoning district.

b. Up to 25 additional residential units may be constructed on the Site by converting one (1) allowed hotel room into one (1) additional residential unit.

c. Up to 25 additional hotel rooms may be constructed on the Site by converting one (1) allowed residential dwelling unit into one (1) additional hotel room.

4. **Access and Traffic:**

   a. Vehicular and pedestrian access to the Site and to the parking facilities associated with the building will be from South Kings Drive and Metropolitan Avenue as generally depicted on the Rezoning Plan.

   b. The placements and configurations of 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 CDOT in accordance with published standards.
c. 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.

5. Architectural Guidelines:

a. Architectural guidelines are been provided to help define the vision for the Site’s architectural character. Concept Imagery has also been provided to give examples of building design and quality.

b. A recognizable building base shall be provided through material transitions and building articulation.

c. Building facades shall be designed to reduce the mass, scale, and uniform monolithic appearance of large unadorned walls, while providing visual interest. Large building facades shall be divided into distinct massing elements. The parking deck portion of the building will be designed so that openings into parking deck, other than driveways, must be filled with decorative louvers, landscaping or other similar treatments so that cars parked within the deck are screened.

d. How the building on the Site will address the adjoining public and private spaces has been divided into three frontage types: Greenway Entry, Park Projection and Urban Edge. Architectural guidelines and concept imagery for each of these building frontage types has been included with this Petition.

e. On the area of the building labeled Greenway Entry on the Rezoning Plan the following architectural guidelines shall be applied: provide an open, inviting and dynamic arrival experience through the use of; large percentage of glass, decorative pavers, stylish canopy with lighting, landscape planters and a mix of materials to designate an arrival space. A minimum of 60% of the Greenway Entry frontage shall be designed with clear glass to allow visibility of the activity within the building. Along the Greenway Entry frontage several areas or one area for outdoor seating totaling a minimum of 300 square feet will be provided (this will be in addition to the Urban Open Space area located along the northern property boundary and generally depicted on the Sheet RZ-1.1), these areas will be designed to overlook the abutting Sugar Creek Greenway. The service side of the building may not be located along the Greenway Entry frontage. Display cases will not be part of the Greenway Entry frontage façade treatment. Several concept images indicating how this Greenway Entry treatment could be accomplished are included in the Rezoning Plan.

f. On the area of the building labeled Park Projection A and B on the Rezoning Plan the following architectural guidelines shall be applied: deliver aesthetic continuity with the existing Midtown Park by providing the following treatments at the pedestrian level to enhance the pedestrian experience: (i) layers of plantings at grade; and (ii) attractive and interesting louvers, the treatment will then transition up the façade into standard screening materials in accordance with the MUDD zoning regulations. Concept images indicating how this Park Projection A and B treatment could be accomplished are included in the Rezoning Plan.

g. The Petitioner will endeavor to enter into an agreement with County Parks and Recreation to provide certain shared site elements including but not limited to; bathrooms, gathering space, outdoor seating areas, areas for storage and landscaping. The shared site
elements may be located on the Site and/or the adjoining park property. In order to accommodate these shared site elements, the Site’s property lines may be adjusted or easements may be provided.

h. On the area of the building labeled Urban Edge on the Rezoning Plan the following architectural guidelines shall be applied: establish a **stylish, memorable and highly visible building element**, provide an articulated façade with a mix of materials including masonry, precast concrete, louvers and panels, provide decorative openings at the ground level and screen parking on all levels. A focal point feature will be provided along the Urban Edge frontage at the corner of S. Kings Drive and Metropolitan Avenue; this focal point feature may include signage, art work, a water feature, landscaping and other elements to create a point of interest along the Kings Drive portion of the Urban Edge frontage. The design of the focal point feature will be submitted to the Planning Director for review and comment as part of the MUDD review process for the Site. Several concept images indicating how this Urban Edge treatment could be accomplished are included in the Rezoning Plan.

i. If **display windows** are used along the Urban Edge or the Park Edge A and B the graphics will be recessed a minimum of three (3) feet from the back of the window.

j. Building service areas will be located internally or screened from view with masonry walls a minimum of five feet in height.

k. Allowable building materials will include: brick, natural stone, architecturally finished precast concrete, decorative concrete masonry units, architectural metal panels, glazing, stucco and tile cladding. The following exterior building materials are prohibited: vinyl siding, unfinished concrete masonry units.

l. Meter banks will be internal to the building.

m. Roof top HVAC and related mechanical equipment will be screened from public view at grade.

n. Compactor/dumpster areas and recycling areas will be located within the building.

6. **Streetscape, Buffers, Landscaping and Utility Structure Setbacks:**

a. A **16 foot setback** as measured from the back of the existing curb along South Kings Drive will be provided.

b. The Petitioner will provide a planting strip and a sidewalk along the Site’s frontage on South Kings Drive as generally depicted on the Rezoning Plan and matching existing streetscape throughout Metropolitan.

c. Along Metropolitan Avenue the Petitioner will provide a sidewalk with street trees to match existing streetscape treatment implemented throughout Metropolitan as generally depicted on the Rezoning Plan.

d. Screening requirements of the Ordinance will be met.
e. Above ground backflow preventers will be screened from public view and will be located behind the proposed sidewalk or the required MUDD setback which ever is greater.

7. **Environmental Features:**

a. The Petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.

b. The Site will comply with the Tree Ordinance.

8. **Signage:**

a. Signage as allowed by the Ordinance and by the Optional Provisions listed above may be provided.

9. **Lighting:**

a. All new lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along the driveways, sidewalks, and parking areas.

b. Detached lighting on the Site will be limited to 25 feet in height.

c. No "wall pak" lighting will be allowed, however architectural lighting such as but limited to, sconces, up lighting, accent lighting, including color accent lighting and decorative lighting on the building facades will be permitted.

10. **Amendments to the Rezoning Plan:**

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

11. **Binding Effect of the Rezoning Application:**

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

Need to include note on how meaningful urban open space will be provided (where and how)
Previously Approved Site Plan
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 5.9 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 4.91 dwelling units per acre for a total of 29 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the recommendation of the Steele Creek Area Plan, which calls for an overall density at 3.9 dwelling units per acre as amended by the previous petition 2001-016C for the overall Palisades Development.

PROPERTY OWNER
Wilkison Partners Palisades, LLC

PETITIONER
Wilkison Partners, LLC

AGENT/REPRESENTATIVE
Michael L. Boston

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 14

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 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 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.

• Proposed Request Details
  The site plan amendment contains the following changes:
  • Maximum of 29 attached single family townhomes for a density of 4.91 units per acre.
  • A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood Road.
  • 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.
  • Eight-foot planting strip and six-foot sidewalk along the internal private streets.
  • Building elevations for the proposed structures.
  • 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.
  • Off-street guest parking internal to the site.
  • 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.
    • Allowing minimum side yard to be five feet.
    • Allowing the minimum 32-foot front setback to be measured from the back of curb.
    • Allowing the minimum side yard at the right-of-way to be ten feet.
    • Allowing minimum rear yard to be ten feet.
• **Existing Zoning and Land Use**
  - The subject property is currently zoned MX-3 (mixed use) and partially developed with an outdoor recreation use. The surrounding properties are zoned R-3 (single family residential) and MX-3 (mixed use) and are developed with residential structures or vacant.

• **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 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 4.91 dwelling units per acre, the overall 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.

**DEPARTMENT COMMENTS** (see full department reports online)

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

• **Charlotte Department of Neighborhood & Business Services:** No issues.

• **Transportation:**
  - **Vehicle Trip Generation:**
    - Current Zoning: The petition will allow a wide range of trip generation based on the existing zoning classification.
    - Proposed Zoning: 335 trips per day.
  - **Connectivity:** The petitioner should provide a public street connection to the eastern edge of the property to comply with the City of Charlotte Subdivision Ordinance.

• **Charlotte Fire Department:** No issues.

• **Charlotte-Mecklenburg Schools:** The development under the existing zoning could generate 19 students while the proposed zoning could produce 16 students. The net change in the number of students from the existing zoning to proposed zoning is zero.

• **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*.
  - Minimizes impacts to the City’s tree canopy by preserving existing trees.

**OUTSTANDING ISSUES**

• The petitioner should:
  1. Provide a public street stub to the eastern edge of the property to comply with the Subdivision Ordinance.
  2. Change the first private street cross section to a public street cross section.
  3. Modify and only list the innovative standards that are changes from minimum zoning ordinance standards.
  4. Label and note that an eight-foot planting strip and six-foot sidewalk will be provided on both sides of the street for all private streets.
  5. Show the number of off-street guest parking spaces which will be provided.
  6. Modify the area shown for guest parking and label it as a parking envelope and not common open space.
7. Provide a note and show that the off-street guest parking area will be screened with five-foot tall shrubs on all three sides.
8. Label the elevations and add a note identifying the proposed building materials.
9. Provide a detail of the proposed ornamental fence.
10. Label and note the proposed percentage of tree save area for the areas shown on the site plan.
11. Modify the note under streetscape and landscaping to read, “The petitioner reserves the right to install an entrance feature at the driveway connection to Shelburne Farms Drive subject to approval by North Carolina and Charlotte Departments of Transportation.”
12. Submit an administrative request for Petition 2001-016C and reduce the number of “village residential” units by 29 units prior to the City Council decision.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System 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 5.73 acres located on the southeast corner at the intersection of West Sugar Creek Road and David Cox Road.
Petition #: 2014-031
Petitioner: Wilkison Partners, LLC

Zoning Classification (Existing): MX-3 (LLWCA) (Mixed Use District, Lower Lake Wylie Critical Area)

Zoning Classification (Requested): MX-3 (S.P.A.) (LLWCA) (Mixed Use District, Site Plan Amendment, Lower Lake Wylie Critical Area)

Acreage & Location: Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.
Previously Approved Site Plan
REQUEST
Current Zoning: R-4, single family residential
Proposed Zoning: UR-2(CD), urban residential, conditional

LOCATION
Approximately 3.72 acres located on the west side of Beatties Ford Road between Pauline Lane and Sunset Road.
(Council District 2 – Austin)

SUMMARY OF PETITION
The petition proposes an 85-unit age-restricted multi-family housing development with associated services and amenities.

STAFF RECOMMENDATION
Staff does not recommend approval of this petition in its current form. The proposed project density of 22.8 dwelling units per acre is inconsistent with the Northwest District Plan and the General Development Policies (GDP). The Northwest District Plan recommends single family residential up to four dwelling units per acre, and the General Development Policies support multi-family development at a maximum density between eight and 12 dwelling units per acre. In addition, the mass and scale of the building is not compatible with the surrounding suburban scale and pattern of development.

PROPERTY OWNER
Dewey W. III and Carolyn H. Craig

PETITIONER
The Affordable Housing Group of North Carolina, Inc./The Drakeford Company

AGENT/REPRESENTATIVE
Wesley A. Smith, EMH&T

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 11

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - An age-restricted multi-family apartment building containing 85 units, at a density of approximately 22.8 dwelling units per acre.
  - Occupancy by at least one (1) person who is 55 years of age or older and any other occupants at least 45 years of age. Up to 10% of the units may be occupied by persons the ages of 45 and older if they meet the definition of handicapped or disabled, provided verification of such is obtained.
  - Maximum building height of 55 feet and up to three stories.
  - On-site parking proposed at 0.25 spaces per dwelling unit in accordance with UR-2 (urban residential) district parking requirement for "elderly multi-family residential," for a total of 42 spaces.
  - Various amenities associated with an age restricted residential development.
  - Building materials consisting of brick, architectural windows, low maintenance board and batten, and horizontal siding.
  - Building elevations.
  - A 26-foot Class "C" buffer along property lines abutting single family residential zoning districts/uses.
  - A proposed 40-foot setback along Beatties Ford Road, exceeding the minimum 14-foot setback required in the urban residential districts.
  - A six-foot sidewalk and eight-foot planting strip along Beatties Ford Road.
  - Freestanding lighting limited to 20 feet in height.

- Existing Zoning and Land Use
  - The subject site is zoned R-4 (single family residential) and developed with a single family home. Properties surrounding this site are developed with single family attached and detached homes, multi-family, civic and fraternal, and retail and office uses in a variety of zoning district.
• **Rezoning History in Area**
  - Rezoning petition 2010-002 approved an R-8MF(CD) (multi-family residential, conditional) site plan amendment on approximately 2.0 acres located on the east side of Beatties Ford Road between Pauline Lane and Kitty Drive, in order to increase the allowed square footage for a civic, social service, and fraternal facility from 5,397 square feet to 13,250 square feet.

• **Public Plans and Policies**
  - The *Northwest District Plan* (1990) recommends single family residential up to four units per acres on this parcel.
  - The *General Development Policies* suggest that multi-family development at a density up to eight (8) dwelling units per acre is appropriate for the subject site.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category &gt; 6 up to 8 DUA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
</tr>
<tr>
<td>Land Use Accessibility</td>
<td>2 (Medium)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>2 (Low)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes, assumed)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Minimum Points Needed:** 11 **Total Points:** 11

• The *General Development Policies* provide *Opportunities and Constraints* to be considered in evaluating a site for higher density residential development. *Opportunities and Constraints* that may be considered applicable to this site and supportive of a higher density include:
  - A proposal for age-restricted senior living.
  - Site location along a transit route with frequent service.
  - In consideration of the above-referenced *Opportunities and Constraints*, staff could support a density of up to 12 units per acre, which is generally consistent with the density of other multi-family developments in the immediate area (between approximately 9.9 and 12.3 dwelling units per acre). Staff’s support for a development at a density up to 12 units per acre is subject to the petitioner satisfying staff concerns regarding building articulation, mass, and scale.

**DEPARTMENT COMMENTS** (see full department reports online)

• **Charlotte Area Transit**: No issues.

• **Charlotte Department of Neighborhood & Business Services**: No issues.

• **Transportation**: CDOT has the following comments:
  - CDOT notes that the proposed driveway location will need to be coordinated with the Beatties Ford Road frontage improvements. CDOT understands the City’s Beatties Ford Road widening project will include a raised median and therefore the proposed site’s driveway will operate with right turn-in and right turn-out traffic movements.
  - **Vehicle Trip Generation:**
    - Current Zoning: 150 trips per day.
    - Proposed Zoning: 290 trips per day.
  - **Connectivity**: No issues.

• **Charlotte Fire Department**: No issues.

• **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate eight students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing to proposed zoning is zero.

• **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

- **Land Use:** The proposed request is inconsistent with the *Northwest District Plan* and the *General Development Policies* with respect to recommended density.

- **Building Design:** The length and mass of the building are not in character with the surrounding residential neighborhood, which is primarily composed of small single family homes, townhomes, and small multi-family buildings. Concerns with the proposed building design include:
  - The proposed building is nearly 400 feet in length along its south elevation, with little in the way of articulation of the façade to visually break the building down into smaller elements. The linear brick band on the first floor only serves to further accentuate the horizontal form of the building.
  - There is little variation in the building’s roofline to create visual interest.
  - The building’s fenestration lacks variety and interest, with most windows being of the same size and type arranged in a regular pattern.

  The petitioner should:
  1. Clarify the definition of handicapped or disabled.
  2. Break the mass of the building into smaller elements with no blank wall expanses exceeding 20 feet through the use of articulation and variations in roofline.
  3. Reconfigure brick facing by incorporating some vertical elements, breaking up the long horizontal band of brick.
  4. Incorporate a variety of window sizes and configurations; for example, adding some triple and single windows rather than all double windows as now shown.
  5. Replace the shed-style dormers with gabled dormers to provide more visual interest and lessen the horizontal nature of the building mass.
  6. Commit to providing at least 30% brick on each building face.
  7. Commit to limiting the use of vinyl to windows and trim, with no vinyl to be used as siding material.
  8. Amend Note 5a to specify the proposed landscape buffer will be provided along all property lines that abut properties zoned R-4 zoning.
  9. Remove the “Building Elevation Detail” on Sheet RZ-3.0.
  10. Remove Note 5b from the site plan.
  11. Remove "No wall pak type lighting will be used" from Note 8a.
  12. The building height should be limited to a maximum of 40 feet. However, staff feels a maximum 55-foot building height may be acceptable contingent upon the petitioner addressing all design comments.
  13. Remove the note on sheet RZ-1.0 that has double asterisks and pertains to building height.

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

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
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- 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
Acreage & Location: Approximately 3.72 acres located on the west side of Beatties Ford Road between Pauline Lane and Sunset Road.
Petition #: 2014-032
Petitioner: The Affordable Housing Group of North Carolina, Inc. / The Drakeford Company

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

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

Acreage & Location: Approximately 3.72 acres located on the west side of Beatties Ford Road between Pauline Lane and Sunset Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 1-31-14.
The Affordable Housing Group of NC
4600 Park Road, Suite 390
Charlotte, NC 28209
PH: (704) 342-3316

PRELIMINARY

March 20, 2014

RZ-3.0

None

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NC
REZONING PLAN
FOR
MAGNOLIA GARDENS

1. INTRODUCTION

The Affordable Housing Group of NC (AHG) has filed a preliminary rezoning petition to rezone the property located at 2014-0154, a single-family residence, from R1-2 to R1-3. This rezoning is intended to permit the construction of additional housing units on the property.

2. EXHIBITS

The exhibits included with this petition include a site plan, a plot plan, and a grading plan. These plans provide a detailed view of the property and its proposed development.

3. DEVELOPMENT

The proposed development includes the construction of a new, two-story single-family residence with a total of 2,000 square feet of living space. The structure will be designed to meet the requirements of the R1-3 residential zone, including setbacks and lot sizes.

4. ENVIRONMENTAL IMPACT

The development is expected to have minimal environmental impact due to its size and location. The property is zoned for residential use and is not situated near any sensitive areas such as wetlands or streams.

5. LANDSCAPING

The landscaping plans include the creation of a small garden area with native plants and a front yard with a sidewalk and driveway.

6. CONSTRUCTION

Construction of the new residence is expected to begin shortly after the approval of this rezoning petition. The construction process will be monitored to ensure compliance with all local building codes and regulations.

7. PUBLIC HEARING

A public hearing will be scheduled to allow interested parties to provide comments on the proposed rezoning and development.

The Affordable Housing Group of NC looks forward to working with the City of Charlotte to ensure the successful completion of this project.
REQUEST  
Text amendment to Table 9.101 and Section 9.8503 of the Zoning Ordinance

SUMMARY OF PETITION  
The petition proposes to:
1) allow stadiums, coliseums and arenas as uses permitted under prescribed conditions in the mixed use development (MUDD) district; and  
2) correct the Table of Uses for stadiums and coliseums that are currently permitted under prescribed conditions, in the uptown mixed use (UMUD) zoning district.

STAFF RECOMMENDATION  
Staff recommends approval of this petition. This petition is consistent with the Centers, Corridors and Wedges Growth Framework goals.

PETITIONER  
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE  
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING  
Meeting is not required.

PLANNING STAFF REVIEW  

- Background  
  - Stadiums, coliseums and/or arenas are permitted by right in the transit oriented development (TOD) zoning districts and under prescribed conditions in the urban residential (UR-1, UR-2 and UR-3); urban residential-commercial (UR-C) district; institutional (INST) district; general business (B-2); research (RE-1, RE-2, and RE-3); uptown mixed use (UMUD); urban industrial (U-I); and industrial (I-1 and I-2) zoning districts. The urban residential (UR-1, UR-2 and UR-3); urban residential-commercial (UR-C); general business (B-2); research (RE-1, RE-2, and RE-3); and industrial (I-1 and I-2) zoning districts limit the number of seats to no more than 5,000 seats.
  - Stadiums, coliseums and arenas are currently not permitted in the mixed use development (MUDD) zoning district. Upon review of where these uses are currently permitted, staff recommends allowing these uses in this additional district.

- Proposed Request Details  
  The text amendment contains the following provisions:
  - Allows stadiums, coliseums and arenas in the mixed use development (MUDD) zoning district.
  - Adds new prescribed conditions for stadiums, coliseums and arenas in the mixed use development (MUDD) zoning district:
    - Primary access to the site shall be from a non-residential street.
  - Corrects the Table of Uses for stadiums and coliseums for the uptown mixed use (UMUD) zoning district.

- Public Plans and Policies  
  - This petition is consistent with the Centers, Corridors and Wedges Growth Framework goal to provide a range of entertainment choices and the guiding principles to revitalize economically challenged business areas.

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 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
• 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:  
**Stadiums, Coliseums and Arenas**

4-16-14

**Purpose/Background:** The purpose of this text amendment is to allow stadiums, coliseums and arenas as uses permitted under prescribed conditions in the mixed use development (MUDD) zoning district and corrects the Table of Uses.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>None.</td>
<td>Add stadiums, coliseums and arenas as a use permitted under prescribed conditions in the mixed use development (MUDD) zoning district.</td>
<td>Stadiums and coliseums are currently allowed in the urban residential (UR-1, UR-2, UR-3, and UR-C); institutional, research (RE-1, RE-2, and RE-3); general business (B-2); uptown mixed use (UMUD); transit oriented development (TOD); urban industrial (U-I); and industrial (I-1 and I-2) districts. Allowing them in the MUDD district is consistent with these districts.</td>
</tr>
<tr>
<td>None</td>
<td>Add the prescribed condition that primary access to the site shall be from a non-residential street.</td>
<td>Access should be limited to non-residential streets.</td>
</tr>
</tbody>
</table>
| Stadiums, and arenas are permitted under prescribed conditions in the uptown mixed use district (UMUD) | Unchanged.  
- Corrects the Table of Uses with the abbreviation, “PC” for allowed under prescribed conditions.  
- Corrects the inaccurate spelling of coliseums. | Corrects entry to match language elsewhere in the Zoning Ordinance, and corrects spelling error. |
Petition No.  2014-038
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 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

   a. Amend Table 9.101, “Table of Uses” by 1) adding “PC” in the MUDD column under the “stadiums, colisums (misspelled)” row listed under the “Institutional Uses” header; 2) correct the spelling of “coliseums” in the same row and 3) add “PC” under the UMUD heading for “stadiums, coliseums”, as these uses are currently permitted under prescribed conditions in Section 9.903(6), but are not shown in the table with “PC”. The revised and new entry shall read as follows:

<table>
<thead>
<tr>
<th>INSTITUTIONAL USES</th>
<th>MUDD</th>
<th>UMUD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stadiums, colisums, coliseums</td>
<td>PC</td>
<td>PC</td>
</tr>
</tbody>
</table>

2. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

   a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions” by adding “stadiums, coliseums, and arenas” as a new use, with prescribed conditions. The new listing shall be added in alphabetical order and shall read as follows:

   Stadiums, coliseums and arenas, provided that primary access for the development site shall be provided from non-residential streets.

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. 

________________________