City of Charlotte

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

Zoning Agenda

Monday, December 14, 2015

Council Chambers

City Council Zoning Meeting

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

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org
1. Dinner Meeting Agenda
   1. Agenda Review - Tammie Keplinger

2. Follow Up Report

3. Upcoming Cases of Special Interest
ZONING DECISIONS

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

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

Current Zoning: B-1SC (business shopping center)
Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

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

- The plan recommends retail uses for this site.

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

- Office, retail, EDEE (eating, drinking and entertainment establishments), and personal services are permitted uses in the CC (commercial center); and
- The proposed building constructed on the site will be architecturally compatible with the rest of the York Ridge Shopping Center; and
- The proposed use does not create additional impervious surface area.
5. **Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC**

**Update: Protest Petition (Sufficient)**

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

**Current Zoning:** R-3 (single family residential)

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

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

**Staff Recommendation:**
Staff agrees with the recommendation of the majority of the Zoning Committee.

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

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

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

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

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

**Current Zoning:** O-2 (CD) (office district, conditional)
**Proposed Zoning:** MUDD-O (mixed use development district, optional)

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

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

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

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

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

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

- The petition proposes a mixture of hotel rooms and residential units; and
- Provides a new local street that is identified in the adopted area plan as a desired connection; and
- Provides buffers abutting multi-family residential uses; and
- Use of vertical elements, façade modulation and varying building height/roof pitches to break up visual mass and bulk of the building; and
- Primary building entrance oriented to University Executive Park Drive, including direct sidewalk connections and public open space, to provide a walkable environment.
7. **Rezoning Petition: 2015-119 by Mary Cuthbertson**

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

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

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

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

**Staff Recommendation**
Staff agrees with the recommendation of the Zoning Committee.

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

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

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

- The subject site is within ¼ mile walk of the I-485 Transit Station on the LYNX Blue Line; and
- The subject site is divided into two parcels, one of which is unbuildable in its current configuration. A rezoning to R-8 would allow the parcels to be reconfigured into two buildable lots; and
- The proposed zoning is consistent with current zoning of most of the other residential parcels along and off China Grove Church Road; and
- The proposed zoning will help to maintain the low to moderate density residential character of the Sterling neighborhood.
8. Rezoning Petition: 2015-127 by Roger and Kathe Ball

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

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

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

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

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

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

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

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

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

   **Staff Recommendation:**
   Staff recommends approval of this petition.

10. **Rezoning Petition: 2015-129 by Doug Bradley**
    
    **Location:** Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue. (Council District 1 - Kinsey)

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

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

11. **Rezoning Petition: 2015-128 by Cousins Acquisition Entity, LLC**
    
    **Location:** Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road. (Council District 3 - Mayfield)

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

    **Staff Recommendation:**
    Staff recommends approval of this petition upon resolution of outstanding issues.

12. **Rezoning Petition: 2015-131 by Synco Properties**
    
    **Location:** Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road. (Council District 6 - Smith)

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

    **Staff Recommendation:**
    Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and requested technical revisions.
13. **Rezoning Petition: 2015-090 by Copper Builders, Inc.**

*Update: Protest Petition (Sufficient)*

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition.


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

**Current Zoning:** CC (commercial center)

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

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

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

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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues.


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

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

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

**Staff Recommendation:**
Staff recommends approval of this petition upon resolution of outstanding issues.
17. Rezoning Petition: 2015-118 by Pavillion Development Company

Update: Protest Petition (Sufficient)

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

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

Staff Recommendation: Staff does not recommend approval of this petition.

18. Rezoning Petition: 2015-092 by QuikTrip Corporation

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

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

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


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

Staff Recommendation: Staff recommends approval of this petition.


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

Current Zoning: R-3 (single family residential), R-12MF (multi-family residential) and B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: NS (neighborhood services) 5-year Vested Rights and MX-1 (INNOV) 5-year Vested Rights (mixed use, innovative)

Staff Recommendation: Staff recommends approval of this petition upon resolution of outstanding issues.
21. **Rezoning Petition: 2015-123 by Bainbridge Communities Acquisition I, LLC**

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

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

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

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

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

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

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

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

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

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

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

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

**Proposed Zoning:** NS (neighborhood services)

**Staff Recommendation:**
Staff recommends denial of this petition.
Dinner Meeting Agenda

1. Agenda Review - Tammie Keplinger
1. Agenda Review – Tammie Keplinger

MISCELLANEOUS REQUESTS AND INFORMATION

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Update</th>
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<tbody>
<tr>
<td>5</td>
<td>2015-078</td>
<td><strong>Taylor/Theus Development Holdings, LLC</strong> – Northwest corner at the intersection of Ardrey Kell Road and Community House Road</td>
<td>Decision –</td>
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<td>• Protest Petition sufficient.</td>
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<tr>
<td>13</td>
<td>2015-090</td>
<td><strong>Copper Builders, Inc</strong> – North side of Pineville-Matthews Road between Read Road and Windswept Drive.</td>
<td>Hearing –</td>
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<td>• Protest Petition sufficient.</td>
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<tr>
<td>17</td>
<td>2015-118</td>
<td><strong>Pavilion Development Company</strong> – Northeast corner at the intersection of Nations Ford Road and Tyvola Road</td>
<td>Hearing –</td>
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<td>• Protest Petition sufficient.</td>
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</tbody>
</table>
Follow Up Report
Roger and Kathe Ball – located on the northwest corner at the intersection of Winnifred Street and West Bland Street.

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

Staff Response: The pedestrian access from this site to the Bland Street Station is provided by continuous sidewalks along Bland Street and the rail trail, with signalized crosswalks at every street crossing. The sidewalks along Bland Street are standard, but are expected to be widened and moved away from the back of the curb through incremental redevelopment. The total walk distance is ¼ mile.
Upcoming Cases of Special Interest
<table>
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<tr>
<th>Petition</th>
<th>Petitioner</th>
<th>Council District</th>
<th>Location</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>2015-058</td>
<td>Childress Klein</td>
<td>6 – Smith</td>
<td>Southwest corner at the intersection of Morrison Boulevard and Sharon Road.</td>
<td>Rezoning from R-3 (single family residential) and B-1SCD (neighborhood shopping center) to MUDD-O (mixed use development, optional) with five year vested rights, in order to allow up to 170,000 square feet of gross floor area of office, retail, restaurant, personal services and other commercial uses; hotel uses for up to 175 rooms; up to 450 residential dwelling units of all types; indoor recreation uses of up to 20,000 square feet of gross floor area; and religious institutions on Development Areas A, B, and C. Requested Optional provisions pertain to loading access; parking; signage; recessed doors; bike parking; location of certain accessory uses; private street cross-section; gross floor area; and cell tower.</td>
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<tr>
<td>2015-093</td>
<td>1531 Woodlawn (Melrose)</td>
<td>1 – Kinsey</td>
<td>South side of Drexel Place and north side of Woodlawn Road</td>
<td>Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. Requested optional provision pertains to signage.</td>
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<tr>
<td>2015-116</td>
<td>Hwy. 521 Partners, LLC</td>
<td>7 – Driggs</td>
<td>Intersection of Providence Road West and Johnston Road.</td>
<td>Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms.</td>
</tr>
<tr>
<td>2015-121</td>
<td>CitiSculpt</td>
<td>6 – Smith</td>
<td>Sharon Road, west of Sharon Hills Road and east of Sharon Acres Road.</td>
<td>Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) with five year vested rights, to allow up to 160 age restricted dependent and/or independent living units/beds (nursing home, rest home, home for the aged, elderly, and disabled) together with accessory uses, as allowed in the UR-2 (urban residential) zoning district.</td>
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<tr>
<td>2015-126</td>
<td>Parkwood Residences, LLC</td>
<td>1 – Kinsey</td>
<td>North side of Parkwood Avenue at North Caldwell Street</td>
<td>Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum).</td>
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<tr>
<td>2016-002</td>
<td>Mosaic Village Holdings, LLC</td>
<td>2 – Austin</td>
<td>West side of West Trade Street and south of South Bruns Avenue</td>
<td>Rezoning from R-8 (single family residential) and B-1 PED (neighborhood business, pedestrian overlay) to R-8(CD) (single family residential, conditional) and B-1 PED(O) (neighborhood business, pedestrian overlay, optional) to allow an additional 13 feet of height in order to enclose a portion of the existing roof terrace on top of the parking deck. Requested optional provision pertains to height.</td>
</tr>
<tr>
<td>2016-005</td>
<td>WP Acquisitions, LLC</td>
<td>1 – Kinsey</td>
<td>East side of North Brevard Street between East 24th and East 25th Streets.</td>
<td>Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet.</td>
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<tr>
<td>2016-015</td>
<td>FCD-Development, LLC</td>
<td>1 – Kinsey</td>
<td>Northwest corner at the intersection of North Caswell Road and East 7th Street.</td>
<td>Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet.</td>
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<tr>
<td>Petition</td>
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<td>2014-019</td>
<td>Carolina Development Services, LLC</td>
<td>4 – Phipps</td>
<td>West corner of the intersection at Mallard Creek Road and Salome Church Road.</td>
<td>CC SPA (commercial center, site plan amendment) to allow up to 380 multi-family residential dwelling units at a density of 14.34 units per acre. This request was a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report. The petition was presented as a conventional rezoning request at the February 17, 2014 City Council meeting. The Planning Department was originally the applicant, and staff has been working with the property owner to develop a site plan for the property. The property owner has taken on the role of applicant and converting the rezoning to a conditional request, resulting in a new public hearing.</td>
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<tr>
<td>2015-092</td>
<td>QuikTrip Corporation</td>
<td>5 – Autry</td>
<td>Northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza.</td>
<td>Rezoning from R-4 (single family residential) and B-1(CD) (neighborhood business, conditional) to B-1(CD) (neighborhood business, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow a convenience store with gasoline sales and accessory uses.</td>
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<tr>
<td>2015-093</td>
<td>1531 Woodlawn (Melrose)</td>
<td>1 – Kinsey</td>
<td>South side of Drexel Place and north side of Woodlawn Road</td>
<td>Rezoning from UR-3(CD) (urban residential, conditional) and R-4 (single family residential) to MUDD-O (mixed use development, optional) to allow up to 265 multifamily residential dwelling units. With a maximum building height of 60 feet and three (3) stories. Requested optional provision pertains to signage.</td>
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<tr>
<td>2015-101</td>
<td>Kolter Acquisitions, LLC</td>
<td>Outside City Limit</td>
<td>Northwest corner at the intersection of Rocky River Church Road and Albemarle Road.</td>
<td>Rezoning from R-3 (single family residential), R-12MF (multi-family residential), and B-1(CD) (neighborhood business, conditional) to MX-1 (Innov) (mixed use, innovative) and NS (neighborhood services) with five year vested rights, to allow up to 290,000 square feet of gross floor area of retail, general and medical office uses; eating drinking entertainment establishments (EDEE); personal services; and other commercial uses; a continuing care retirement community with up to 230 units. Proposed maximum building height will be limited to four (4) stories and 60 feet.</td>
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<tr>
<td>2015-107</td>
<td>D.R. Horton</td>
<td>2 – Austin</td>
<td>South side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway.</td>
<td>Rezoning from INST(CD) (institutional, conditional) and MX-2 (Innov) (mixed use, innovative) to MX-2(Innov) (mixed use, innovative, site plan amendment) to allow up to 103 townhome units.</td>
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<tr>
<td>2015-118</td>
<td>Pavilion Development Co.</td>
<td>3 – Mayfield</td>
<td>Northeast corner at the intersection of Nations Ford Road and Tyvola Road.</td>
<td>CC SPA (commercial center, site plan amendment) to allow a 3,010 square-foot convenience store with fuel sales, and a 2,500 square-foot commercial building.</td>
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<tr>
<td>2015-120</td>
<td>Grubb Properties</td>
<td>6 - Smith</td>
<td>Bounded by Park Road, Abbey Place, Hedgemore Drive and Mockingbird Lane.</td>
<td>Rezoning from O-1 (office) to MUDD-O (mixed use development district, optional) with five (5) year vested rights, to allow up to 600,000 square feet of commercial uses (inclusive of 228,324 square feet of existing office uses) and up to 450 residential units, with conversion rights and a proposed maximum building height of 120 feet. Requested optional provisions pertain to parking, signage, recessed doorways,</td>
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<tr>
<td>Case Number</td>
<td>Applicant</td>
<td>Location</td>
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<tr>
<td>2015-122</td>
<td>David Weekley Homes</td>
<td>West side of North Community House Road, north of Bryant Farms Road and south of Brianwick Lane.</td>
<td>Rezoning from R-3 (single family residential) to MX-2 (mixed use) with five (5) year vested rights to allow to allow 95 residential units (68 townhomes, 27 single family detached lots) at a density of 6.25 dwelling units per acre. Streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the “base” of the building.</td>
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<tr>
<td>2015-123</td>
<td>Bainbridge Communities</td>
<td>West side of South Boulevard, north of Poindexter Drive.</td>
<td>Rezoning from I-2 (general industrial) and TOD-M (transit oriented development-mixed use) to TOD-R-O (transit oriented development, residential, optional) to allow up to 200 multifamily dwelling units and accessory uses. Proposed maximum building height is seven (7) stories. Requested optional provision pertains to maximum building height.</td>
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<tr>
<td>2015-128</td>
<td>Cousins Acquisition Entity, LLC</td>
<td>Bounded by South Tryon Street, Camden Road, and West Park Avenue.</td>
<td>Rezoning from TOD-M (transit oriented development-mixed use), B-1 (neighborhood business), and MUDD-O (mixed use development, optional) to TOD-M-O (transit oriented development, mixed use, optional) with five year vested rights to allow up to 285,000 square feet of gross floor area of office uses, which will include vertically integrated ground floor retail, restaurant, and/or personal services uses in an amount not to exceed 25,000 square feet of gross floor area of the total 285,000 square feet of uses, and other accessory uses. Proposed maximum building will be of up to 37 feet higher than the building height allowed in the TOD-M-O (transit oriented-mixed use, optional) district. Requested optional provisions pertain to maximum building height; mechanical equipment screening; non-structured parking uses; signage; and gross floor area.</td>
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<tr>
<td>2015-131</td>
<td>Synco Properties</td>
<td>Southwest corner at the intersection of Colony and Sharon Roads.</td>
<td>Rezoning from R-17MF(CD) (multi-family residential) to MUDD-O (mixed use development district, optional) to allow up to 1,100 residential units, 250,000 square feet of office uses, 225 hotel rooms, and 300,000 square feet of retail. Proposed maximum building height of 160 feet within certain areas of development. Requested optional provisions pertain to parking; building height; streetscape; location of water quality and stormwater detention facilities, recessed entrances; innovative street designs; definition of the “base” of the building; drive-through service as an accessory to a bank or financial institution; and signage.</td>
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<tr>
<td>2015-133</td>
<td>BRC Salome Church LLC</td>
<td>West side of Salome Church Road, north of North Tryon Street and east of I-485.</td>
<td>Rezoning from R-3 (single family residential) and R-22MF (multi-family residential) to R-12MF(CD) to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) at a density of 11.07 units per acre. Maximum building height will not exceed three (3) stories or 48 feet. Streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the “base” of the building.</td>
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<tr>
<td>2016-003</td>
<td>Eastern Hospitality</td>
<td>East side of Nations Ford Road, north of Tyvola Road, and west of I-77.</td>
<td>CC SPA (commercial, site plan amendment) to allow office or a hotel on Parcels 1 and 2. Approved site plan restricts uses on Parcels 1 and 2 to office only. Streetscape requirements, location of water quality and stormwater detention facilities, location of backflow prevention devices, and definition of the “base” of the building.</td>
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</table>
## February Hearings (20 scheduled)

<table>
<thead>
<tr>
<th>Petition</th>
<th>Petitioner</th>
<th>Council District</th>
<th>Location</th>
<th>Description</th>
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<tr>
<td>2014-117</td>
<td>Fairview Plaza JLC, LLC</td>
<td>6 – Smith</td>
<td>East side of Park South Drive near the intersection of Fairview Road and Park South Drive, also abutting Piedmont Row Drive South.</td>
<td>Rezoning from O-3(CD) (office, conditional) to MUDD-O (mixed use development, optional) to allow up to 400 multi-family dwelling units; 300 hotel rooms; up to 75,000 square feet of gross floor area devoted retail uses and to eating drinking and entertainment establishments; up to 125,000 square feet of gross floor area devoted to professional business and general offices. Requested optional provisions pertain to building height; recessed doors and building entrances; and use of reflective glass.</td>
</tr>
<tr>
<td>2015-116</td>
<td>Hwy. 521 Partners, LLC</td>
<td>7 – Driggs</td>
<td>Southwest corner at the intersection of Providence Road West and Johnston Road.</td>
<td>Rezoning from O-1(CD) (office, conditional) to CC (commercial center) to allow bank office, retail, grocery store, restaurant uses and a hotel with up to 123 rooms.</td>
</tr>
<tr>
<td>2015-126</td>
<td>Parkwood Residences, LLC</td>
<td>1 – Kinsey</td>
<td>North side of Parkwood Avenue bounded by North Caldwell Street, East 21st Street and North Brevard Street</td>
<td>Rezoning from I-1 (light industrial) and I-2 (general industrial) to TOD-R(CD) (transit oriented development, residential, conditional) to allow up to 351 multi-family dwelling units at a density of 101.74 units per acre with a proposed building height of 85 feet (120 feet maximum).</td>
</tr>
<tr>
<td>2016-005</td>
<td>WP Acquisitions, LLC</td>
<td>1 – Kinsey</td>
<td>East side of North Brevard Street between East 24th and East 25th Streets.</td>
<td>Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented-mixed, conditional) to allow up to 280 multi-family dwelling units and accessory uses, with a maximum building height of 120 feet.</td>
</tr>
<tr>
<td>2016-007</td>
<td>City of Charlotte</td>
<td>5 – Autry</td>
<td>West side of Wilora Lake Road, north of Hollyfield Drive on property what used to be the old Eastland Mall Site.</td>
<td>Rezoning from B-1SCD (business shopping center), O-15 (office, conditional), and MUDD-O (mixed use development, optional) to R-4 (single family residential) to allow all uses in the R-4 (single family residential) district.</td>
</tr>
<tr>
<td>2016-008</td>
<td>City Center Hotel, Inc.</td>
<td>4 – Phipps</td>
<td>West side of Collins-Aikman Drive, east of Brentmoor Drive.</td>
<td>Rezoning from B-2(CD) (general business, conditional) and O-2 (office, conditional) to B-2(CD) (general business, conditional) and B-2(CD) SPA (general business, conditional) to allow up to 392 residential units and 15,000 square feet of retail and/or restaurant space in Area A; and up to 100 residential units, up to 75,000 square feet of retail and/or restaurant space up to 200,000 square feet of office space, and two (2) limited service hotels with up to 300 rooms in Area B. Development standards for conversion rates with respect to office and hotel rooms; and provisions for mix of uses in buildings.</td>
</tr>
<tr>
<td>2016-014</td>
<td>Blanchard Family (NC) LLC</td>
<td>6 – Smith</td>
<td>East side of Carmel Road, south of Carmel Hills Drive and north of Shadowlake Drive.</td>
<td>Rezoning from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 40 attached dwelling units and one (1) detached dwelling unit together with accessory uses.</td>
</tr>
<tr>
<td>Case Number</td>
<td>Developer</td>
<td>Location</td>
<td>Description</td>
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<tr>
<td>2016-015</td>
<td>FCD-Development, LLC</td>
<td>Northwest corner at the intersection of North Caswell Road and East 7th Street.</td>
<td>Rezoning from NS (neighborhood services) to MUDD(CD) (mixed use development, conditional) to allow up to 150 multifamily residential units, with maximum building height of 60 feet.</td>
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<tr>
<td>2016-016</td>
<td>FCD-Development, LLC</td>
<td>West side of North Davidson Street and north of East 26th Street.</td>
<td>Rezoning from I-2 (general industrial) to TOD-M(CD) (transit oriented development-mixed, conditional) and TOD-M (transit oriented development-mixed) to allow all uses permitted in the TOD-M (transit oriented development-mixed) district together with any incidental or accessory uses. Building height not to exceed 60 feet.</td>
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<tr>
<td>2016-022</td>
<td>Phillip W. McLamb</td>
<td>North side of Central Avenue, west of Landis Avenue and east of Nandina Street.</td>
<td>Rezoning from B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional) to allow operation of a brewery. Proposed optional provisions pertain to additional outdoor space and building encroachment into the setback.</td>
<td></td>
</tr>
<tr>
<td>2016-025</td>
<td>BNA Homes, LLC</td>
<td>North side of South Tryon Street, east of Wrights Ferry Road and west of Steelecroft Parkway.</td>
<td>Rezoning from R-3 (single family residential) to R-12MF(CD) (multi-family residential conditional) and BD(CD) (distributive business, conditional) to allow up to 74 townhomes and a climate controlled storage facility.</td>
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</tr>
<tr>
<td>2016-026</td>
<td>Hopper Communities</td>
<td>North side of Wesley Heights Way, west of Duckworth Avenue and east of Walnut Avenue.</td>
<td>Rezoning from R-8 (single family residential), UR-3(CD) PED-O (urban residential, conditional, pedestrian overlay), and UR-3(CD) (urban residential, conditional) to UR-3(CD) PED-O (urban residential, conditional, pedestrian overlay and UR-3(CD) SPA PED-O (urban residential, conditional, site plan amendment, pedestrian overlay) to allow up to 85 attached dwelling units.</td>
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</tr>
<tr>
<td>2016-027</td>
<td>Linda Pistone</td>
<td>East side of Statesville Road, north of Old Statesville Road.</td>
<td>Rezoning from I-1(CD) (light industrial, conditional) to I-1 (light industrial) in order to allow all uses in the I-1 (light industrial) district.</td>
<td></td>
</tr>
<tr>
<td>2016-030</td>
<td>Johnson Development Associates, Inc.</td>
<td>East side of Park Road and south side of Mockingbird Lane.</td>
<td>Rezoning from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow up to 360 multi-family dwelling units and up to 17,000 square feet of gross floor area devoted to retail, EDEE (eating drinking entertainment establishments), general and medical offices, and personal service uses. Maximum building height not to exceed 80 feet (six stories). Proposed optional provisions pertain to signage, recessed doors, and parking.</td>
<td></td>
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</tbody>
</table>
Agenda #: 4. File #: 15-1990 Type: Zoning Decision

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

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

Current Zoning: B-1SC (business shopping center)
Proposed Zoning: B-1 (CD) (neighborhood business, conditional)

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

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

- The plan recommends retail uses for this site.

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

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

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning:  B-1SCD (business shopping center)
Proposed Zoning:  B-1(CD) (neighborhood business, conditional)

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

SUMMARY OF PETITION
The petition proposes to allow up 10,000 square feet of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.

PROPERTY OWNER
PMT Partners V, LLC

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

- The plan recommends retail uses for this site.

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

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

By a 6-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Nelson).

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:

1. The language in the Site Data Table has been amended to prohibit a convenience store with gasoline sales and an automobile service station with gasoline sales.

2. The parking information in the Site Data Table has been amended to specify that the rezoning site will be looked at as part of the York Ridge Shopping Center for the purposes of calculating required parking for the allowed uses. Parking will be provided at the rate of one space per 250 square feet of gross floor area. Parking for the site may be located on the area zoned B-1 (neighborhood business) as well as portions of the site zoned B-1SCD (shopping center).

3. Permitted Uses and Development Area Limitation Note 2.a. has been amended to read: “The site may be developed with 10,000 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1 zoning district, including without limitation, personal service uses as defined below and one fast food restaurant with an accessory drive-through window, subject, however, to the restrictions and requirements in section 2.b. and 2.c. below.”

4. Permitted Uses and Development Area Limitation Note 2.b. has been modified to read: “In no event shall a convenience store with
5. Language defining “gross floor area” or “GFA” has been removed from paragraph under Permitted Uses and Development area Limitation Note 2.b.

6. Permitted Use and Development Area Limitation Note 2.c. has been added to read: “Administrative Amendment as to Adjacent York Ridge Shopping Center. Prior to issuance of a building permit for the uses permitted on the Site as described in Section 2a. above, the Petitioner shall have received approval from the Planning Department of an administrative site plan amendment associated with the Conditional Rezoning Plan/Petition governing the adjacent York Ridge Shopping Center stating that:

   I. the total combined gross floor area of the uses located on the adjacent York Ridge Shopping Center and the Site (including the pending approval uses) does not exceed 120,000 square feet;

   II. in the event that a restaurant with an accessory drive-through window is constructed and operational on the site as allowed in Section 2.a. above, the adjacent York Ridge shopping Center shall not be allowed to contain a restaurant with an accessory drive through window;

   III. no convenience store with gasoline sales or automotive service station with gasoline sales will be permitted; and

   IV. if the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.”

7. Notes have been removed related to minimum ordinance requirements for: Access and Transportation, Environmental Features, Streetscape, Buffers, Yards, and Landscaping, and Signage.

8. Streetscape, Buffers, Yards, and Landscaping Note 5.d. has been amended to read “Storm water and water quality structures may be located within the setback/buffers established along S. Tryon Street as generally depicted on the rezoning plan (the existing BMP is located in the setback).”

9. “Alternate Plan” has been modified to show a building footprint with a (new) possible drive-through service window.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.
PLANNING STAFF REVIEW

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

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 10,000 square feet of gross floor area of office, retail, EDEE (eating drinking entertainment establishments), personal services and other commercial uses as allowed in the B-1 (neighborhood business) zoning district.
  - Prohibits a convenience store with gasoline sales use, or an automobile service station.
  - Commits to filing an administrative amendment and receiving approval prior to issuance of a building permit that:
    - Restricts total combined gross floor area of the uses located on adjacent York Ridge Shopping Center and rezoning site to 120,000 square feet;
    - In the event an EDEE (eating drinking entertainment establishment) with an accessory drive-through window is constructed and operational on the site, the adjacent York Ridge Shopping Center will not be allowed to contain an EDEE (eating drinking entertainment establishment) with an accessory drive-through window;
    - Prohibits a convenience store with gasoline sales use, or an automobile service station with gasoline sales on the site;
    - If the corner parcel at the intersection of Tryon Street and Moss Road is reconstructed, the new building will contain materials compatible with the primary shopping center building on the site.
  - Provides an "Alternate Plan" that shows proposed building footprint with an accessory drive-through service window.
  - Commits to acquiring an administrative approval request accurately reflecting permitted and prohibited uses, maximum square footage, and required parking for the overall shopping center prior to the issuance of building permits.
  - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
  - Buildings will be architecturally compatible with the existing shopping center.
  - Maximum of one (1) principal building.
  - Modifications to existing shopping center parking lot to accommodate the new use and vehicular circulation.
  - Modifications to an existing driveway on South Tryon Street.
  - Provides a new sidewalk connecting the proposed parking area to the existing sidewalk along South Tryon Street.
  - Provides a 35-foot building setback along South Tryon Street where 20 feet is required per the B-1 (neighborhood business) district. Current B-1SCD (business shopping center) zoning requires a 35-foot setback, and the proposed 35-foot setback will provide for uniformity with existing buildings.
  - Maintains the existing 50-foot buffer along the eastern property boundary.
  - Retains the existing sidewalk and planting strip along the project frontage on South Tryon Street.
• Detached lighting limited to 25 feet in height. All new lighting shall be full cut-off type fixtures.

• **Public Plans and Policies**
  • The *Steele Creek Area Plan* (2012) recommends retail uses for the northeast corner of South Tryon Street and Moss Road.

**Transportation Considerations:** No issues.

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

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

**OUTSTANDING ISSUES**

• No issues.

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

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

**Planner:** Claire Lyte-Graham  (704) 336-3782
Acreage & Location: Approximately 12.25 acres located on the northeast corner at the intersection of South Tryon Street and Moss Road.
Petition #: 2015-054
Petitioner: PMT Partners V, LLC

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

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

Acreage & Location: Approximately 1.56 acres located on the north side of South Tryon Street near the intersection of Moss Road and South Tryon Street.
Rezoning Petition: 2015-078 by Taylor/Theus Development Holdings, LLC

Update: Protest Petition (Sufficient)

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

Current Zoning: R-3 (single family residential)
Proposed Zoning: BD (CD) (distributive business, conditional)

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

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

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

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

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

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

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
Site Plan
REQUEST  
Current Zoning: R-3 (single family residential)  
Proposed Zoning: BD(CD) (distributive business, conditional)

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

SUMMARY OF PETITION  
The petition proposes to allow the development of a climate controlled storage building and general/medical office uses.

PROPERTY OWNER  
Robert D. Ross and Claudia T. Ross

PETITIONER  
Taylor/Theus Development Holdings, 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: 51

STATEMENT OF CONSISTENCY  
This petition is found to be inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

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

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

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

By a 5-1 vote of the Zoning Committee (motion by Wiggins seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION  
The Zoning Committee voted 5-1 to recommend APPROVAL of this petition with the following modifications and the petitioner's commitment to address one outstanding issue:

1. Staff rescinded the request for the petition to consider a different site layout because the petitioner provided staff with several layout options and it staff determined that the layout as proposed was the best option for internal pedestrian and vehicular circulation, efficient use of the site, and buffering and screening.
2. Deleted note C. IV. and amended note C. IV. to reflect the addition of the building envelope.
3. Provided a rear elevation of the building located in Area B showing the view from Community House Road.
4. Provided a note committing to the provision of supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a "Class C" buffer to ensure that the building is completely screened from Purchase Street.
5. Removed the phrase "(including, without limitation, financial institution uses)" from note 1. A.
6. Specified that windows facing Ardrey Kell and Community House Road will be clear glass within development Area A.
7. Replaced the existing five-foot sidewalk and two-foot planting strip along Ardrey Kell Road with an eight-foot planting strip (width of planting strip may vary to avoid existing utility poles) and six-foot sidewalk from the intersection of Community House Road and Ardrey Kell Road to the driveway into the site. The existing five-foot sidewalk and six-foot planting strip from the driveway to the western property is sufficient in width and shall remain.

8. Provided a pedestrian connection, across the private driveway from the building in Area B, to the sidewalk network in Area A.

9. Amended Note 9. C. to read, “Wall pak lighting will not be allowed. However, other lighting fixtures that are decorative capped and downwardly directed will be allowed on the proposed buildings walls.

10. Reduced the sign height and area specified in Note 8.c. to limit the height of ground mounted signs on Community House Road to four feet and not to exceed 32 square feet in area.

11. Committed to amending the language of note 5.g. to say the width of the planting strip may be increased to avoid existing utility poles.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

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

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

A commissioner asked what other commercial developments there are along Community House Road between Ardrey Kell Road and Ballantyne Commons Parkway. Staff responded that they were not sure but could provide an answer at a future meeting. The commissioner was concerned that this section of Community House Road has a residential feel and this rezoning could start to change that feel. A
commissioner asked if CDOT would allow a cul-de-sac with one way in and out. Staff responded that other standards such as the Subdivision Ordinance requirements would be a factor. A commissioner stated that they felt that a single family developer would have a hard time making a viable project on the site.

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

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

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

MINORITY OPINION

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

STAFF OPINION

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

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Proposes two development areas (Area A, along Ardrey Kell Road, and Area B, along Community House Road).
  - Allows up to 32,500 square feet of gross floor area for medical and general office uses within Area A and up to 105,000 square feet of gross floor area of climate controlled storage uses within Area B.
  - Allows up to four principal buildings on the site.
  - Prohibits outdoor storage and truck rental associated with the climate controlled storage facility.
- Limits the maximum building height in Area A to two stories not to exceed 40 feet and the maximum building height in Area B to three stories not to exceed 40 feet.
- Specifies the climate controlled storage use must be located within development Area B.
- Provides access to the site via a driveway off Community House Road, north of Purchase Street, and a driveway off Ardrey Kell Road between Wade Ardrey and Community House Roads.
- Commits to the extension of the east bound left-turn lane on Ardrey Kell Road and restriping of the southbound left-turn lane on Community House Road.
- Maintains the planting strips and sidewalks along Community House Road and a portion of Ardrey Kell Road, replaces the portion of the planting strip and sidewalk along Ardrey Kell Road between the proposed driveway and the intersection with Community House Road with a minimum eight-foot planting strip, six-foot sidewalk, and provides an internal sidewalk network linking buildings and parking areas to the public streets.
- Specifies that loading for the storage facility will not be located facing Community House and Ardrey Kell Roads. Prohibits parking between the buildings in Area A and the public streets.
- Provides a 40-foot setback along Community House Road and 15-foot setback along Ardrey Kell Road.
- Specifies that the majority of the existing trees within the 40-foot setback on Community House Road within Area B will be preserved and provides a landscaping screen for the parking in Area B. Commits to supplemental plantings, in addition to the tree save area, within the 40-foot setback along Community House Road within Area B to meet or exceed the planting requirements of a “Class C” buffer to ensure that the building is completely screened from Purchase Street. Screens the parking in Area A with a low wall and accent plantings.
- Commits to landscaping at the corner of Community House Road and Ardrey Kell Road.
- Provides buffers along the north and west property lines adjacent to the athletic fields.
- Specifies building materials and provides elevations of the proposed storage facility.
- Limits the size of wall signs within Area B to 100 square feet of sign surface per wall or 5% of the wall area to which they are attached, whichever is less. The size may be increased by 10% if individual letters are used. Allows two detached signs per street front. Limits detached, ground mounted signs along Community House Road to four feet in height and 32 square feet in area and along Ardrey Kell Road to seven feet in height and 64 square feet in area.
- Prohibits signs on clear glass windows. Specifies that buildings within Area A will have clear glass windows facing Community House and Ardrey Kell Roads.
- Limits the height of detached lighting to 20 feet.

**Public Plans and Policies**
- The *South District Plan* (1993) recommends residential up to three dwelling units per acre.
- The petition is inconsistent with the *South District Plan*.

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

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

The existing zoning allows for a variety of uses that could generate significantly different volumes of trips per day and the rezoning proposal has changed since the original filing of the petition. The following is a summary of the trip generation potential under the various possible development scenarios:

**Existing zoning: R-3 (single family residential)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Trips per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing (vacant)</td>
<td>0</td>
</tr>
<tr>
<td>Community college building</td>
<td>3,400</td>
</tr>
<tr>
<td>17 single family dwellings</td>
<td>170</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Use</th>
<th>Trips per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>32,500 square feet of medical office and 105,000 square feet of climate controlled storage</td>
<td>1,440</td>
</tr>
</tbody>
</table>
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: No issues.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • Minimizes impacts to the natural environment by developing an infill site.

OUTSTANDING ISSUES
• No issues.

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

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road.
Petition #: 2015-078
Petitioner: Taylor/Theus Development Holdings, LLC

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

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

Acreage & Location: Approximately 5.67 acres located on the northwest corner at the intersection of Ardrey Kell Road and Community House Road.
Rezoning Petition: 2015-109 by WaterWalk Redevelopment Services, LLC

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

Current Zoning: O-2 (CD) (office district, conditional)
Proposed Zoning: MUDD-O (mixed use development district, optional)

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

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

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

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

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

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

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

Attachments:
Zoning Committee Recommendation
Vicinity Map

Rezoning Map
Site Plan
REQUEST

Current Zoning: O-2(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

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

SUMMARY OF PETITION

The petition proposes to develop a vacant site located within a half mile of the proposed McCullough Transit Station for up to 150 hotel rooms and residential dwelling units in a single building designed to serve as corporate housing units.

PROPERTY OWNER

Charlotte University Park, LLC

PETITIONER

Water Walk RE Development Services, 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: 0

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the University City Area Plan based on information from the staff analysis and the public hearing, and because:

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

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

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

By a 6-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).

ZONING COMMITTEE ACTION

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:

1. Reoriented building to shift location of primary entrance toward University Executive Park Drive.
2. Added a porte-cochere for drop-off and to help further create a prominent primary entrance.
3. The petitioner has provided a 10-foot Class “C” buffer along the property line with the existing multi-family use in O-3(CD) zoning as the proposed MUDD (mixed use development) does not require buffers.
4. Reduced parking from a rate of 1.6 spaces per unit to 1.2 spaces per unit, for a total of 180 parking spaces.
5. Oriented public open space to be accessible from the street network.
6. Added Notes 4(a) and (b) as follows: Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University
Executive Park Drive subject to the City agreeing to provide the petitioner up to $250,000 to construct the new public street. As part of this agreement the petitioner will:

7. Dedicate or convey to the city a 40-foot wide strip of property along the site’s northern property boundary for the construction of a new public street that will connect Collins Aikman Drive to University Executive Park Drive;

8. Construct within the 40-foot right-of-way a public street that will contain two travel lanes with 20 feet of pavement; 2.5-foot curb and gutter on each side; and an eight-foot planting strip and six-foot sidewalk on the side of the new public street adjacent to the site (on street parking may also be provided along the street);

9. The City will be responsible for the maintenance and up keep of the new street, upon dedication or conveyance of the street to the City.

10. Reflects an eight-foot planting strip and an eight-foot sidewalk along the site’s frontage on University Executive Park Drive, and commits to provide an eight-foot planting strip and six-foot sidewalk on the side of the Collins Aikman Drive Extension adjacent to the site.

11. Deleted Note 1(c)(i-iv) including the footnote.

12. Amended Note 4c to delete the following: The existing sidewalk and planting strip on Executive Park Drive will remain.

13. Deleted Note 6c, which indicated that screening will meet ordinance requirements.

15. Specified the location of proposed gates at driveway entrances.

16. Updated building elevations and included an optional elevation that reflects a change to building materials as allowed per Note 5a.

17. Provided a knee wall and ornamental fencing to screen parking along the new street.

18. Amended plan to show that the gate on the driveway from University Executive Park Drive will be located a minimum of 60 feet from the back of the sidewalk, and to add a note that the gated access from the new public street will be equipped with a transponder or similar equipment.

19. Amended plan to shift the outer row of nine parking spaces that abuts the new street.

20. Added a note that the petitioner will discuss with University Research Partners (URP) the possibility of allowing the on-site tree save area to be used as public open space.

21. Amended Note 2c to clarify that the optional request seeks to allow a three-foot screen wall instead of the minimum four-foot high wall required per the ordinance.

22. Added a note that if the alignment of the new road shifts during the Subdivision approval process the proposed storm water detention area and the on-site parking areas will shift accordingly.

23. Added a note that approval for the road will be road will be done through the Subdivision approval process and that site plan approval for the remainder of the site will be done through the MUDD approval process.

24. Amended Note 6a to state that the proposed 16-foot setback along University Executive Park Drive will be measured from the existing or future back of curb as required by the Ordinance.

25. Added #2 to the notes regarding Optional Provisions.

26. Amended Note 4(a)(II) as follows: If on-street parking is provided along the new public street it must be recessed and can only be accommodated if the road is widened and additional right-of-way provided. On-street parking cannot be provided in the proposed 40-foot right-of-way.

27. Amended Note 4(d) to clarify that and eight-foot planting strip and six-foot sidewalk will be provided along the existing cul-de-sac bulb of Collins Aikman Drive as well as the new extension of Collins Aikman Drive (one side only).

28. Amended Note 5e to delete reference to Abbey Place.
29. Added a note that the petitioner must design, build, and plat the new road prior to issuance of a certificate of occupancy for the proposed single building designed to serve as corporate housing units. The petitioner must post a bond at the time of platting if road work is not completed.

30. Deleted Sheet R-100.

VOTE

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

ZONING COMMITTEE DISCUSSION

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

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

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

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

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

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

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

a) the site proposed parking at a rate of 1.2 spaces per unit, which exceeds the MUDD district’s minimum parking requirements of one space per residential unit and 0.5 spaces per room for hotels;

b) the site is located within ½ mile of a proposed transit station and two rows of suburban style parking is not transit friendly;

c) recessed on-street parking can be provided along the new street that will count toward the minimum parking required for the site;

d) parking in this area leaves little room for location of the new street that is not fully engineered to shift if needed.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

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

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A mix of up to 150 hotel rooms and residential dwellings in one principal building designed to serve as corporate housing.
  • Building height limited to four stories and 60 feet.
  • Building materials to be a combination of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material only to be used on windows, soffits and handrails/railings.
  • A minimum of 40% of the exterior of the building, exclusive of windows, doors and roofs to be constructed with masonry materials such as brick, stone, precast stone and precast concrete.
  • Building elevations have been provided.
  • The portion of the building facing University Executive Park Drive not to have expanses of blank walls that exceed 20 continuous feet in length.
  • A 16-foot setback to be provided along University Executive Park Drive and Collins Aikman Drive.
  • Parking limited to 1.2 spaces per hotel room or residential unit. This is an increase in parking from one space per residential unit and 0.5 per hotel as required in (mixed use development) MUDD.
  • Petitioner agrees to enter into an agreement with the City to construct a new public street on the site that will connect Collins Aikman Drive to University Executive Park Drive subject to the City agreeing to provide the petitioner up to $250,000 to construct the new public street.
  • Site access proposed via gated entrances on one driveway off University Executive Park Drive and a driveway connection on the proposed extension of Collins Aikman Drive.
  • Provision of an eight-foot planting strip and eight-foot sidewalk along the site’s frontage on University Executive Park Drive, and an eight-foot planting strip and six-foot sidewalk along the existing cul-de-sac and proposed extension of Collins Aikman Drive.
  • A sidewalk and crosswalk network that links the buildings on the site to the sidewalks along University Executive Park Drive and Collins Aikman Drive to be provided along the site’s internal parking area.
  • A 10-foot wide Class C buffer along the property line with the existing multi-family use in O-3(CD) zoning.
  • Optional Provisions for the following allowances:
    • Allow parking between the building and Collins Aikman Drive and University Executive Park Drive as generally depicted on the rezoning site plan. Parking between buildings and streets is disallowed in the MUDD (mixed use development) except through an optional provision.
    • Allow wall signs to have up to 200 square feet of sign surface area per wall or 10% of the wall area to which they are attached, whichever is less. The sign area of the wall signs may be increased by 10% if individual letters are used. The MUDD (mixed use development) district allows signs located on any building wall to have a maximum sign surface not to exceed 5 percent of the building wall area to which the sign is attached up to a maximum of 100 square feet.
    • Allow a three-foot screen wall instead of the minimum four-foot high wall required per the
• Public Plans and Policies
  • The Northeast District Plan (1996), as amended by Petition 2008-087, recommends retail and/or office uses for the site as a part of a multi-use development.

• TRANSPORTATION CONSIDERATIONS: No issues.

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

OUTSTANDING ISSUES
• No issues.

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

Planner: Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2015-109

Acreage & Location: Approximately 5.05 acres located on the west side of University Executive Park Drive near the intersection of West W.T. Harris Boulevard and University Executive Park Drive.
Petition #: 2015-109
Petitioner: WaterWalk Redevelopment Services, LLC

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

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

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

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

Vertical elements were added to draw the eye up to help break up the horizontality of the building, this element then turns at an angle and becomes a roof element that creates interest along the building roof line. The introduction of color with these elements help bring life and fun dynamic to the facade.

Open brise-soleil element helps define entry and helps add interesting shadow lines along the building roof line.

Added porte-cochere for drop off and to help further define the entry.
NOTES:
1. TYPICAL SECTION FOR CITY OF CHARLOTTE SDC NO. 2-4-A.
2. NYE CITY OF CHARLOTTE SDC NO. 10.11 FOR CURB AND GUTTER DETAILS.
3. USE OF VALLEY GUTTER PROHIBITED.
Agenda #: 7. File #: 15-1992 Type: Zoning Decision

Rezoning Petition: 2015-119 by Mary Cuthbertson

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

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

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

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

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

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

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

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

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: R-4 (single family residential)
Proposed Zoning: R-8 (single family residential)

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

SUMMARY OF PETITION
The petition proposes to allow all uses in the R-8 (single family residential) zoning district.

PROPERTY OWNER
Mary Cuthbertson Trust

PETITIONER
Mary Cuthbertson

AGENT/REPRESENTATIVE
Luella Hinson

COMMUNITY MEETING
Meeting is not required.

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

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

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

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

By a 7-0 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Wiggins).

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

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

ZONING COMMITTEE DISCUSSION
Staff presented this conventional petition noting that the request is consistent with the Sharon & I-485 Transit Station Area Plan. There was no further discussion of this petition.

STAFF OPINION
Staff agrees with the recommendation of the Zoning Committee.
FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  • Allows all uses permitted in the R-8 (single family residential) zoning district. The uses allowed
    by right include single family dwellings, duplex, triplex and quadruplex units, farms and parks
    and greenways. Uses allowed with prescribed conditions include elementary and secondary
    schools, government buildings, and religious institutions.

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

• **TRANSPORTATION CONSIDERATIONS**
  • No issues.

DEPARTMENT COMMENTS (see full department reports online)

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

Attachments Online at www.rezoning.org

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2015-119

Acreage & Location: Approximately 0.338 acres located on the east side of China Grove Church Road between Aileen Circle and Ervin Lane.
Petition #: 2015-119
Petitioner: Mary Cuthbertson

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

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

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

Agenda Date: 12/14/2015

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

Rezoning Petition: 2015-127 by Roger and Kathe Ball

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

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

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

Staff Recommendation:
Staff agrees with the recommendation of the Zoning Committee.

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

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

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

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

Attachments:
Zoning Committee Recommendation
Vicinity Map
Rezoning Map
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

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

SUMMARY OF PETITION
The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 0.17 acre site that is located in South End and is within a ½ mile walk of the Bland Street light rail station. Uses allowed in the TOD-M district include office, residential, retail and civic uses.

PROPERTY OWNER
Roger D. and Kathe W. Ball

PETITIONER
Roger and Kathe Ball

AGENT/REPRESENTATIVE
Not applicable

COMMUNITY MEETING
Meeting is not required.

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

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

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

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

By a 7-0 vote of the Zoning Committee (motion by Commissioner Wiggins seconded by Commissioner Labovitz).

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

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

ZONING COMMITTEE DISCUSSION
Staff presented this item and noted that this was a conventional rezoning with no site plan and all uses in the TOD-M (transit oriented development – mixed-use) district would be allowed. There was no further discussion of the petition.

STAFF OPINION
Staff agrees with the recommendation of the Zoning Committee.
FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

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

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

• TRANSPORTATION CONSIDERATIONS
  • No issues.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

• No issues.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 0.17 acres located on the northwest corner at the intersection of Winnifred Street and West Bland Street.
Petition #: 2015-127
Petitioner: Roger and Kathe Ball

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

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

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

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

Requested TOD-M from I-2

- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Creeks and Streams
- Watershed
- FEMA flood plain
- Lakes and Ponds
- Pedestrian Overlay
- Historic District
Rezoning Petition: 2015-125 by White Point Paces

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

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

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
REQUEST

Current Zoning: B-1 (neighborhood commercial), B-2 (highway commercial) and I-2 (general industrial)

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

LOCATION

Approximately 4.78 acres located east of 13th Street, west of Belmont Avenue between North Brevard Street and North Davidson Street. The properties are located on two adjacent blocks divided by North Caldwell Street.

(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow all transit supportive uses per conventional TOD-M (transit oriented development – mixed-use) zoning for a 4.78 acre site that is located along the Blue Line Extension and is within the Optimist Park neighborhood and is within a ½ mile walk of the proposed Parkwood light rail station. Uses allowed in the TOD-M district include office, residential, retail and civic uses.

PROPERTY OWNER

Numerous

PETITIONER

White Point Paces Properties, LLC

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw and Hinson

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the Blue Line Extension Transit Station Area Plan recommendation for transit supportive development.

Rationale for Recommendation

- The site is between ¼ and ½ mile walk distance from the Parkwood Transit Station on the LYNX Blue Line Extension.
- This site and all other parcels on the blocks on which the site is located are recommended for mixed use transit supportive development.
- The proposal will allow property currently undeveloped and used for truck and vehicle parking to convert to transit supportive land uses.
- The addition of transit supportive land uses on this and nearby sites will support the revitalization of this part of the Optimist Park neighborhood which is primarily industrial and where heavy industrial uses are not well screened and are visually unattractive, adversely impacting the single family character of the neighborhood.
- Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- A conditional site plan is not necessary to ensure compliance with the area plan recommendations or to address site specific issues.

PLANNING STAFF REVIEW

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

- Existing Zoning and Land Use
  - The subject property is zoned B-1 (neighborhood business), B-2 (general business) and I-2 (heavy industrial) and developed with an automotive garage, at the corner of Belmont Avenue and North Davidson Street and a residential structure used as a beauty salon, at the corner of East 13th Street and North Davidson Street. The remainder of the property is vacant.
  - The surrounding area has a range of uses from single family, north of the site, at the corner of Belmont Avenue and North Brevard Street and within R-8 (single family residential) zoning;
multi-family residential, north and south of the site and within R-22MF (multi-family residential) and MUD-O (mixed use development, optional) zoning; and, industrial uses including warehouses, automotive repair and automotive junkyards within B-2 (general business) and I-2 (heavy industrial) zoning.

- See “Rezoning Map” for existing zoning in the area.

- **Rezoning History in Area**
  - Petition 2014-23 approved a MUDD(CD) SPA (mixed use development, conditional, site plan amendment) for 2.15 acres located on the south corner at the intersection of North Caldwell Street and East 16th Street to reduce the overall number of multi-family dwelling units from 150 to 120 and allow a “for rent” option.

- **Public Plans and Policies**
  - The Blue Line Extension Transit Station Area Plans (2013) recommends transit oriented development for this site and for other adjacent properties.
  - The petition supports the General Development Policies-Environment by providing transit-supportive development and by developing an infill site, thereby minimizing further environmental impacts while accommodating growth

- **TRANSPORTATION CONSIDERATIONS**
  - Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, CDOT supports intense development in close proximity to rail transit stations. Pedestrians and bicyclists will be able to connect to the Parkwood transit station via the shared use path to be constructed with the Blue Line Extension. This site will not be allowed access from North Caldwell Street due to limited vertical and horizontal intersection sight distance. Site access will be allowed from Belmont Avenue and North Brevard Street. CDOT is planning for a possible traffic signal to be installed at the North Caldwell Street/ Parkwood Avenue/Belmont Avenue intersection, which will help moderate vehicle speeds on Parkwood and provide an improved pedestrian crossing location.

- **Vehicle Trip Generation:**
  - Current Zoning: 900 trips per day (retail and industrial uses)
  - Proposed Zoning: Will allow a wide variety of trip generation based on the proposed zoning classification.

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

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

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 2.096 acres generally bounded by North Brevard Street, Belmont Avenue, North Caldwell Street and East 13th Avenue.
Petition #: 2015-125
Petitioner: White Point Paces Properties, LLC
Zoning Classification (Existing): B-1, B-2, & I-2
(Neighborhood Business, General Business, and General Industrial)
Zoning Classification (Requested): TOD-M
(Transit Oriented Development, Mixed Use)

Acreage & Location: Approximately 2.096 acres generally bounded by North Brevard Street, Belmont Avenue, North Caldwell Street and East 13th Avenue.
Rezoning Petition: 2015-129 by Doug Bradley

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
### REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

### LOCATION
Approximately 2.77 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue.
(Council District 1 - Kinsey)

### SUMMARY OF PETITION
The petition seeks to reuse an existing 129,965-square foot industrial building constructed in 1945 and located in the Belmont neighborhood for any use permitted in the MUDD (mixed use development) district. Allowed uses in MUDD generally include retail, office, residential, institutional, and eating/drinking/entertainment establishments (EDEE).

### PROPERTY OWNER
Mill Village Partners, LLC

### PETITIONER
Doug Bradley

### AGENT/REPRESENTATIVE
Walter Fields

### COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

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

#### Plan Consistency
The petition is inconsistent with the *Belmont Area Revitalization Plan* recommendation for industrial uses.

#### Rationale for Recommendation
- Although the proposed MUDD (mixed use development) uses are inconsistent with plan’s land use recommendation for industrial uses, the *Belmont Area Revitalization Plan* does recommend removal of some industrial uses and replacement with non-industrial uses to help buffer the City’s Fleet Management site from the Belmont neighborhood.
- This site is located between the City’s Fleet Management site and the Belmont neighborhood, and would be an appropriate site for non-industrial uses that would buffer the neighborhood.
- This project proposes to repurpose the existing factory constructed in 1945 and previously used for a Kellogg bakery, and the City has approved approximately $65,000 in façade grants for improvements to restore the exterior of key facades.
- The retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Belmont neighborhood.

### PLANNING STAFF REVIEW
- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Will repurpose and renovate an existing 129,965-square foot industrial factory building. Existing building will be preserved but may be modified with minor demolitions and/or minor additions involving up to 20% of the floor area of the existing building.
    - Building modifications may include the installation of windows and doors as well as artwork to break up expanses of blank walls. The addition of outdoor dining will not be counted as new floor area and the removal of roof extensions for loading docks that are not conditioned space will not be counted toward the 20% modification limit.
    - Allows all uses permitted in the MUDD (mixed use development) district.
    - Optional Provisions for the following:
      - A modified streetscape along the Otts Street. Streetscape will not be the typical office/commercial street cross-section due to the existing site constraints, such as the...
location of a retaining wall. Petition does include a sidewalk and provides trees along the top of the existing retaining wall between the existing parking lot and the sidewalk.

• Parking and maneuvering between the building and Otts Street to accommodate the existing condition.

• **Existing Zoning and Land Use**
  
  • The site is currently zoned I-1 and contains a structure previously used as a Kellogg bakery and later as a manufacturing and distribution site. It abuts the active Seaboard Coast rail line.

  • Abutting to the west and across Otts Street to the south are City of Charlotte fleet management and solid waste services facilities in I-2 (general industrial) zoning. To the north across the railroad track fronting Louise Avenue is a warehouse/industrial building zoned I-1(CD) (light industrial, conditional) and I-2 (general industrial). Also abutting to the north across the railroad track is a single family neighborhood located in R-5 (single family residential) zoning. To the northeast diagonally across Louise Avenue and the railroad track is the former Hawthorne Mill industrial building rezoned to MUDD(CD) (mixed use development, conditional) by petition 2013-059 for residential and office in the existing structure.

  • See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  
  • Petition 2014-034 rezoned 0.61 acres located on the east side of Seigle Avenue between East 10th Street and Otts Street to MUDD(CD) (mixed use development, conditional) to allow a change of use for an existing building from a church fellowship hall to a restaurant.

  • Petition 2013-059 rezoned six acres located on the north side of the Seaboard Coast Line Railroad between Louise Avenue and Hawthorne Lane to MUDD-O (mixed use development district, optional) for redevelopment of an existing mill to be reused for 150 multi-family units and 10,000 square feet of office and business uses.

• **Public Plans and Policies**
  
  • The **Belmont Area Revitalization Plan** (2003) recommends industrial uses for this site. It further recommends that some of the industrial uses in the area could be removed to help buffer the City’s Fleet Management facility site from the Belmont neighborhood.

  • The plan’s overall emphasis is preserving and enhancing the unique character of the area, including its residences, businesses, and buildings. Ways to accomplish this preservation-oriented approach are noted to include:
    a) Wherever possible and practical, buildings should be preserved and rehabilitated.
    b) New construction and rehabilitation projects should be designed in a way that is compatible with the character of the area.

  • The petition supports the **General Development Policies-Environment** by reusing an existing building, thereby minimizing further environmental impacts while accommodating growth.

• **TRANSPORTATION CONSIDERATIONS**
  
  • Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, there is adequate local street network in the area to accommodate development under this zoning district. The reuse of the existing building prevents implementing the complete streetscape along Otts St. CDOT has worked with the petitioner to ensure a continuous eight-foot wide sidewalk will be implemented with on-street parking.

  • **Vehicle Trip Generation:**
    
    Current Zoning: 110 trips per day based on warehouse use.

    Proposed Zoning: Will allow a wide variety of trip generation based on the proposed zoning classification.

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

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

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

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

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

OUTSTANDING ISSUES

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

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

Planner: Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2015-129

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

Rezoning Petition: 2015-129

INSIDE CHARLOTTE CITY LIMITS
Petition #: 2015-129
Petitioner: Doug Bradley

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

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

Acreage & Location: Approximately 2.98 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue.
Rezoning Petition: 2015-128 by Cousins Acquisition Entity, LLC

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

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning: B-1 (general business), TOD-M (transit oriented development – mixed-use), and MUDD-O (mixed use development, optional)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional) with five-year vested rights

LOCATION

Approximately 2.3 acres located in South End, within a block of the Bland Street LYNX station, on the west side of South Tryon Street between West Park Avenue and Camden Road.
(Council District 3 - Mayfield)

SUMMARY OF PETITION

The petition proposes to allow the redevelopment of a single story commercial block, surface parking and vacant property for up to 285,000 square feet of office and ground floor commercial/retail designed to be transit supportive.

PROPERTY OWNER

Various
PETITIONER

Cousins Acquisition Entity, LLC
AGENT/REPRESENTATIVE

Jeff Brown & Keith MacVean/ Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 53

STAFF RECOMMENDATION

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

Plan Consistency

The petition is consistent with the South End Transit Station Area Plan, which recommends a mix of transit oriented uses with the greatest intensity of development within ¼ mile of the transit station. The plan calls for residential and office development within walking distance of transit stations with local serving retail uses to support and enhance the employment and residential uses.

Rationale for Recommendation

• The petition is providing significant employment uses immediately adjacent to the Bland Street LYNX station in South End, supporting the mixed use goal of the South End Transit Station Area Plan which envisions living and working options within station areas.
• The petition supports the station area plan’s goal of street level pedestrian orientation by activating all three street frontages (Camden Road, South Tryon Street and West Park Avenue) with ground floor, neighborhood-serving retail uses and publically accessible urban open spaces.
• The petition supports the station area plan’s vision of Camden Road as South End’s “Main Street” by concentrating street level retail uses along Camden Road.
• The requested building height is attenuated by stepping the building back on two sides. The building mass on the southern half of the site is consistent in scale with surrounding buildings.

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Multi-story office building with commercial ground floor uses (restaurant, retail, and personal services) and structured parking.
  • 285,000 square feet of gross floor area, including the ground floor commercial uses.
  • Six to seven floors of structured parking, 1-1/2 or 2 floors of which will be underground.
  • Seven floors of office above the ground floor commercial uses for a total of eight stories.
  • A 16-foot setback from curb line along South Tryon Street, West Park Avenue, and Camden Road with sidewalk and trees in grates.
• New streetscape improvements on all adjacent streets, including on-street parking on South Tryon Street and Camden Road.
• Camden Road streetscape to be built as a curbless "festival street" which will accommodate potential temporary block closures for festivals and events.
• Outdoor seating and plazas areas.
• Optional Provisions for the following allowances:
  • Additional building height in excess of the TOD (transit oriented development) height plane. The primary building component will be approximately 156 feet tall and the allowable TOD height for this property is 71 feet due to the proximity of single family zoning across South Tryon Street in the nearby Wilmore neighborhood. This represents a height option request of 85 feet.
  • To not count rooftop mechanical screening toward building height.
  • To not require at least 50% of the structured parking on the West Park Avenue side to be composed of active uses.
  • 75 square feet for monument signs instead of the TOD-permitted 20 square feet; and, 10 percent of wall area up to 220 square feet for wall mounted signs, instead of the TOD-permitted 5 percent of wall area up to a maximum of 100 square feet.

• **Existing Zoning and Land Use**
  • Rezoning petition 2000-036 rezoned the majority of the subject property bounded by South Tryon Street, Camden Road, and Park Avenue (approximately 1.8 acres) from I-2 (general industrial) and B-1 (neighborhood business) to MUDD-O (mixed use development, optional). A portion of the property zoned MUDD-O is occupied by 3,384 square feet of office and 13,926 square feet of retail uses, in buildings constructed in the early 1930s. The majority of the property zoned MUDD-O is vacant.
  • Two parcels are zoned TOD-M (2010-041). One of these parcels contains retail uses in a structure built in 1937, and the other parcel is used for surface parking.
  • The vacant portion of the site is formerly utilized for the Food Truck Friday event held every Friday.
  • Surrounding properties are zoned a mixture of TOD-M (transit oriented development – mixed-use), MUDD (mixed use development), I-1 (light industrial), I-2 (general industrial), B-1 (neighborhood business) and B-2 (general business). Some of these properties have converted to primarily residential transit oriented development, while other properties remain developed with commercial and industrial land uses or are vacant.
  • See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  • Recent rezonings approved in the area include:
    • Rezoning petition 2010-041 rezoned two parcels (approximately 0.31 acres), one located at the intersection of South Tryon Street and Camden Road and the second located along Camden Road between South Tryon and Park Avenue, from I-2 (general industrial) to TOD-M (transit oriented development – mixed-use). The parcel located at the intersection is occupied by 7,903 sq. ft. of retail built in 1937. The second parcel is vacant.
    • There have been numerous other rezonings to TOD-M (transit oriented development – mixed-use), MUDD (mixed use development), and MUDD(CD) (mixed use development, conditional) in the area to support transit supportive uses.

• **Public Plans and Policies**
  • The *South End Transit Station Area Plan* (2005) recommends a mix of transit oriented uses with the greatest intensity of development within ¼ mile walk of the transit station. The plan also recommends neighborhood-serving retail uses on Camden Road, which is envisioned to be South End’s “Main Street.”
  • The petition supports the *General Development Policies-Environment* by concentrating new development around rapid transit facilities in order to accommodate growth while minimizing impacts to undeveloped areas.

• **TRANSPORTATION CONSIDERATIONS**
  • CDOT supports intense development in close proximity to rail transit stations. Continuous pedestrian and bicycle connectivity to the transit station is provided via the signalized crossing at Tryon/Camden and sidewalks along the Trolley Museum property. The primary transportation goals for this site are to improve the quality of the pedestrian environment and to provide for safe vehicular access to the site. The site plan improves conditions for pedestrians by implementing the area plan-recommended streetscape improvements. In order to ensure safe and efficient access for the site, the petitioner completed a traffic operational study and implemented the recommendations by adding a left-turn lane along Park Avenue, consolidating
the truck and car access into a single driveway, and locating the driveway as far as possible from South Tryon Street.

- **Vehicle Trip Generation:**
  - Current Zoning: The existing zoning allows for a wide variety of uses.
  - Proposed Zoning: 2,450 trips per day.

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

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

**OUTSTANDING ISSUES**

**Site and Building Design**

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

**Streetscape and Transportation**

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

**REQUESTED TECHNICAL REVISIONS**

1. Modify Note 5B under “Parking Areas, Access and Circulation Design Guidelines” and remove that screening of cars will be done with landscaping.
2. Modify note 5B under “Parking Areas, Access and Circulation Design Guidelines” and state screening of ground level parking will be achieved by using decorative screening and can be supplemented by landscaping.
3. Add a note committing to a minimum of 3,500 square feet of open space and plaza area.
4. Modify elevations to match and be consistent with what is shown on the proposed site plan.
5. Modify “Description of Building Height” table on sheet RZ-3 by changing the heading of the sixth column from “Variance Requested Due To Residential Zoning” to “Optional Height Requested Above TOD Height Plane”.
6. Modify “Description of Building Height” table on sheet RZ-3 by changing the heading of the last column from “Variance Requested Above TOD Max Building Height” to “Total Building Height” and populate the column with the actual building height above average grade for each area A-E.

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

Planner: Solomon Fortune (704) 336-8326
Petition #: 2015-128

Acreage & Location: Approximately 2.3 acres located on the west side of South Tryon Street between West Park Avenue and Camden Road.
Petition #: 2015-128
Petitioner: Cousins Acquisition Entity LLC

Zoning Classification (Existing): B-1, TOD-M, & MUDD-O
(Neighborhood Business, Transit Oriented Development, Mixed Use, and Mixed Use Development District, Optional)

Zoning Classification (Requested): TOD-MO 5-Year Vested Rights
(Transit Oriented Development, Mixed Use, Optional, Five Year Vested Rights)

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

I. GENERAL

A. PETITION FILED BY COUSINS PROPERTIES

B. MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN

C. NOTWITHSTANDING THE ADMINISTRATIVE AMENDMENT PROCESS PER SECTION 6.207 OF THE ORDINANCE;


II. OFFICE USES

A. OFFICE DEVELOPMENT OF THE SITE

B. OFFICE BUILDING/RETAIL ORIENTATION AND CHARACTER OF THE DEVELOPMENT STANDARDS

C. OFFICE BUILDING/RETAIL HEIGHT LIMITATIONS

D. OFFICE BUILDING/RETAIL HEIGHT LIMITATIONS

III. RETAIL, RESTAURANT AND PERSONAL SERVICES USES


IV. SITE LOCATION

A. SITE LOCATION

B. SITE LOCATION

C. SITE LOCATION

D. SITE LOCATION

V. DESIGN OF THE BUILDING

A. GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT STANDARDS

B. GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT STANDARDS

C. GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT STANDARDS

D. GENERAL BUILDING/PARKING ORIENTATION AND CHARACTER OF THE DEVELOPMENT STANDARDS

VI. PROPOSED IMPROVEMENTS

A. PROPOSED IMPROVEMENTS

B. PROPOSED IMPROVEMENTS

C. PROPOSED IMPROVEMENTS

D. PROPOSED IMPROVEMENTS

VII. ZONING DISTRICT

A. ZONING DISTRICT

B. ZONING DISTRICT

C. ZONING DISTRICT

D. ZONING DISTRICT

VIII. ZONING DISTRICT

A. ZONING DISTRICT

B. ZONING DISTRICT

C. ZONING DISTRICT

D. ZONING DISTRICT

IX. SITE IMPROVEMENTS

A. SITE IMPROVEMENTS

B. SITE IMPROVEMENTS

C. SITE IMPROVEMENTS

D. SITE IMPROVEMENTS

X. SITE IMPROVEMENTS

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XI. SITE IMPROVEMENTS

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XXI. SITE IMPROVEMENTS

A. SITE IMPROVEMENTS

B. SITE IMPROVEMENTS

C. SITE IMPROVEMENTS

D. SITE IMPROVEMENTS
DEVELOPMENT EXHIBITS

PROPOSED BUILDING FOOTPRINT AND DISTANCE TO RESIDENTIAL ZONING

DESCRIPTION OF BUILDING HEIGHT**

<table>
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<tr>
<th>AREA</th>
<th>WEST PARK AVERAGE (FEET)</th>
<th>DISTANCE FROM RESIDENTIAL ZONING (LINEAR FEET)</th>
<th>ALLOWABLE HEIGHT DUE TO RESIDENTIAL ZONING (FEET)</th>
<th>VARIANCE REQUESTED DUE TO RESIDENTIAL ZONING (FEET)</th>
<th>VARIANCE REQUESTED ABOVE TOD MAX BUILDING HEIGHT (FEET)</th>
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** SEE DEVELOPMENT STANDARDS ON RZ-2 FOR FURTHER PROVISIONS.

PROPOSED S. TRYON STREET SECTION (INTERIM CONDITION)

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

ADJACENT ZONING AND DISTANCE TO RESIDENTIAL

Issued: 09/09/2015
Revised: 11/13/2015
NOTE: This is an illustrative/conceptual rendering of the proposed open space area associated with the development. The exact dimensions and configuration are subject to minor deviation and changing during the design development that do not materially change the design intent.
NOTE: This is an illustrative/conceptual rendering of the proposed ground floor uses and elements. The exact dimensions and configuration are subject to minor deviation and changing during the design development that do not materially change the design intent. Reference to "Proposed Retail" uses include retail, restaurant and/or personal services uses.

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

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

PET#2015-128
Issued: 10/05/2015
Revised: 11/13/2015

DIMENSIONAL PLACE - CHARLOTTE, NC

Cousins
NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along Camden Road. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.
NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along Tryon Street. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.
NOTE: This is an illustrative/conceptual rendering of the elevation of a portion of the building located along West Park Avenue. This reflects the overall design intent and the type of building materials contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.
NOTE: This is an illustrative/conceptual rendering of a typical bay elevation including illustrations of sample material palette contemplated. Minor changes and deviations may occur during the design development that do not materially change the design intent.
CONCEPTUAL BAY ELEVATION/SECTION

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

NOTE: This is an illustrative/conceptual rendering of a perspective of the building at the corner of Camden Road and S. Tryon Street. This is conceptual and subject to minor deviations and changes which may occur during design development that do not materially change the design intent. A few street trees are intentionally not showing in this rendering to better see the proposed building.
NOTE: This is an illustrative/conceptual perspective related to the “Art Plaza” at Tryon & Camden. The images are not intended to represent the architectural style, the specific open space elements (interior or exterior), nor the nature of the art that is contemplated for this area, all of which will be developed by the Petitioner during design/development.
NOTE: This is an illustrative/conceptual rendering of a perspective of the building at the corner of S. Tryon Street and W. Park Ave. This is conceptual and subject to minor deviations and changes which may occur during design development that do not materially change the design intent. A few street trees are intentionally not showing in this rendering to better see the proposed building.
FESTIVAL SQUARE PERSPECTIVE

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

1. Development of this plan will be conducted by the standards depicted on this plan and by the Standards of the Charlotte Zoning Ordinance. The development depicted on this plan is intended to reflect the arrangement of existing buildings and proposed uses on the site, but the exact configuration, placement, and size of individual site elements may be altered or modified during the site development construction phases.

2. Access to the site will be provided by existing driveways from Camden Road, Park Avenue, and South Tryon Street as shown on this plan.

3. The proposed use of the property will be for retail, restaurant, residential, and mixed-use (as currently zoned) along with the associated parking and pedestrian access. Implementation of this plan is contingent on receiving suitable stormwater management and on obtaining necessary permits.

4. All elements will be screened with solid enclosures and gates.

5. The proposed development will comply with all applicable ordinance requirements for signage, parking, screening, and landscaping.

6. To serve the public as to the necessity of the site plan, the property will be reviewed by the Planning Commission, the staff of the City of Charlotte, and the Board of Adjustment. The site plan will be reviewed by the Planning Commission, the staff of the City of Charlotte, and the Board of Adjustment. The site plan will be reviewed by the Planning Commission, the staff of the City of Charlotte, and the Board of Adjustment. The site plan will be reviewed by the Planning Commission, the staff of the City of Charlotte, and the Board of Adjustment.

7. Parking will be provided in accordance with the requirements of the City of Charlotte.

Site Data Table

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tr>
<td>Total Area</td>
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</tr>
<tr>
<td>Existing Zoning:</td>
<td>I-2 and B-1 as indicated</td>
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<tr>
<td>Proposed Zoning:</td>
<td>MUDD-Optional</td>
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<td>Proposed Use:</td>
<td>Existing and proposed Mixed Use</td>
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<tr>
<td>Max. Building Height:</td>
<td>75 Feet</td>
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STREETSIDE

PROPOSED SITE PLAN

for

Gaines E. Brown, Jr.

DATE 10/30/2020

APPROVED BY CITY COUNCIL

*SHARED AREAS ARE NOT PART OF THIS PETITION.*

Scale 1" = 400'
Rezoning Petition: 2015-131 by Synco Properties

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
### REQUEST

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

### LOCATION

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

### SUMMARY OF PETITION

The petition proposes redevelopment of an existing apartment complex in the SouthPark Activity Center with a mixed use development of up to 990 residential units, 250,000 square feet of office, 300,000 square feet of retail, and 225 hotel rooms.

### PROPERTY OWNER

Associated Apartment Investors/Colony Limited Partnership

### PETITIONER

Synco Properties

### AGENT/REPRESENTATIVE

Collin Brown & Bailey Patrick, Jr.

### COMMUNITY MEETING

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 26.

### STAFF RECOMMENDATION

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

**Plan Consistency**

The petition is inconsistent with the *SouthPark Small Area Plan*, which recommends multi-family with limited retail/service uses.

**Rationale for Recommendation**

- The vision articulated in the *SouthPark Small Area Plan* calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses.
- In addition, the *Centers, Corridors and Wedges Growth Framework* identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development.
- While the proposed rezoning is inconsistent with the specific land uses recommended in the *SouthPark Small Area Plan*, the proposal is consistent with the larger vision articulated in the area plan and in the *Centers, Corridors and Wedges Growth Framework*, as well as recent development which has included a greater mix of uses than called for in the area plan.
- The site plan for this proposal includes a vertical mix of uses and provides active residential and nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network.
- The site plan also provides wide setbacks along the existing public streets allowing for the opportunity to preserve existing mature trees and added green space.

### PLANNING STAFF REVIEW

**Background**

- This site initially was submitted for rezoning under petition number 2015-034. That petition was withdrawn in September 2015, prior to going to public hearing and has since been resubmitted.

**Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The site is divided into four development areas:
  - Area A is located at the northeast corner of the site at the intersection of Colony and Roxborough Roads, and is proposed for up to 350 multi-family dwelling units in a building
with a maximum height of 75 feet.

- **Area B** – is located at the southeast corner of the site at the intersection of Colony and Sharon Roads, and is proposed for commercial uses (including office, hotel, eating/drinking/entertainment establishments and retail), up to 250,000 square feet of office, 225 hotel rooms, 100,000 square feet of retail, and building heights up to 75 feet along Sharon Road, 120 feet along Colony Road and 140 feet along Rexford Road.
- **Area C** – is located at the northwest corner of the site at the corner of Roxborough and Rexford Roads and is proposed for up to 640 multi-family dwelling units, with building heights up to 85 feet along Roxborough Road and 160 feet along Rexford Road and Adair Court.
- **Area D** – is located at the southwest corner of the site at the corner of Rexford Road extension and Sharon Road and is proposed for commercial uses (office, retail and eating/drinking/entertainment establishments), up to 200,000 square feet of retail or office uses, with building height up to 75 feet.

**General provisions:**

- Allows up to 10% of the multi-family units to be transferred between the multi-family development areas provided the total does not exceed 990 dwelling units.
- Provides a minimum 30-foot setback along Roxborough, Colony and Sharon Roads with a few exceptions along Roxborough Road as identified on sheet RZ-2 and within Area D where a colonnade is allowed to encroach up to 15 feet. Provides a 50-foot setback along the 120-foot height zone, south of Adair within Area B for the proposed office building.
- Provides numerous on and off-site transportation improvements including but not limited to:
  - extensions of Rexford Road and Adair Court through the site;
  - funding contribution for future traffic signal at Roxborough Road and Rexford Road;
  - construction of a traffic signal at Adair Court and Colony Road;
  - construction of a directional crossover on Sharon and Rexford Roads;
  - a waiting pad for the existing bus stop on Sharon Road;
  - pedestrian crossings on Sharon Road at Rexford Road and on Colony Road at the drive connection within Area B; and
  - renovation and landscaping of medians along Colony Road between Runnymede Lane and Cloverfield Road.
- Specifies numerous architectural and design commitments along with a descriptive design intent.
- Prohibits commercial service and loading areas along Rexford Road, Adair Court, Roxborough Road, Colony Road and Sharon Road except within Development Area D where a service area may be provided along Adair Court if the area is screened by walls.
- Commits to providing at least four acres of publicly accessible open space, including approximately two acres in the perimeter tree save edge along Roxborough, Colony and Sharon Roads and approximately two acres in the urban core, which includes a central plaza at the intersection of Adair Court and Rexford Road.
- Commits to a workforce housing program for no fewer than five percent of the total number of residential units constructed on the site for a period not less than 15 years.

**Requests optional provisions to allow:**

- A limited amount of short-term surface parking and drives between public or private streets as generally depicted on the site plan.
- Up to three porte-cocheres and valet parking areas between buildings and streets.
- Stormwater and water quality facilities within setbacks and beneath sidewalks.
- Innovative sidewalk and planting designs along Roxborough, Sharon and Colony Roads in order to preserve existing trees.
- Building entrances which are not recessed when adjacent sidewalks are at least ten feet wide.
- Innovative street designs, non-standard cross-sections, alternative materials, planted medians and other features within portions of Rexford Road and Adair Court as generally depicted on sheet RZ-5.
- Flexibility with regard to the definition of the “base” of a building (i.e. “base” of the building may be higher or lower than “the first three floors above street grade”).
- Drive-through service windows as an accessory to one bank or financial institution. The service window shall not be visible from any public or private street and shall be internal to a building or structured parking facility.
- Up to ten detached, ground-mounted signs in general locations indicated on the site plan. Signs in Area B and D will be no greater than 65 square feet and up to five feet in height. Signs at access points C and E will be no greater than 32 square feet and up to four feet in height.
- Up to 200 square feet of sign surface per wall or up to 10% of the wall area for which they
are attached whichever is less for wall signs within Area B and D. Only one sign in excess of the requirements of the Zoning Ordinance shall be permitted along the sites frontage on Colony Road.

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

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

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

- **TRANSPORTATION CONSIDERATIONS**
  - This site is located within a mixed-use activity center. Generally CDOT supports greater density in mixed use activity centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced.

  - The SouthPark Activity Center experiences significant congestion today, mostly concentrated along Fairview Road and along Sharon Road. Also, the three major streets with fronting residential uses, Park South Drive, Barclay Downs Drive and Colony Road all experience high volumes of traffic given their residential character. Therefore, the primary transportation goals for this site are to a) mitigate impacts of traffic by the development where possible, b) ensure high quality urban design and street connectivity to improve pedestrian and bicycle access, and c) identify and implement any measures that can reduce the impact to residential properties fronting these streets. This rezoning proposal addresses these goals as described below:
    - Traffic mitigation – the following traffic mitigations are included under the rezoning proposal:
      1. Installation of a signalized pedestrian crossing and directional left-over on Sharon Road between Colony Road and Morrison Blvd.
      2. Construction of a second southbound left-turn lane from Sharon Road onto Morrison Blvd.
3. Construction of an eastbound right-turn lane from Colony Road onto Sharon Road.
4. Construction of a westbound right-turn lane on Morrison Boulevard at Roxborough Road.
5. Construction of a northbound right-turn lane on Barclay Downs at Fairview Road.
6. $250,000 contribution to the City to be used for signalization or Roxborough and Rexford, or other minor projects within the SouthPark area.

- Pedestrian and Bicycle Access and Connectivity
  1. Extension of two new internal streets to create smaller more walkable blocks for improved pedestrian, bicycle, and vehicular mobility within the site.
  2. Installation of a new signalized pedestrian crossing of Sharon Road between Colony and Morrison.
  3. Installation of a traffic signal at Adair Court and Colony Road.
  4. Construction of a pedestrian refuge median on Colony Road and Governor Morrison Street.
  5. Construction of a pedestrian refuge median on Roxborough Road.
  6. Modification of the existing signalized access at Sharon Road and the main entrance to SouthPark mall.

- Colony Road Improvements
  1. Installation and maintenance of various improvements to the appearance of the existing Colony Road medians near Runneymede through hardscape and landscaping.
  2. Various pedestrian refuge median improvements along Colony Road.

- The combined effects of the increased traffic and proposed mitigations will have a net negative impact on congestion; however, the petition commits to all improvements requested by CDOT.
- See Outstanding Issue, notes 1 and 2.

- Vehicle Trip Generation:
  Current Zoning: 2,350 trips per day (based on multi-family use)
  Proposed Zoning: 24,000 trips per day

DEPARTMENT COMMENTS (see full department reports online)

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

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

REQUESTED TECHNICAL REVISIONS
  1. Amend Note 3b to read “allow up to three porte-cocheres and valet parking service areas on the site between buildings and streets.”
  2. Amend the last sentence in Note 3j because access points are not lettered on the site plan.
3. Amend Note 8l to change “connection” to “connections” in the second sentence.
4. Amend Note 8m to read “except as specified in Paragraph (l) above…”
5. Amend the words “Tree Save Edge” on sheet RZ-8 to “Perimeter Tree Zone” and amend Note 9b to change “tree save areas” to “perimeter tree zone.”
6. Ensure that the Development Notes and the Design Intent are consistent with one another throughout.
7. Amend Note 8j and 8k and the Design Intent to specify that the setback is measured from the future back of curb. State that except in locations where widening is proposed as part of the transportation improvements described in the notes, the existing and future back of curb are the same.

Attachments Online at www.rezoning.org

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

Planner: John Kinley  (704) 336-8311
Acreage & Location: Approximately 27 acres located on the west side of Sharon Road between Morrison Boulevard and Colony Road.
Petition #: 2015-131
Petitioner: Synco Properties

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

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

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

Site Area:
27 acres

Tax Parcel:
177-01-001

Existing Zoning:
R-17/SF

Proposed Zoning:
MUDO-O

Existing Use:
Mixed-use

Proposed Use:
Mixed-use

Maximum Development:
290,000 sq. ft. of office uses
335 hotel rooms
300,000 sq. ft. of retail uses

Maximum Building Height:
300 ft. (exclusive of architectural features)

Development Areas A & D: 75 feet
Development Area B includes three separate height zones allowing heights up to 250 feet in the areas shown on the Technical Data Sheet.
Development Area C includes two separate height zones allowing heights up to 55 feet and 100 feet in areas shown on the Technical Data Sheet.

Parking:
Shall satisfy or exceed MUDO minimum requirements.

SITE LEGEND

SITE ACCESS

NETWORK STREET

DEVELOPMENT AREA

NOTES:

- SITE Awas received Back of Line
- SEE SETBACK DIAGRAM
- 15' SETBACK
- 130' SETBACK
- 160' SETBACK
- 180' SETBACK

TECHNICAL DATA SHEET

THE COLONY
REZONING PETITION No. 2015-13

VICTORY MAP

NTS
RESIDENTIAL COMPONENT AT THE COLONY

It is intended that the residential phases of the colony be an extension of the horizontal and be ideally oriented within the master plan that primarily includes office, retail, hotel, restaurant, and service uses. Overall, the colony project intends to provide a vibrant, community-oriented environment for those to live, work, and play. The residential component of the project will be constructed in three phases as generally described for the site.

Phase I: A single-family house with a total of 22 units has been designed for this phase. It has a unique design that incorporates elements of the existing site and surrounds the perimeter of the site. The house will be constructed using natural materials and will blend seamlessly with the surrounding environment.

Phase II: The second phase of the project will consist of 30 additional townhouses and 10 condominiums. This phase will feature a mix of single- and multi-family homes, providing a variety of living options for residents.

Phase III: The final phase will include 40 additional townhouses and 20 condominiums. This phase will continue the trend of incorporating sustainable design practices to minimize the project's impact on the surrounding environment.

These phases are intended to provide a vibrant and diverse community for those who live, work, and play within the colony. The design philosophy is centered around creating a place that is both functional and aesthetically pleasing, with an emphasis on sustainability and environmental stewardship.

LANDSCAPE AND Hardscape

In order to enhance the colony's development as a whole, an urban garden theme has been identified for the public spaces within the colony. Outdoor seating terraces, patios, and other amenity areas will be integrated with a rich range of landscapes and hardscapes. The project will utilize a variety of native plants and local materials to create a sense of place and identity.

The landscape design will feature a combination of formal and informal areas, providing a range of experiences for residents and visitors. The design will incorporate features such as water features, seating areas, and playgrounds to cater to different age groups.

The streetscape will be designed to enhance the visual and functional qualities of the public spaces. The streets will include pedestrian-friendly sidewalks, bicycle lanes, and bike racks to encourage active transportation. The streetscape design will also incorporate public art installations to add visual interest and character to the area.

The hardscapes will be designed to complement the natural elements of the landscape. The use of locally sourced materials and natural stone will enhance the sense of place and contribute to the overall aesthetic of the colony.

ARCHITECTURE

The architectural language of the colony is inspired by the surrounding context and the need to create a cohesive and harmonious environment. The design will feature a mix of traditional and modern elements, with a focus on sustainability and energy efficiency.

The buildings will be designed to maximize natural light and views, with a focus on creating a sense of connection to the outdoors. The materials used will be durable and low-maintenance, with a lifespan that is consistent with the overall design philosophy.

The architecture will incorporate sustainable design practices, including the use of recycled materials, energy-efficient systems, and passive solar design principles. The buildings will be designed to meet or exceed the latest green building standards, ensuring that they are environmentally responsible and economically viable.

The overall design of the colony is intended to create a place that is both functional and aesthetically pleasing, with a strong sense of place and identity. The project will provide a diverse range of living options and will be designed to meet the needs of a wide range of residents.
RETAIL ENTRY AT REXFORD AND SHARON

ADDITIONAL SIDEWALK WIDTH, PRESERVATION OR STREET TREES, ARCHITECTURAL FEATURES, AND PEDESTRIAN INFRASTRUCTURE ARE CRITICAL TO CREATING A COMFORTABLE AND DYNAMIC URBAN SPACE IN THIS AREA. IN ORDER TO REDUCE THE RISK OF CONFLICTS BETWEEN PEDESTRIANS AND VEHICLES, PEDESTRIANS CAN SAFELY UTILIZE THE CONNECTIONS ACROSS THE REXFORD ROAD EXTENSION, BY INCORPORATING A HAWK CROSS WALK. PEDESTRIANS CAN SAFELY CROSS SHARON ROAD FROM ADJACENT SHOPS AND NEIGHBORHOODS. A GRAND COLONNADE HAS BEEN PROPOSED TO BREAK DOWN THE SCALE OF THE STORE'S SPACE REQUIREMENTS AND FURTHER ENCOURAGE SOCIAL STAGING IN THE FORM OF A FRONT PORCH. ACTIVE BRIGHT STOREFRONTS, NATURE STREET TREES AND WIDE, GENEROUS DRIVING AND PEDRIANIZE THE SIDE OF THE COLONY AGEN SHARON.
RESIDENTIAL BUILDING FROM COLONY AND ADAIR INTERSECTION

The Phase 1 Residential Building will embrace existing tree canopies along Colony and Fordborough and create a varied, stepping street. Courtyards, green spaces, and other pockets of landscaping will be created. This variety will be enhanced by ground floor commercial and residential units. Walkways will be oriented to serve as visual and physical connections. The rendering shown is schematic in nature and is provided to illustrate architectural intent only.
Rezoning Petition: 2015-090 by Copper Builders, Inc.

Update: Protest Petition (Sufficient)

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

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

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: INST(CD) (institutional, conditional)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

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

SUMMARY OF PETITION
The petition proposes to allow the redevelopment of the site of an
institutional use with up to 29 single family attached dwelling units at
6.4 dwelling units per acre.

PROPERTY OWNER
TPM Properties Limited Partnership

PETITIONER
Copper Builders, Inc.

AGENT/REPRESENTATIVE
John Carmichael, Robinson Bradshaw & Hinson, P.A.

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 17

STAFF RECOMMENDATION
Staff recommends approval of this petition.

Plan Consistency
The request is inconsistent with the South District Plan
recommendation for institutional uses, as amended by a previous
rezoning.

Rationale for Recommendation
• The requested residential density of 6.4 units per acre is
  supported by the General Development Policies.
• The residential density in the area surrounding the subject
  property ranges from three dwelling units per acres to eight units
  per acre.
• There is a concentration of six to eight units per acre adjoining the
  subject property at the intersection of Rea Road and
  Pineville-Matthews Road.
• The proposal is also compatible with the low scale residential
  character of the surrounding area.

PLANNING STAFF REVIEW

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows up to 29 single family attached dwelling units at a maximum density of 6.4 dwelling units
    per acre.
  • Provides architectural renderings of the front, rear and side elevations indicating proposed
    building materials, and prohibits vinyl as an exterior building material except for windows,
    soffits and trim.
  • Limits maximum building height to 45 feet and two stories with a pitched roof.
  • Commits to a 30-foot undisturbed “Class C” buffer along the site’s northern and eastern
    property lines.
  • Provides access to the site from Pineville-Matthews Road via a private drive that may be gated
    at the option of the petitioner.
  • Provides a network of internal sidewalks connecting units to one another and to the ten-foot
    public sidewalk along Pineville-Matthews Road. Sidewalks may meander to preserve existing
    trees.
  • Provides an eight-foot planting strip along Pineville-Matthews Road and commits to planting
    trees behind the sidewalk if NCDOT does not permit trees within the planting strip.
  • Dedicates 50 feet of right-of-way as measured from the Pineville-Matthews Road centerline.
  • Commits to 80-foot setback from the 50-foot dedicated right-of-way along Pineville-Matthews
    Road to be consistent with nearby properties and to preserve the parkway concept along this
    road.
• **Existing Zoning and Land Use**
  - Petition 2003-118 rezoned the subject property from R-3 (single family residential) to INST(CD) (institutional, conditional) to allow the existing church structure to be reused for a civic/fraternal organization. A religious organization most recently occupied the subject property.
  - This section of Pineville-Matthews Road is zoned R-3 (single family residential), R-8MF and R-12MF (multi-family residential), and INST(CD) (institutional, conditional) and developed with single family homes, townhome style multi-family and civic uses, including the William R. Davie Regional Park.
  - Property abutting the subject site and fronting on Rea Road is developed with single family attached homes zoned UR-2(CD) (urban residential, conditional).
  - See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  - There have been no rezonings in the immediate area in recent years.

• **Public Plans and Policies**
  - The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The site meets minimum General Development Policies (GDP) criteria for consideration of up to eight dwelling units per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – 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>3 (Medium)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed: 11</strong></td>
<td><strong>Total Points: 12</strong></td>
</tr>
</tbody>
</table>

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

• **TRANSPORTATION CONSIDERATIONS**
  - This site does not generate a large volume of traffic; therefore, the primary considerations are for safe access. The proposed access will be restricted to right-in/right-out movements at NC 51, which is preferred for safety. Before the connection will be permitted, the sight distance must be confirmed to the east along NC 51. The developer has agreed to construct a ten-foot wide path along the site frontage for shared bicycle and pedestrian use.

- **Vehicle Trip Generation:**
  - Current Zoning: 460 trips per day (based on the existing church with 750 seats) or 140 trips per day (based on single family residential)
  - Proposed Zoning: 170 trips per day

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

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

**Urban Forestry:** No issues.

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

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 4.53 acres located on the north side of Pineville-Matthews Road between Rea Road and Windswept Drive.
Petition #: 2015-090
Petitioner: Copper Builders, Inc.

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

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

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

Map Produced by the Charlotte-Mecklenburg Planning Department, 6-26-2015.
The Site is designated for residential development, consistent with the Comprehensive Plan and the applicable provisions of the City of Charlotte Zoning Ordinance ("Ordinance").

Permitted Uses:

- 29 for sale single family attached dwelling units.

Existing Uses:
- Religious Institution

Proposed Zoning:
- UR-2 (CD)

Existing Zoning:
- INST (CD) on 01/20/2004

Acreage:
- 0.707 AC (15%)

General Provisions:

1. The Site shall be generally depicted on the Site Plan. The plan, the configuration and the utilization of the valuable space on the Site shall be subject to the provisions of Chapter 6 of the Ordinance. Alterations to the Site Plan are subject to Section 6.207 of the Ordinance.

2. As depicted on the Site Plan, the Site shall be served by internal private drives, and minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process.

3. Any lighting fixtures attached to the buildings to be constructed on the Site shall be decorative, capped and downwardly directed.

4. On-site parking shall be provided in accordance with the provisions of Chapter 6 of the Ordinance.

5. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

6. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

7. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

8. The maximum height in feet of the single family attached dwelling units will be reduced.

9. The Site shall be generally depicted on the Site Plan. The plan and the configuration of the valuable space on the Site shall be subject to the provisions of Chapter 6 of the Ordinance. Alterations to the Site Plan are subject to Section 6.207 of the Ordinance.

10. Any internal sidewalks and pedestrian connections shall be provided on the Site in accordance with the provisions of Chapter 6 of the Ordinance.

11. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

12. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

13. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

14. The maximum height in feet of the single family attached dwelling units will be reduced.

15. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

16. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

17. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

18. The maximum height in feet of the single family attached dwelling units will be reduced.

19. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

20. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

21. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

22. The maximum height in feet of the single family attached dwelling units will be reduced.

23. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

24. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

25. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

26. The maximum height in feet of the single family attached dwelling units will be reduced.

27. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

28. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

29. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

30. The maximum height in feet of the single family attached dwelling units will be reduced.

31. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

32. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

33. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

34. The maximum height in feet of the single family attached dwelling units will be reduced.

35. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

36. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

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38. The maximum height in feet of the single family attached dwelling units will be reduced.

39. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

40. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

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42. The maximum height in feet of the single family attached dwelling units will be reduced.

43. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

44. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

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46. The maximum height in feet of the single family attached dwelling units will be reduced.

47. Prior to the issuance of a certificate of occupancy for any new building constructed on the Site, Petitioner shall dedicate and convey to the City the right of way, street trees behind the 8 foot planting strip and 10 foot sidewalk, as approved by NCDOT.

48. The finished floor elevation of those buildings designated as Building A and Building B on the Site Plan shall be a maximum of 642 feet above mean sea level.

49. The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the dwelling units to the highest point of the roof, excluding the roof of the garage.

50. The maximum height in feet of the single family attached dwelling units will be reduced.
Rezoning Petition: 2014-019 by Carolina Development Services, LLC

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment), with five year vested rights.

LOCATION

Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. (Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to allow up to 380 multi-family units at a density of 14.34 dwelling units per acre.

PROPERTY OWNER

B&C Land Holdings, LLC

PETITIONER

Carolina Development Services, LLC

AGENT/REPRESENTATIVE

Peter Tatge, ESP Associates, P.A.

COMMUNITY MEETING

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

STAFF RECOMMENDATION

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

Plan Consistency

The proposed multi-family housing is consistent with the Northeast Area Plan, which recommends residential and/or retail land uses.

The petition is consistent with the Plan’s recommended density of eight dwelling units per acre to include a mix of housing types, within a larger property area. Based on the approved and constructed 455 dwellings on 95.85 acres in Parcel 1, and the 380 dwellings on 26.47 acres proposed in this application for Parcel 2, the larger site would include 835 dwellings on 122.32 acres for a density of 6.83 dwellings per acre.

Rationale for Recommendation

- This site was identified in the District 4 Multi-Family Assessment as a priority site for a corrective rezoning due to the lack of design standards associated with the existing conditional zoning plan for the property.
- The petition has incorporated standards for this multi-family residential project that provide details on building and parking location, open space and buffers, street design and connectivity, and building form and design.
- In addition, the petition reduces the overall intensity of the site by eliminating 107,000 square feet of retail entitlement and reducing the total allowed number of residential units to 380 (422 currently allowed).

PLANNING STAFF REVIEW

- Background
  - In June 2011, Council requested an assessment of multi-family development within Council District 4 in response to a recent increase in multi-family development activity in this district. Staff completed a report in April 2013 that summarized the amount of existing multi-family development, future projections and market demand for multi-family residential development in District 4.
  - At their May 2013 dinner briefing, Council directed staff to move forward with the recommendations within the report, including corrective rezonings of selected parcels.
  - The subject rezoning site was one of the properties selected for a corrective rezoning to implement the Council District 4 Multi-family Assessment due to the site’s lack of updated community design guidelines associated with the conditional rezoning plan for the property.
This petition was originally a staff-initiated (conventional) request to rezone the site from CC (commercial center) to R-4 (single family residential), to allow all uses in the R-4 (single family residential) district.

The City Council held a public hearing on this conventional request at its February 17, 2014 meeting. The Zoning Committee recommendation was deferred several times to allow additional time for the property owner and staff to work together to develop a mutually acceptable conditional site plan with specific design guidelines.

To support this effort, the Planning Department hired a Charlotte-based design firm (DRG) to develop preliminary site plans using current development standards and regulations that have been implemented since the approval of rezoning petition 1999-33c. Staff held two design charrettes with the property owner and consultant, and met several times to work on site plan challenges and design guidelines.

Subsequently, the property owner decided to undertake a conditional rezoning for the subject property.

At the Zoning Committee’s June 24, 2015 meeting, the committee recommended that the petition be returned to City Council for a new hearing to allow the conversion of the petition to a conditional rezoning as requested by the property owner.

At its meeting of July 20, 2015, the City Council approved a new public hearing for the subject petition.

**Proposed Request Details**

The site plan amendment contains the following changes:

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

**Existing Zoning and Land Use**

The rezoning site is currently vacant and bounded to the north and west by Interstate 85. It is part of a larger 136-acre tract rezoned to MX-2 INNOV (mixed use, innovative) and CC (commercial center), in order to allow 1,172 attached housing units and 107,000 square feet of retail/office space. The approved site plan (rezoning petition 1999-033c) divides development rights into Parcels I and II:

- Parcel I (MX-2 INNOV) consisting of approximately 93.14 acres, allowing up to 750 attached homes at a density of eight (8) units per acre. The number of units was reduced in 2007 to 455 single family homes and 175 townhomes at a density of 4.75 units per acre.
- Parcel II, which includes the subject petition, consisted of 42.21 acres and was initially rezoned to CC (commercial center), in order to allow 422 attached housing units at a density of 15 units per acre, and 107,000 square feet of retail/office. A subsequent rezoning in 2007 (2007-037) amended the site plan for approximately 12.87 acres of Parcel II from CC (commercial center) to INST(CD) (institutional, conditional) in order to accommodate Stoney Creek Elementary School.

This section of Mallard Creek Road and Salome Church Road has residential uses, as well as undeveloped acreage, on properties zoned R-3 (single family residential), R-12MF (multi-family residential) and MX-2 (mixed use). In addition, institutional uses are located on properties zoned INST(CD) (institutional, conditional).
• See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**

Rezoning petition 2015-133 proposes to rezone approximately 20.6 acres located on the west side of Salome Church Road, north of North Tryon Street and east of I-485, from R-3 (single family residential) and R-22MF (residential multi-family) to R-12MF(CD) (residential multi-family, conditional) in order to allow up to 228 residential dwelling units (multi-family, duplex, triplex, and quadruplex) at a density of 11.07 units per acre. The public hearing for this request is scheduled for the December 14, 2015 City Council rezoning meeting.

**Public Plans and Policies**

The petition is consistent with the *Northeast Area Plan* (2000), which recommends residential and retail land uses for this parcel. More specifically, the plan recommends that residential on the entire site rezoned in 1999, be developed at a density up to eight dwelling units per acre.

**TRANSPORTATION CONSIDERATIONS**

Salome Church Road is classified as a major thoroughfare on the CRTPO Thoroughfare Plan and envisioned to be a five-lane facility in the future. Salome Church Road currently carries 6,800 vehicle trips per day, which can be adequately served by the two to three lanes that exist today. The primary transportation goal for this site is to implement the future design for Salome Church Road along the limits of the property so that the future capacity can be created with incremental development. This remains an outstanding item on the rezoning plan. The site will include a left-turn lane into the development and sidewalks along the frontage of Salome Church Road. The internal connection to Porter Creek Road is a requirement of the City’s Subdivision Ordinance and also supported by CDOT.

• See Outstanding Issues, note 7.

**Vehicle Trip Generation:**

Current Zoning: 4,600 trips per day (assuming 107,000 square feet of retail) or 2,680 trips per day (assuming 422 multi-family units)
Proposed Zoning: 2,425 trips per day

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

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

**OUTSTANDING ISSUES**

**Environment**

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

**Site and Building Design**

2. Remove Architectural Standards Note g (related to the location of building envelopes) from the site plan.
3. Provide a minimum build-to line for all buildings.
4. Limit freestanding lighting to a maximum height of 20 feet as proposed development lies
adjacent to an existing single family residential subdivision.
5. Add a note that the buildings along the internal private driveways will be located at a build-to line of 14 feet from the edge of pavement.
6. Modify “5. Building/Parking/Private Street Relationship” diagram to show the location of the private drive.

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

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

Attachments Online at www.rezoning.org
• Application
• Site Plan
• Locator Map
• Community Meeting Report
• Department Comments
  • Transportation Review
  • Charlotte-Mecklenburg Schools Review
  • Engineering and Property Management Review

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.
Petition #: 2014-019
Petitioner: Carolina Development Services, LLC
Zoning Classification (Existing): CC (Commercial Center)
Zoning Classification (Requested): CC SPA 5-Year Vested Rights (Commercial Center, Site Plan Amendment, Five Year Vested Rights)
Acreage & Location: Approximately 26.5 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-6-2015.
Legend
- Site Boundary
- Internal Vehicular Circulation
- Interior Right-of-Way
- Project Buffer
- Setback
- PCCO Buffer (50')
- Primary Site Access

1. USDG Local Residential Wide Intersection Relationship
2. Project Frontage / Building Relationship off Salome Church Rd
3. Typical Courtyard/Building Relationship
4. Building/Parking/Garage Relationship
5. Building/Parking/Private Street Relationship
6. 75' Buffer/Adjacent Property Owner Relationship
7. USDG Local Residential Wide Street w/ On-Street Parking (71' R/W)
8. Typical Private Street w/ 30' Clear Zone

NOT TO SCALE
Previously Approved Site Plan


**VYRON PROPERTIES**

I-85 / I-485 SITE
OMNI ARCHITECTURE

Development Summary

Total Site Area: 135.35 AC (Net of Existing R-3, R-12MF)

Proposed Zoning: CC and MX-2 (Innovative)

Total Attached Housing: 121.35 ac / 1172 units / 9.89 du

Total Retail/Office: 14.00 ac / 107,000 sf

**Parcel I**

- Proposed MX-2 Innovative District
- Attached Housing: 93.14 ac / 750 units / 8 du

**Parcel II**

- Proposed CC District (Innovative)
- Attached Housing: 28.21 ac / 422 units / 15 du
- Retail/Office: 14.00 ac / 107,000 sf

Legend

- Access Point
- Right In/Right Out Access Point
- Setback/Yards
- Buffer
- Open Space
- Pedestrian Circulation

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

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Adjacent Property Owners

- **1.** Dink, Mary J.
- 6400 E. Holcomb Dr
- Charlotte, NC 28224
- 704-997-8100

- **2.** WVAC Inc.
- 1520 Magnolia View Rd
- Charlotte, NC 28217
- 704-376-6660

- **3.** Silicon Presbyterian Church
- 6400 E. Holcomb Rd
- Charlotte, NC 28224
- 704-997-8100

- **4.** Mailard Creek Polymers Inc.
- 14000 Mailard Creek Road
- Charlotte, NC 28210
- 704-376-6660

- **5.** Morris, Ralph R.
- 7125 Squirrel Church Rd
- Charlotte, NC 28210
- 704-997-8100

Legend

- Access Point
- Right In/Right Out Access Point
- Setback/Yards
- Buffer
- Open Space
- Pedestrian Circulation

Scale: 1" = 200'

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**VYRON PROPERTIES**

I-85 / I-485 SITE
OMNI ARCHITECTURE

Development Summary

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**Parcel I**

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- Attached Housing: 93.14 ac / 750 units / 8 du

**Parcel II**

- Proposed CC District (Innovative)
- Attached Housing: 28.21 ac / 422 units / 15 du
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Legend

- Access Point
- Right In/Right Out Access Point
- Setback/Yards
- Buffer
- Open Space
- Pedestrian Circulation

Scale: 1" = 200'
Agenda #: 15. File #: 15-2033 Type: Zoning Hearing

Rezoning Petition: 2015-133 by BRC Salome Church LLC

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

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

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

LOCATION

Approximately 20.6 acres near the intersection of I-485 and North Tryon Street along Salome Church Road.

(Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to allow development of a vacant parcel with up to 228 residential dwelling units, at a density of 11 units per acre.

PROPERTY OWNER

Various

PETITIONER

BRC Salome Church 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: 8

STAFF RECOMMENDATION

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

Plan Consistency

The petition is consistent with the *Northeast Area Plan (2000)* recommendation for residential development up to 12 dwelling units per acre.

Rationale for Recommendation

- The proposed development is consistent with the adopted plan recommendation which calls for residential development up to 12 units per acre.
- The site is located at a confluence of major streets, on or near I-485, North Tryon Street and Salome Church Road, and is located in an area planned and zoned for primarily residential development.
- The site design meets the plan’s recommendation for higher density residential, by providing an internal network of streets that connects to abutting properties and to Salome Church Road and by fronting buildings along these streets.
- Architecture features such as building materials, minimization of long and blank walls, and roof pitches have been included to support the goal of designing buildings to fit into a larger neighborhood context.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - A maximum of 228 residential dwelling units (multi-family, duplex, triplex, and quadraplex) along with permitted accessory uses.
  - Number of principal residential buildings limited to 12.
  - Building height not to exceed three stories or 48 feet.
  - Building Design and Architecture
    - The principal buildings will provide a minimum 30% of brick, stone, precast stone, precast concrete, and/or synthetic stone per building façade.
    - Building materials to include a combination of portions of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits, and handrails/railings.
    - Building elevations are provided and will be designed with vertical bays or articulated architectural façade features.
    - Accessory buildings will be similar in materials, color, architectural elements and design as the principal buildings.
• Buildings shall front a minimum 50% of the total street frontage on the site.
• Buildings exceeding 120 feet in length shall include modulation (areas that are either recessed or extended from of the building massing/façade plane). Modulations shall be a minimum of 10 feet wide and extend or recess a minimum of five feet extending through all floors.
• A minimum of three elevations of each building will be articulated with a wainscot of a minimum of three feet in height.
• Building elevations facing streets shall not have expanses of blank walls greater than 20 feet.
• Roof form and rooflines shall be designed to avoid the appearance of a large monolithic roof structure.
• Streets, streetscape, and parking
  • Two internal public streets will be constructed as required by the Subdivision Ordinance.
  • Surface parking will not be allowed between Salome Church Road, the proposed streets and proposed buildings except for a specified area between the proposed club house and Salome Church Road.
  • The southernmost access to Salome Church Road will be designed for use only by emergency vehicles and will be restricted/controlled to prohibit access by tenants and visitors.
  • A six-foot sidewalk and eight-foot planting strip will be provided along all public streets.
  • Northbound left-turn lanes will be constructed on Salome Church Road.
  • 50 feet of right-of-way on Salome Church Road will be dedicated and conveyed when the right-of-way for the site’s internal public streets are dedicated.
• Other
  • A 50-foot “Class C” buffer will be provided abutting existing single family zoning, which may be reduced by 25% with a fence or berm.
  • The portion of 100-foot SWIM buffer associated with Stoney Creek located on the site will be conveyed to Mecklenburg County Parks and Recreation for the development of a greenway.

Existing Zoning and Land Use
• Most of the subject site is zoned R-3 (single family residential) and is vacant. A 2.0 acre portion of the site was rezoned by petition 1998-43c to R-22MF(CD) (multi-family residential, conditional) to allow a temporary construction access to the adjoining multi-family tract, which could become a permanent access point.
• Abutting to the west, on the south end, is an apartment development zoned R-22MF (multi-family residential) built in 1999. Abutting to the west on the north end, is an active landfill site. Across Salome Church Road to the east are vacant parcels and older large lot single family properties zoned R-3 (single family residential). Further north on Salome Church Road are a church and a school, as well as a variety of single family, townhome, and multi-family dwellings in MX-2 (mixed use) zoning.
• See “Rezoning Map” for existing zoning in the area.

Rezoning History in Area
• Rezoning petition 2014-019 proposes a CC (commercial center) site plan amendment for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road. The proposed development will allow up to 380 multi-family residential units at a density of approximately 14.33 dwelling units per acre. The public hearing for this request is also scheduled for the December 14, 2015 City Council rezoning meeting.

Public Plans and Policies
• The Northeast Area Plan (2000) recommends residential uses up to 12 units per acre for this site. The plan recommends that higher density residential housing be developed as part of the fabric of a larger neighborhood, and that such developments should not be built as large, inward orienting complexes.

TRANSPORTATION CONSIDERATIONS
• Salome Church Road is classified as a major thoroughfare on the CRTPO Thoroughfare Plan and envisioned to be a 5-lane facility in the future. Salome Church Road currently carries 6,800 vehicle trips per day, which can be adequately served by the 2-3 lanes that exist today. The primary transportation goal for this site is to implement the future design for Salome Church Road along the limits of the property so that the future capacity can be created with incremental development. CDOT has requested the developer widen Salome Church Road along the project limits, which remains an outstanding issue. CDOT has other outstanding transportation goals for this site including elimination of the easternmost access (for safety), providing a shared use path along the site frontage for pedestrians and cyclists, and providing a pedestrian connection
to the adjacent multi-family site.

- See Outstanding Issues, notes 1 through 3.
- **Vehicle Trip Generation:**
  - Current Zoning: 1,000 trips per day based on a mix of single and multi-family residential.
  - Proposed Zoning: 1,600 trips per day.

DEPARTMENT COMMENTS (see full department reports online)

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

OUTSTANDING ISSUES

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

Site and Building Design

REQUESTED TECHNICAL REVISIONS

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

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

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

Planner: Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2015-133

Acreage & Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street.
Petition #: 2015-133
Petitioner: BRC Salome Church LLC

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

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

Acreage & Location: Approximately 20.6 acres located near the northwest corner at the intersection of Salome Church Road and North Tryon Street.
R-12MF zoning classification shall govern.

BRC Salome Church, LLC modifications will be allowed without requiring the Administrative Amendment.

- Maximum Building Height: i. expressly permitted by the Rezoning Plan (it is understood that if a modification
  phases, it is intended that this Rezoning Plan provide for flexibility in allowing

- Proposed Uses: changes to the Rezoning Plan not anticipated by the Rezoning Plan
  a. are not expressly prohibited by the Rezoning Plan

- Existing Uses: the purposes of these Development Standards (e.g. the reduction or elimination

- Proposed Zoning: the building placement and to accommodate other modifications required due

- Existing Zoning: to the building placement and to accommodate other modifications required due

- Tax Parcel: to the building placement and to accommodate other modifications required due

- Site Development Data: to the building placement and to accommodate other modifications required due

- Principal Residential Buildings: to the building placement and to accommodate other modifications required due

- Non-Residential Buildings: to the building placement and to accommodate other modifications required due

- Use: to the building placement and to accommodate other modifications required due

- Building: to the building placement and to accommodate other modifications required due

- Building Height: to the building placement and to accommodate other modifications required due

- Floor Area: to the building placement and to accommodate other modifications required due

- Lot Size: to the building placement and to accommodate other modifications required due

- Site: to the building placement and to accommodate other modifications required due

- Development Standards: to the building placement and to accommodate other modifications required due

- Site Location: to the building placement and to accommodate other modifications required due

- Access: to the building placement and to accommodate other modifications required due

- Roofline: to the building placement and to accommodate other modifications required due

- Architectural Elements: to the building placement and to accommodate other modifications required due

- Architectural Treatment: to the building placement and to accommodate other modifications required due

- Building Envelope: to the building placement and to accommodate other modifications required due

- Building Materials: to the building placement and to accommodate other modifications required due

- Building Colors: to the building placement and to accommodate other modifications required due

- Building Wall Orientation: to the building placement and to accommodate other modifications required due

- Trees: to the building placement and to accommodate other modifications required due

- Landscaping: to the building placement and to accommodate other modifications required due

- Parking: to the building placement and to accommodate other modifications required due

- Pedestrian Access: to the building placement and to accommodate other modifications required due

- Street: to the building placement and to accommodate other modifications required due

- Roadway: to the building placement and to accommodate other modifications required due

- Paving: to the building placement and to accommodate other modifications required due

- Utilities: to the building placement and to accommodate other modifications required due

- Site Features: to the building placement and to accommodate other modifications required due

- Site Improvements: to the building placement and to accommodate other modifications required due

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- Site Improvements: to the building placement and to accommodate other modifications required due
SALOME CHURCH ROAD

Proposed Apartment Building
Salome Church Rd., Charlotte, NC

Note:
These elevations are provided to reflect the architectural style and quality of the buildings that may be constructed on the site. The actual buildings constructed on the site may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained.
Previously Approved Site Plan
Rezoning Petition: 2015-107 by D.R. Horton

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

Current Zoning:  INST(CD) (institutional, conditional) and MX-2 (innov) (mixed use, innovative)
Proposed Zoning:  MX-2 (innov) (mixed use, innovative) and MX-2 (innov) SPA (mixed use, innovative, site plan amendment)

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

SUMMARY OF PETITION
The petition proposes to allow development of a vacant site in the Davis Lake community with up to 103 attached dwelling units (townhomes) at a density of approximately 7.93 units per acre.

PROPERTY OWNER
Harris Woods Land Investors

PETITIONER
D.R. Horton, Inc.

AGENT/REPRESENTATIVE
Allison Merriman/Land Design

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

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

Plan Consistency
The proposed residential development for the portion of the site currently zoned MX-2 (mixed use) innovative is consistent with the Northeast District Plan recommendation for residential uses up to eight dwelling units per acre.

The proposed residential development for the portion of the site currently zoned INST(CD) (institutional, conditional) is inconsistent with the plan recommendation for institutional uses.

Rationale for Recommendation
1. The subject site is part of approximately 383 acres originally rezoned in 1991 to allow a planned community consisting of 1,020 residential units, 292,000 square feet of office, and 197,000 square feet of commercial uses.
2. Site is located within an area with more intense development and abuts a retail center and is across Davis Lake Parkway from existing multi-family residential.
3. This proposal is a minor increase in density from 7.6 to 7.9 dwelling units per acre from the rezoning approved in 2008 for the subject property.
4. Although a portion of the property was rezoned for institutional uses, the development rights for multi-family residential are still in place for the majority of the site.
5. The proposal will provide improved pedestrian and vehicular connectivity through an internal network of sidewalks, public streets and private drives, including a new connection to David Cox Road.
6. The project will enhance the existing water quality pond with amenities such as benches and walking trails.

PLANNING STAFF REVIEW

• Proposed Request Details
The site plan accompanying this petition contains the following provisions:
• Up to 103 attached residential dwelling units at a density of approximately 7.93 units per acre.
• Vertical height of all buildings not to exceed 40 feet.
• Conceptual building elevations.
• Exterior front wall surfaces, exclusive of windows and doors, of all buildings will have a minimum of 70% brick, stone and/or similar masonry products, and/or hardi-plank/fiber.
• Internal street network consisting of proposed public roads with on-street parking, private drives, and access onto David Cox Road and Davis Lake Parkway.
• Dedication of right-of-way along David Cox Road as measured 42 feet from its existing centerline, prior to issuance of first subdivision lot certificate of occupancy.
• Construction of left-turn lanes with 150 feet of storage on David Cox Road and Davis Lake Parkway to access proposed development.
• Provision of 40-foot setbacks along David Cox Road and Davis Lake Parkway.
• Potential location of tree save areas.
• Provision of 50-foot and 100-foot undisturbed PCCO (post construction controls ordinance) buffers, and a 50-foot “Class A” buffer along the western portion of property abutting I-1 (light industrial) zoned property.
• Existing detention/BMP (Best Management Practices) storm water facility to be used to treat subject site, and will be maintained by the adjacent shopping center (Shoppes at Davis Lake).
• Installation of walking trail and benches around existing water quality pond.
• Innovative provisions to:
  • Allow minimum front setbacks for attached dwellings to be 20 feet as measured from proposed right-of-way or back of sidewalk (whichever is greater). **Minimum 30 feet required.**
  • Allow minimum lot widths for attached dwellings to be 20 feet. **Minimum 55 feet is required.**
  • Allow residential uses to front on private drives as long as they are publicly accessible.

**Existing Zoning and Land Use**
• The site is currently undeveloped with a water quality pond located at the southeast corner of the property.
• Rezoning petition 2008-044 rezoned the subject site from O-1(CD) (office, conditional) to MX-2 (innov) (mixed use, innovative) to allow 92 townhomes on the site.
• 2012-096 rezoned approximately 2.18 acres of the subject property from MX-2 (innov) (mixed use, innovative) to INST(CD) (institutional, conditional) in order to allow a 25,000 square foot, 40-bed dependent living facility, which has not be constructed.
• To the north is a mix of attached and detached residential housing types zoned R-4 (single family residential), RU(CD) (rural, conditional), R-8(CD) (single family residential, conditional), R-9PUD (planned unit development), and R-8MF(CD) (multi-family residential, conditional).
• To the east is an assisted living facility zoned O-1(CD) (office, conditional).
• South of the rezoning site is a shopping center (Shoppes at Davis Lake).
• To the west is an office, residence, vacant residential lot, and office/distribution/warehouse uses zoned O-1(CD) (office, conditional), R-MH (manufactured home), and I-1 (light industrial).
• See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
• Rezoning petition 2013-024 approved a CC SPA (commercial center, site plan amendment) to allow the development of a 15,000-square foot commercial building on a newly configured parcel in an existing shopping center (Shoppes at Davis Lake), located on the northwest corner of the intersection at West W. T. Harris Boulevard and Davis Lake Parkway.

**Public Plans and Policies**
• The **Northeast District Plan** (1996) recommends institutional land uses for a portion of the site as amended by rezoning petition 2012-096. The Plan recommends residential up to eight dwelling units per acre on the rest of the site, as amended by rezoning petition 2008-044.

**TRANSPORTATION CONSIDERATIONS**
• The primary transportation goals for this site are to provide safe access and improve the sidewalk conditions along the property. This rezoning proposal achieves these goals with the construction of left-turn lanes at the entrances from Davis Lake Parkway and from David Cox Road and by installing sidewalks along Davis Lake Parkway and David Cox Road. The petitioner has agreed to provide a pedestrian connection to the existing retail development to the south.
• **Vehicle Trip Generation :**
  - Current Zoning: 600 trips per day
  - Proposed Zoning: 660 trips per day

**DEPARTMENT COMMENTS** (see full department reports online)
• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Charlotte Fire Department:** No comments received.

• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 11 students, while the development allowed under the proposed zoning will produce 13 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 2 students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Ridge Road Middle (123% utilization) and Mallard Creek High (132% utilization), but will slightly increase the utilization at David Cox Elementary from 131% to 132%.

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

• **Charlotte Water:** No issues.

• **Engineering and Property Management:** No issues.

• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

• **Mecklenburg County Parks and Recreation Department:** No issues.

• **Urban Forestry:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

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

**REQUESTED TECHNICAL REVISIONS**

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

**Attachments Online at www.rezoning.org**

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

**Planner:** Claire Lyte-Graham  (704) 336-3782
Petition #: 2015-107

**Acreage & Location**: Approximately 12.99 acres located on the south side of David Cox Road near the intersection of David Cox Road and Davis Lake Parkway.
Petition #: 2015-107
Petitioner: D.R. Horton, Inc.

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

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

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

Acresage: +/-12.69 AC

Tax Parcel: 043-221-01

Existing Zoning: INST(CD) and MX-2 (INNOV)

Proposed Zoning: MX-2(MNOV) and

MX-2 (INNOV) SPA

Existing Uses: Vacant

Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses as allowed in the MX-2 innovative zoning district (as more specifically described below).

Maximum Gross Square Feet of Development: Up to 103 attached residential dwelling units of all types (R indicating)

Maximum Building Height: As allowed by the Ordinance in the area zoned MX-2 Innovative

Parking: As required by the Ordinance for the MX-2 Innovative portion of the Site.

SITE LEGEND

SITE ACCESS
STREET NETWORK
DEVELOPMENT AREA
Previously Approved Site Plan
Agenda #: 17. File #: 15-2026 Type: Zoning Hearing

Rezoning Petition: 2015-118 by Pavillion Development Company

Update: Protest Petition (Sufficient)

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

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

Staff Recommendation:
Staff does not recommend approval of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
Rezoning Petition 2015-118
Pre-Hearing Staff Analysis
December 14, 2015

Note: A sufficient protest petition has been filed.

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

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

SUMMARY OF PETITION
The petition proposes to allow an automobile service station, associated convenience store, and another proposed commercial use.

PROPERTY OWNER
Nasir Ahmad

PETITIONER
Pavilion Development Company

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION
Staff does not recommend approval of this petition.

Plan Consistency
The petition is inconsistent with the Southwest District Plan, as amended by Petition 1997-015, as automobile oriented uses such as convenience stores with fuel sales were not allowed.

Rationale for Recommendation
- This is part of a larger 22-acre rezoning (petition 1997-015) which was entitled for hotel, office, and retail uses with a specific prohibition on drive-through restaurants and automobile service stations including fuel sales.
- The subject property is located at the intersection of Nations Ford Road and Tyvola Road and the remaining three corners of the intersection are developed with residential or religious institutions, which are compatible with the surrounding residential neighborhoods.
- The existing zoning from 1997 provided for uses that would be compatible with surrounding neighborhoods, and keeping automobile-related uses to the east side of Interstate 77 which is more commercial in nature.
- Since the 1997 rezoning, no significant land use changes have occurred that warrant the introduction of automobile oriented uses on this site. Therefore, staff supports maintaining the current site plan and uses.

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

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

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

- Provides a landscaped buffer along Nations Ford Road.
- Limits height of the building on Parcel 4B to a maximum of two stories.
- Limits ground mounted signage for individual parcels to a maximum of 4 feet high and 50 square feet.
- Prohibits building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows on both parcels.

**Existing Zoning and Land Use**

- The subject is part of a larger 22.25 acre site at the northeast corner of Nations Ford Road and Tyvola Road. The larger site was rezoned by petition 1997-015 to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels.
- The subject parcel remains vacant. The other parcels on the larger site have been developed with an office building, a bank branch, and several hotels. A site plan amendment, petition 2008-018, provided for an additional hotel development on one parcel.
- The subject site is part of an overall commercial center. The approved site plan for this site allows 6,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments, and excludes automobile service stations, building material sales and dwellings.
- Properties across Tyvola Road to the south, and across Nations Ford Road to the west are zoned R-4 (single family residential) with single family uses (Greenbriar Woods neighborhood) and a church. Diagonally across Tyvola Road and Nations Ford Road is multi-family development zoned R-17(CD) (multi-family conditional).
- Across I-77 to the east is an area of intensive commercial development, including gasoline stations, hotels, fast food and other restaurant uses, and a variety of retail uses.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**

- Rezoning petition 2016-003 is a CC SPA (commercial center, site plan amendment) consisting of approximately 7.1 acres located on the east side of Nations Ford Road, north of Tyvola Road, and west of I-77, to allow office or a hotel on Parcels 1 and 2. This request is tentatively scheduled for the January 19, 2016 City Council rezoning meeting.

**Public Plans and Policies**

- The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of
uses including office, hotel, and other uses permitted in the CC (commercial center) zoning district including eating/drink/entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses, per Petition 1997-015, which amended the plan.

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

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

OUTSTANDING ISSUES
- **Land Use**
  1. The proposed land use on Parcel 4A is inconsistent with the Southwest District Plan, as amended by petition 1997-015.
- **Site and Building Design**
  2. Architectural Standards language (transparency note) should be revised to address façade facing Nations Ford Road in addition to Tyvola Road and the access drive as currently noted.
  3. Architectural Standards language should be revised to state blank walls shall not exceed 20 feet and should be mitigated by providing architectural detail such as: a substantial change in material and/or articulation greater than 12 inches in depth.
  5. Show trees to be saved on site plan.
  6. Show all right-of-way trees as being protected.
  7. Clarify how the subject parcels will be designed with materials compatible with adjacent residential neighborhood.
- **Transportation**
  8. Incorporate CDOT’s requested design refinements to the pedestrian refuge medians.

REQUESTED TECHNICAL REVISIONS
- 1. Under Site Data remove “(CD)” from Existing Zoning and Proposed Zoning lines as the Commercial Center zoning district is conditional.
- 2. Under Purpose statement, remove reference to automobile service station and associated convenience store.
- 3. Under Permitted Uses heading, add automobile service station as a prohibited use.
Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Rezoning Petition: 2015-118

Petition #: 2015-118

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
Petition #: 2015-118
Petitioner: Pavillion Development Company

Zoning Classification (Existing): CC
(Commercial Center)

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

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE. THE PETITIONER WILL BE REQUIRED TO FILE AN ADMINISTRATIVE AMENDMENT TO ORIGINAL PETITION AFTER APPROVAL OF THE MOST RECENT site plan, recorded document prior to issuance of final building permit. THE PETITIONER WILL BE REQUIRED TO FILE AN ADMINISTRATIVE AMENDMENT TO ORIGINAL PETITION AFTER APPROVAL OF THE MOST RECENT site plan, recorded document prior to issuance of final building permit. THE PETITIONER WILL BE REQUIRED TO FILE AN ADMINISTRATIVE AMENDMENT TO ORIGINAL PETITION AFTER APPROVAL OF THE MOST RECENT site plan, recorded document prior to issuance of final building permit. THE PETITIONER WILL BE REQUIRED TO FILE AN ADMINISTRATIVE AMENDMENT TO ORIGINAL PETITION AFTER APPROVAL OF THE MOST RECENT site plan, recorded document prior to issuance of final building permit. THE PETITIONER WILL BE REQUIRED TO FILE AN ADMINISTRATIVE AMENDMENT TO ORIGINAL PETITION AFTER APPROVAL OF THE MOST RECENT site plan, recorded document prior to issuance of final building permit.
Previously Approved Site Plan
Rezoning Petition: 2015-092 by QuikTrip Corporation

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

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

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

Attachments:
- Staff Analysis
- Vicinity Map
- Rezoning Map
- Site Plan
- Previously Approved Site Plan
REQUEST

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

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

LOCATION

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

(Council District 5 - Autry)

SUMMARY OF PETITION

The petition proposes the redevelopment of a former retail site with a convenience store with fuel sales.

PROPERTY OWNER

Gemstone, Inc., Jan Hilton Caldwell, Howard A. Hilton, Jr., Larry L. Hilton, and Plaza Road Baptist Church

PETITIONER

QuikTrip Corporation

AGENT/REPRESENTATIVE

John Carmichael, Robinson Bradshaw & Hinson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 7

STAFF RECOMMENDATION

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

Plan Consistency

The proposed use is consistent with the Northeast District Plan’s recommendation for retail uses for the portion of the site that is currently zoned B-1(CD) (neighborhood business, conditional). For the remainder of the site, the proposed use is inconsistent with the adopted plan’s recommendation for single family residential uses.

Rationale for Recommendation

- The intersection of East W. T. Harris Boulevard and The Plaza is identified as a neighborhood center in the Northeast District Plan.
- A significant portion of the site was previously developed with a retail use, which has since been demolished.
- The proposed development will re-establish retail on the portion of the site, which is currently vacant.
- The remainder of the property, which is currently developed with single family residential and a church fronting The Plaza, will be primarily utilized for site access, tree save, landscaping, and buffering, and has been designed to be compatible with the adjacent residential on Hunters Crossing Lane and across The Plaza.

PLANNING STAFF REVIEW

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

**Existing Zoning and Land Use**
- The majority of the site was rezoned by petition 1996-064 to B-1(CD) (neighborhood business, conditional) to allow up to 13,5000 square feet of retail and any other use permitted in the B-1 (neighborhood business) district. The site was developed in accordance with the approved site plan and has since been razed.
- The remainder of the subject property is currently zoned R-4 (single family residential) and developed with three single family detached dwellings and a religious institution.
- The intersection of East W.T. Harris and The Plaza, which is identified as a neighborhood center in the Northeast District Plan, is developed with a range of commercial uses located in the B-1 (neighborhood business) zoning district.
- Surrounding properties located between The Plaza and St. Johns Church Road are primarily zoned R-4 (single family residential) and developed with single family dwellings, with the exception of a multi-family apartment use located in B-1 (neighborhood business) zoning.
- Remaining adjacent properties are developed with automotive gas station uses, an eating/drinking/entertainment establishment, various types of retail, a self-storage facility, a post office and residential uses in R-4 (single family residential), R-12MF(CD) (multi-family residential, conditional), B-1(CD) (neighborhood business, conditional), and BD(CD) (distributive business, conditional) zoning districts.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- There have been no rezonings in the immediate area in recent years.

**Public Plans and Policies**
- The Northeast District Plan (1996) recommends single family residential uses for the portion of the site zoned R-4 (single family residential) and retail uses for the remainder of the site as amended by Petition 1996-64.
- The plan identifies the intersection of East W. T. Harris Boulevard and The Plaza as an existing neighborhood center. Neighborhood size centers are defined in the General Development Policies as retail shopping centers that may include up to 100,000 square feet of retail uses. Office and residential uses may also be included.
- The petition supports the General Development Policies-Environment by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

**TRANSPORTATION CONSIDERATIONS**
- The proposed use will generate a very high volume of traffic in and out of the site, but since it is a convenience use, most of the trips will be pass-by traffic, meaning that the use will not add a significant amount of new traffic on the adjacent streets. Therefore, the primary transportation consideration for this site is for safe and efficient access. CDOT has required that the proposed full movement location be spaced properly from the intersection of The Plaza and W.T. Harris Boulevard. The site plan proposal will also extend the left-turn storage from The Plaza onto W.T. Harris Boulevard. Pedestrians and bicyclists can access the site using the crosswalks and bike lanes at the intersection of The Plaza and W.T. Harris Boulevard.
- See Outstanding Issues, note 5.

**Vehicle Trip Generation:**
- Current Zoning: 650 trips per day (mix of single family and retail)
- Proposed Zoning: 10,900 trips per day

**DEPARTMENT COMMENTS** (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Charlotte Fire Department: No issues.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte Water: No comments received.
- Engineering and Property Management: See Outstanding Issues, note 7.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.

**OUTSTANDING ISSUES**

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

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

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

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

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Acreage & Location: Approximately 4.4 acres located on the northwest corner at the intersection of East W.T. Harris Boulevard and The Plaza.
Petition #: 2015-092
Petitioner: QuikTrip Corporation

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

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

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

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

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

1. The maximum height of the building to be constructed on the Site shall be 25 feet.

2. Accessory drive through service windows shall not be permitted on the Site.

3. The exterior building materials for the building to be constructed on the Site are designated on the Rezoning Plan. Additional schematic architectural renderings of the building to be constructed on the Site are attached to the Rezoning Plan.

4. Prior to the issuance of a certificate of occupancy for the building to be constructed on the Site, Petitioner shall construct a shelter pad for a relocated bus stop on The Plaza between W.T. Harris Boulevard and The Plaza.

5. The term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of the building or site including, but not limited to, floors, roofs, porches, decks, patios, carports, garages, and any other areas on the site which are intended to depict the general conceptual architectural style and character of the building. Any outdoor dining areas shall not be included in the calculation of the maximum gross floor area.

6. Any attached lighting will be downwardly directed and a full cutoff fixture.

7. Any reference to the Ordinance herein shall be deemed to refer to the requirements of the City of Charlotte Zoning Ordinance (the "Ordinance").

8. The shelter pad shall be constructed to CATS Development Standard No. 1051 and shall be constructed to accommodate the relocation of the bus stop on The Plaza. Petitioner shall construct the shelter pad on the Site, which site is more particularly depicted on the Rezoning Plan. The shelter pad shall be designed to accommodate a standard CATS bus.

9. If this Rezoning Petition is approved, Petitioner shall be required to construct a wall, fence or berm that meets the standards of Section 12.302(8) of the Ordinance for any site on which a building is constructed that creates or enhances a landscape view of the adjacent property line of the Site.

10. Petitioner's obligation to construct the shelter pad shall be subject to Petitioner's obligation to construct certain improvements to the Site. The shelter pad shall be constructed to accommodate a relocated bus stop on The Plaza between W.T. Harris Boulevard and The Plaza, south of St. Johns Church Road, which site is more particularly depicted on the Rezoning Plan. The shelter pad shall be constructed to accommodate a standard CATS bus. Petitioner may reduce or eliminate, at the shelter pad, any property line of the Site.

11. The maximum gross floor area of any building located on the Site shall be 8,000 square feet.

12. The maximum gross floor area of any building located on the Site shall be 8,000 square feet. The maximum gross floor area of any building located on the Site shall be 8,000 square feet. The maximum gross floor area of any building located on the Site shall be 8,000 square feet.

13. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition and shall be reviewed and approved by the City of Charlotte. Any amendments to these Development Standards shall be subject to the approval of the City of Charlotte. The City of Charlotte shall have the right to modify these Development Standards at any time.

14. Petitioner is required to construct a shelter pad for a relocated bus stop on The Plaza between W.T. Harris Boulevard and The Plaza. The shelter pad shall be constructed to accommodate a standard CATS bus. Petitioner may reduce or eliminate, at the shelter pad, any property line of the Site.

15. Petitioner is required to construct a shelter pad for a relocated bus stop on The Plaza between W.T. Harris Boulevard and The Plaza. The shelter pad shall be constructed to accommodate a standard CATS bus. Petitioner may reduce or eliminate, at the shelter pad, any property line of the Site.

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22. Petitioner is required to construct a shelter pad for a relocated bus stop on The Plaza between W.T. Harris Boulevard and The Plaza. The shelter pad shall be constructed to accommodate a standard CATS bus. Petitioner may reduce or eliminate, at the shelter pad, any property line of the Site.
Previously Approved Site Plan
Agenda #: 19. File #: 15-2023 Type: Zoning Hearing

Rezoning Petition: 2015-099 by Pappas Properties

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

Staff Recommendation:
Staff recommends approval of this petition.

Attachments:
Staff Analysis
Matrix
Text Amendment
REQUEST

Text amendment to Section 9.703

SUMMARY OF PETITION

The petition amends office zoning districts (O-1, O-2, and O-3) to modify the standards for retail, indoor recreation and eating/drinking/entertainment establishments (Type 1 and Type 2) when located in a pedestrian overlay (PED).

Retail, indoor recreation and eating/drinking/entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotels and motels, multi-family buildings, or office buildings.

The proposed modifications to the prescribed conditions for these uses revise the size limitations, external entrances, display of merchandise and amount of exterior signage. The petition will bring these conditions into alignment with the purpose of the Pedestrian Overlay District (PED) by allowing these uses to be designed so they are more pedestrian oriented.

PETITIONER

Pappas Properties

AGENT/REPRESENTATIVE

Walter Fields, III, Walter Fields Group

COMMUNITY MEETING

Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

- The petition is consistent with the Centers, Corridors and Wedges Growth Framework goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.

Rationale for Recommendation

- The existing office zoning districts currently limit the size and design of retail, indoor recreation and eating/drinking/entertainment establishments (Type 1 and Type 2) uses in a manner unsupportive of the goals of the Pedestrian Overlay District (PED). The proposed amendment changes certain standards to better support a pedestrian friendly environment and reinforce the purpose of the PED zoning district.
- The proposed amendment increases the amount of allowable retail, indoor recreation and eating/drinking/entertainment establishment uses to encourage more ground floor activation.
- The proposed amendment revises the design standards for external entrances and merchandise display to support active street-oriented retail uses.
- The proposed amendment revises the signage standards to allow for multiple street-oriented tenant signage.
- The proposed amendment clarifies the standards on location of these uses.

PLANNING STAFF REVIEW

- Proposed Request Details
  
The text amendment contains the following provisions:
  
  - Clarifies the requirements for retail, office, eating/drinking/entertainment establishments (EDEE) and indoor recreation located in Office districts (O-1, O-2 and O-3) by adding new subsections that separate the requirements based on whether the use is located in a pedestrian overlay (PED) or not.
  
  - Provides prescribed conditions for retail, office, indoor recreation, and eating/drinking/entertainment establishments (EDEE) in the office zoning districts (O-1, O-2 and O-3) with a
pedestrian overlay (PED), for:

- Retail and EDEE uses in hotel or motel buildings with at least 75 rooms;
- Retail, office, indoor recreation and EDEE uses in multi-family buildings with at least 50 units; and
- Retail and EDEE uses in office buildings that are part of a development with at least 30,000 square feet of office use.

- Allows amount of the retail, office, indoor recreation or EDEE uses as follows:
  - For hotel/motel buildings, retail and EDEEs may occupy up to 20% of the gross floor area of the hotel or motel and only locate on the ground floor, mezzanine or the top floor of any component of the structure. No more than 30% of the allowable floor area provided for these uses to be located on the top floor of any component of the structure. Currently, the square footage allowed for these uses is 75 square feet per room. The existing standards do not limit the location of these uses.
  - For multi-family buildings, retail, office, indoor recreation and EDEE uses may occupy up to 20% of the gross floor area of the multi-family building if the establishment(s) is on the ground floor or mezzanine level. Currently, the square footage allowed for these uses in the office districts is 25 square feet per dwelling unit, up to 10,000 square feet. The existing standards do not limit the location of these uses.
  - For retail establishments and EDEEs in office buildings, these uses may occupy up to 20% of the square footage of the office buildings located within the development if the establishment(s) is on the ground floor or mezzanine level of an office building. Currently the square footage is limited to 20% of the gross floor area on the lot, and does not allow the calculation to be based on the development. In addition, the use is not required to be located within an office building but can be located within the office development.
  - Requires Type 2 EDEEs to be subject to the standard separation requirements for these uses. A Type 2 EDEE is a business where alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.
  - Requires that any rooftop outdoor seating/activity area for an eating/drinking/entertainment establishment (Type 1 or Type 2) be located at least 250 feet from any residential use (single family, duplex, triplex or quadruplex) or vacant lot located in a single family zoning district. The existing standards require a 100 foot separation for an outdoor seating/activity area operating between the hours of 11:00 PM and 8:00 AM only for an EDEE (Type 2). Currently, there are no supplemental regulations pertaining to rooftop facilities.
  - Permits ground floor retail, office, indoor recreation or EDEE uses to display merchandise that is visible from outside the building. The current zoning text does not allow the merchandise to be visible from outside.
  - Allows ground floor retail, office, indoor recreation or EDEE uses to have entrances external to the building. The current text allows external entrances when these uses are in office or hotels/motels, but does not allow them when the uses are in multi-family buildings.
  - Allows one wall sign up to 16 square feet for each establishment. The existing regulations do not specify the sign size when these are located in multi-family buildings but allow signage per the multi-family district. However, the existing standards limit the signage to 16 square feet for all establishments in office and hotel/motel buildings.

- **Public Plans and Policies**
  - The petition is consistent with the _Centers, Corridors and Wedges Growth Framework_ goal to provide a greater mix of commercial uses, and a range of choices for employment and entertainment opportunities.

- **TRANSPORTATION CONSIDERATIONS:** No issues.

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

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

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

- Application
- Department Comments
  - Charlotte Department of Neighborhood & Business Services Review
  - Transportation Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Urban Forestry Review

**Planner:** Sandra Montgomery (704) 336-5722
### Purpose/Background:
The purpose of this text amendment is to modify the office zoning district (O-1, O-2 and O-3) standards for retail uses, indoor recreation and Eating, Drinking, and Entertainment Establishments (Type 1 and Type 2), with most changes related to office zoning with a pedestrian overlay (PED). The retail, indoor recreation, and Eating, Drinking, and Entertainment uses are currently allowed, under prescribed conditions, within the office zoning districts when the uses are located in hotels and motels, multi-family buildings, or office buildings. However, the prescribed conditions limit the size of such uses, prohibit entrances external to the building, prohibit the display of merchandise, and limit the wall signage. The proposed modifications to the prescribed conditions for retail uses, indoor recreation and Eating, Drinking, and Entertainment Establishments will bring them into alignment with the purpose of the pedestrian overlay (PED) district by allowing these uses to be designed so they are more pedestrian oriented and to adjust the square footage limitations so they are consistent throughout the office zoning district.

### Current Regulations

<table>
<thead>
<tr>
<th>Retail and Eating, Drinking and Entertainment Establishments in Hotels and Motels in Office Districts</th>
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<tbody>
<tr>
<td>Retail and Eating, Drinking and Entertainment establishments (Type 1 and Type 2) are permitted as accessory uses, with prescribed conditions in hotels and motels in the office districts. (O-1, O-2 and O-3). Prescribed conditions include:</td>
</tr>
<tr>
<td>- The hotel or motel must have a minimum of 75 rental units;</td>
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<td>- Gross floor area for the accessory uses is limited to 75 square feet per rental unit;</td>
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<tr>
<td>- No merchandise display windows may be visible from outside the building;</td>
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<td>- No outside storage or display of merchandise is permitted; and</td>
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<td>- One wall sign is permitted, no larger than 16 square feet.</td>
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### Proposed Regulations

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<th>Proposed Regulations</th>
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<tbody>
<tr>
<td>Adds a new subsection that allows retail and Eating, Drinking and Entertainment Establishments in hotel or motel buildings when located in the office districts (O-1, O-2 and O-3) and located in a Pedestrian Overlay District (PED), with prescribed conditions:</td>
</tr>
<tr>
<td>- The use shall occupy no more than 20% of the gross floor area of the hotel or motel, and shall only be located on the ground floor tenant space or on the top floor of any component of the structure, so long as no more than 30% of the floor area provided is located on the roof.</td>
</tr>
<tr>
<td>- Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.</td>
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<tr>
<td>- Ground floor establishments may have entrances external to the building.</td>
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<tr>
<td>- Ground floor establishments may display merchandise.</td>
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<tr>
<td>- Each establishment may have one wall sign not to exceed 16 square feet.</td>
</tr>
<tr>
<td>- Locate any rooftop outdoor seating/activity area for an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2) at least 250 feet from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district.</td>
</tr>
<tr>
<td>- Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546:</td>
</tr>
<tr>
<td>- Locate any other (non-rooftop) outdoor seating/activity area, which operates between 11:00 p.m. and 8:00 a.m. and is associated with an Eating, Drinking and Entertainment Establishment (Type 2), at least 100 feet from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district, or provide a Class A buffer if the distance is less than 100 feet.</td>
</tr>
<tr>
<td>- If outdoor entertainment is associated with an Eating, Drinking and Entertainment Establishment (Type 2) between 11:00 p.m. and 8:00 a.m., a 250-foot separation distance is required from any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. However, an adopted Pedscape Plan may establish a different separation distance. Minor</td>
</tr>
</tbody>
</table>
| Retail, Office and Eating, Drinking and Entertainment Establishments, and Indoor Recreation in Multi-Family Buildings in Office Districts | Retail and office establishments and eating, drinking and entertainment establishments (Type 1 only) and indoor recreation are currently permitted in office districts in multi-family buildings, with prescribed conditions:
- The establishment is located within a building containing at least 50 dwelling units.
- The establishment will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet.
- The establishment will have no direct public entrance from the outside of the building.
- No merchandise or display or merchandise will be visible from outside the building.
- In PED, Type 2 Eating, Drinking and Entertainment Establishments are permitted as an additional use to those allowed in the underlying zoning district. | The current regulations remain unchanged for uses located in multi-family buildings in Office zoning districts.
- In PED, Type 2 Eating, Drinking and Entertainment Establishments that are a principal use are still permitted as an additional use to those allowed in the underlying district.
- Adds a new subsection that allows retail, office, and Type 1 Eating, Drinking and Entertainment Establishments, indoor recreation, when located in a multi-family building in an Office district, with a PED district designation, with new prescribed conditions:
  - The uses shall occupy no more than 20% of the gross floor area of the multi-family building, and shall be located on the ground floor or a mezzanine located within the ground floor tenant space.
  - The uses may only be located within multi-family buildings that contain at least 50 residential units.
  - Ground floor uses may have external building entrances.
  - Ground floor uses may display merchandise.
  - Each establishment may have one wall sign not to exceed 16 square feet in area.
- Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546. |
| Retail and Eating, Drinking and Entertainment Establishments in Office Buildings in Office Districts | Retail and eating, drinking and entertainment establishments (type 1 and 2) are allowed in office buildings, with prescribed conditions:
- The principal use of the lot is for office.
- The principal use of the lot occupies at least 30,000 square feet of floor area.
- Uses shall occupy no more than 10% of the gross floor area of all buildings on the lot, and shall not exceed 25% of the ground floor area except Eating, drinking and Entertainment Establishments may occupy up to 50% of the ground floor area.
- Uses located in an Office district (with a PED Overlay designation) shall occupy no more than 20% of the gross floor area of all buildings on the lot and shall only be located on the ground floor.
- In all districts, except PED, the use must be located within the same building as the principal use, with no direct public entrance to the use from outside the buildings, except for an eating, drinking and entertainment establishment, which may have entrances | The current regulations remain unchanged for retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) located in office buildings in Office zoning districts.
- Adds a new subsection that allows retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings when located in a Pedestrian Overlay District (PED), subject to prescribed conditions:
  - Uses located in an Office district (with a PED Overlay designation) shall occupy no more than 20% of the gross floor area of the office buildings located in the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
  - The uses may only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area.
  - Ground floor uses may have external building entrances.
  - Ground floor uses may display merchandise.
  - Each establishment may have one wall sign not to exceed 16 square feet in area.
- Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546:
  - Locate any outdoor seating/activity area, which operates between 11:00 p.m. and 8:00 a.m. and is associated with an Eating, Drinking and Entertainment Establishment (Type 2 only), at least 100 feet from any residential use (single family, duplex, triplex or quadruplex) or vacant lot located in a single family zoning district, or provide a Class A buffer if the distance is less than 100 feet.
  - If outdoor entertainment is associated with an Eating, Drinking and Entertainment Establishment, which may have entrances...
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<td>external to the building.</td>
<td>Establishment (Type 2) between 11:00 p.m. and 8:00 a.m., a 250-foot separation distance is required from the outdoor seating/activity area to any residential use (single family, duplex, triplex or quadraplex) or vacant lot located in a single family zoning district. However, an adopted Pedscape Plan may establish a different separation distance.</td>
</tr>
<tr>
<td>• No merchandise or display of merchandise visible from outside the building housing the proposed use.</td>
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<tr>
<td>• One wall sign to identify commercial uses is allowed, provided the sign is no larger than 16 square feet.</td>
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<td>• Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.</td>
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AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 7: OFFICE DISTRICTS

   a. Add a new subsections (g) and (h) to Sec. 9.703 (12), “Hotels and motels”. Limited revisions made to subsections (a) through (f):

   (12) Hotels and motels, subject to the following prescribed conditions provided that:

   (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);

   (b) Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.

   (c) Gross floor area for Retail, Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes.

   (d) No merchandise or merchandise display window may be visible from outside the building.

   (e) No outside storage or display of merchandise will be permitted.

   (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.

   (g) Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

   (h) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in hotel or motel buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
i. Occupy no more than 20% of the gross floor area of the hotel or motel building and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure so long as no more than 30% of the floor area provided is located on the roof.

ii. Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.

iii. Ground floor establishments may have entrances external to the building.

iv. Ground floor establishments may display merchandise.

v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.

vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

vii. No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

b. Modify Section 9.703 (27), “Retail and Office establishments, Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings” by revising the text and adding a new subsection (b) as follows:

(27) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings subject to the regulations of subsection 9.303(25).

(a) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 only) and Indoor Recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).

(b) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and Indoor Recreation in multi-family buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

i. Occupy no more than 20% of the gross floor area of the multi-family building and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
ii. May only be located within multi-family buildings that contain at least 50 residential units.

iii. Ground floor establishments may have entrances external to the building.

iv. Ground floor establishments may display merchandise.

v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.

vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

c. Amend Sec. 9.703 (28), “Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings” by revising the text and adding a new subsection (b) as follows:

(28) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

(a) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, subject to the following prescribed conditions:

(a)i. The principal use of the lot is for offices;

(b)ii. The principal use of the lot occupies at least 30,000 square feet of floor area;

(c)iii. Retail establishments and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except an Eating, Drinking and Entertainment Establishments may occupy up to 50% of the ground floor area;

Retail establishments and Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area on the lot and shall only be located on the ground floor.

(d)iv. In all zoning districts, except PED, The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment. In the PED zoning district, ground floor retail establishments may have entrances external to the building.

(e)v. No merchandise or display of merchandise will be visible from
outside the building housing the proposed use; and

(f) vi. One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.

(g) vii. Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(b) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

i. Occupy no more than 20% of the gross floor area of the office buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.

ii. May only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area.

iii. Ground floor establishments may have entrances external to the building.

iv. Ground floor establishments may display merchandise.

v. Each individual establishment may have one wall sign not to exceed 16 square feet in area.

vi. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

__________________________
City Attorney

I, _______________________________ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ______ day of ________________, 20_____, the reference having been made in Minute Book ______, and recorded in full in Ordinance Book ______, Page(s)_________________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of ________________, 20__.
Agenda #: 20. File #: 15-2024 Type: Zoning Hearing

Rezoning Petition: 2015-101 by Kolter Acquisitions, LLC

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

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

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

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Previously Approved Site Plan
REQUEST

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

Proposed Zoning: MX-1 INNOV (mixed use, innovative) and NS (neighborhood services), with five-year vested rights

LOCATION

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

SUMMARY OF PETITION

The petition proposes to develop a large vacant parcel near the intersection of Albemarle and I-485 with:

- 290,000 square feet of retail, general and medical office uses, eating/drinking/entertainment establishments, personal services and other commercial uses,
- a 230-unit independent and dependent nursing home, and
- up to 850 age restricted dwelling units.

PROPERTY OWNER

485 Investments, LLC, Lee Security, LLC, Jerry N. Helms and Family Trust, Mary Lynn Rhodes Restated Revocable Trust and Henry Oliver Rhodes, Sr. Revocable Trust

PETITIONER

Kilter Acquisitions 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: 6

STAFF RECOMMENDATION

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

Plan Consistency

The request to rezone a portion of the subject property to MX-1 (mixed use) is consistent with the adopted policies in the Albemarle Road/I-485 Interchange Study, which recommends single family land uses between four and eight dwelling units per acre.

A portion of the area proposed for NS (neighborhood services) is consistent with the adopted policy’s recommendation for retail and a mix of residential, office, and retail uses. However, the remaining area proposed for NS is inconsistent with the plan’s recommendation for residential uses up to eight units per acre.

Rationale for Recommendation

- Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485.
- In light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road.
- The proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provides a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services.
- This commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485
The single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space.

PLANNING STAFF REVIEW

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

• Site consists for Development Areas A, B and C.
• The site plan allows for up to 290,000 square feet of office, retail, eating/drinking/entertainment establishments and personal services, 850 age restricted residential units, and a continuing care retirement community (CCRC) with up to 230 dependent or independent units.
• The overall MX-1 residential portion allows for a density of 2.5 acres per unit.

• Development Area A (MX-1 Innovative District)
  • Allows up to 850 detached age restricted dwelling units, of which up to 150 dwelling units could be duplex units together with accessory uses allowed in the district such as community areas including pool and club house, customary home occupations, fences and walls, and outdoor lighting.
  • Innovative Provisions to allow preservation of natural features and open space:
    (i) Decrease the minimum lot size from 10,000 square feet to 3,800 square feet for single family detached lots.
    (ii) Decrease the minimum lot width from 70 feet to 35 feet for interior single family detached lots and a minimum lot width of 40 feet for single family detached exterior lots.
    (iii) Decrease the minimum front setback from 30 feet to 10 feet as measured from the proposed right-of-way of public streets. If a driveway is to be used to provide additional parking, the minimum setback from the back of the sidewalk will be enough not to block the sidewalk.
    (iv) Decrease the minimum interior rear yard from 45 feet to 20 feet.
    (v) Ability to allow single family lots to front on private streets. Any private streets used will not be gated.
    (vi) Reserve the right to modify the aforementioned innovative provisions or seek other innovative development standards in the future pursuant to the applicable process set forth in the ordinance.

• Development Area B (NS District)
  • Allows up to 130,000 square feet of gross floor area of retail, eating/drinking/entertainment establishments, and personal services; up to 60,000 square feet of gross floor area of general and medical office uses; and, accessory uses such as accessory buildings, fences, walls, and lighting allowed in the district.
  • Allow up to two uses with accessory drive-through windows. However, only one eating/drinking/entertainment establishment with an accessory drive-through is allowed.

• Development Area C (NS District)
  • Allows up to 100,000 square feet of general and medical office uses or a nursing home consisting of dependent and independent units up to 230 units.
  • The allowed number of nursing home units in Development Area C may be increased by 100 units by transferring and converting residential dwelling units from the MX-1 in Area A.

• Building Design and Architecture
  • Maximum building height limited to four stories and 60 feet in the NS (neighborhood services) district (Areas B and C), and minimum height of 22 feet.
  • Designation of materials for principal buildings.
  • Buildings in Development Areas B and C, which are proposed to be NS (neighborhood service), will be designed so that building facades orient to the new or existing streets, will not have lengths of uninterrupted blank walls over 20 feet, will have extensive transparent glass, and will have prominent principal entrances.

• Transportation, Streetscape, and Parking
  • Site access provided via Albemarle Road, Rocky River Church Road and Old Iron Lane, in addition to other public street extensions and connections made from the site to adjoining properties.
  • Parking and maneuvering prohibited between the building and Street #1, #2, #3 and #5 in Development Areas B and C, except the building located at the corner of Rocky River Church...
Road and Albemarle Road may have parking and maneuvering between the building and Street #3.
- Eight intersection improvements associated with the development and development will be phased and linked to substantial completion of roadway improvements.
- A sidewalk and crosswalk network along internal streets that links all principal buildings with one another.

**Open Space/Environment**
- A series of passive and active open space areas throughout the residential community in Areas A, B and C.
- A portion of the 100-foot Surface Water Improvement Management Buffer (SWIM buffer) will be dedicated to Mecklenburg County Parks and Recreation.
- Storm water detention and water quality areas located along an interior public street will be landscaped to create an attractive street edge.

**Existing Zoning and Land Use**
- The majority of the property is vacant. The remaining portions are developed with three single-family structures, and an eating/drinking/entertainment establishment (EDEE) approved under petition 2007-133.
- There are multiple zoning classifications and land uses along this section of Albemarle Road. They include:
  - R-3 (single family residential) developed with rural residences or vacant land for the properties to the north of the site and east of I-485;
  - O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) which is undeveloped but zoned for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485; and
  - R-3 (single family residential), R-17MF(CD) (multi-family residential, conditional) and B-1(CD) (neighborhood business, conditional) zoning with single family dwellings, multi-family residential, an eating/drinking/entertainment establishment and vacant property to the west and across Rocky River Church Road.
- Mint Hill’s jurisdiction is located to the south across Albemarle Road.
- See “Rezoning Map” for existing zoning in the area.

**Rezoning History in Area**
- Petition 2014-69 rezoned approximately 81.75 acres located on the northeast quadrant at the intersection of Albemarle Road and I-485 to O-2(CD) (office, conditional) and B-1(CD) SPA (neighborhood business, conditional, site plan amendment) to allow modifications to an approved planned development resulting in a 50-bed hospital, and up to 117,000 square feet of medical and general office, retail/commercial and personal services uses.
- Petition 2007-133 rezoned 1.98 acres located on the north side Albemarle Road between I-485 and Rocky River Church Road to B-1(CD) to allow reuse of an existing one story 1,800 square building as a restaurant/office/retail use.

**Public Plans and Policies**
- Albemarle Road/I-485 Interchange Study (2003) recommends single family land uses at between four and eight dwelling units per acre for portions of the subject property, and a mix of residential, office, and retail for a portion.
- General Development Policies-Environment

**TRANSPORTATION CONSIDERATIONS**
- This rezoning petition will generate a significant amount of traffic under the proposed uses. The petitioner has completed a traffic impact study, which has been reviewed by both CDOT and NCDOT. The rezoning petition includes the recommended off-site traffic mitigations from the traffic study, which includes various improvements along Albemarle Road, Rocky River Church Road, Camp Stewart Road, and at the intersection of Camp Stewart Road and Harrisburg Road. From a design perspective, the plan implements the recommended street network that has been planned for the east side of the I-485/Albemarle Road interchange.

**Vehicle Trip Generation:**
Current Zoning: 12,075 trips per day (based on a mix of residential, institutional and retail uses)
Proposed Zoning: 17,560 trips per day

**DEPARTMENT COMMENTS** (see full department reports online)
- Charlotte Area Transit System: No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.

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

• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 806 students, while the development allowed under the proposed zoning will produce 615 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students. Although there is no net increase in the number of students over the current zoning, the proposed development will increase the school utilization over current conditions. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Clear Creek Elementary from 127% to 177%
  - Northeast Middle from 84% to 99%
  - Rock River High from 98% to 109%.

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

• **Charlotte Water:** No comments received.

• **Engineering and Property Management:** See Outstanding Issues, note 3.

• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

• **Mecklenburg County Parks and Recreation Department:** See Outstanding Issues, note 4.

### OUTSTANDING ISSUES

**Site and Building Design**
1. Add a note committing to a minimum of 40,000 square feet of open space in the neighborhood services (NS) portion of the site.
2. Add a note that commits to features that will be placed in the open space in the neighborhood services (NS) portion of the site.

**Environment**
3. Show tree save areas on the rezoning plan. Add note that site will comply with the requirements of the City of Charlotte Tree Ordinance.
4. Amend Note 12 to specify that dedication and conveyance of the 100-foot SWIM buffer shall occur prior to the issuance of the first certificate of occupancy, and that storm water detention/water quality facilities shall not be located within the dedication area.
5. Commit to maintain the creek that runs through the site.

### REQUESTED TECHNICAL REVISIONS

1. Delete Note 10c related to signage if the area is to be treated as a planned unit development as noted in “General Provisions,” Note c.
2. Delete the definition of gross floor area under Note 3.
3. Amend Notes 5f and 5g to add the following: “Angled on-street parking will be provided if allowed by the jurisdiction and/or NCDOT.”
4. Amend Note 6b to state “primary” entrance.
5. Add cell towers to the list of permitted uses.
6. Clarify the transfer notes for the continuing care retirement center units in note 3f under Permitted Uses.
7. Change all references to “multi-family” to “continuing care retirement center (CCRC).”

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**Attachments Online at www.rezoning.org**

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2015-101

Acreage & Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road.

Vicinity Map

Rezoning Petition: 2015-101

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

October 12, 2015
Petition #: 2015-101
Petitioner: Kolter Acquisitions, LLC

Zoning Classification (Existing): R-3, R-12MF, & B-1(CD)
(Single Family, Residential; Multi-Family, Residential; and General Business, Conditional)

Zoning Classification (Requested): NS 5-Year Vested Rights & MX-1(INNOV) 5-Year Vested Rights
(Neighborhood Services, Five Year Vested Rights and Mixed Use, Innovative, Five Year Vested Rights)

Acreage & Location: Approximately 371 acres located on the northwest corner at the intersection of Rocky River Church Road and Albemarle Road.
CRESSWIND
REZONING PETITION NO. 2015-101

ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA

SHEET INDEX:

RZ.1.0  COVER SHEET
RZ.2.0  TECHNICAL DATA SHEET
RZ.3.0  SCHEMATIC SITE PLAN
RZ.4.0  DEVELOPMENT STANDARDS
RZ.5.0  OPEN SPACE PLAN

LAND OWNERS
485 Investments LLC
6700 Fairview Road
Charlotte, NC 28210

Lee Security Partnership
6209 Windy Knoll Lane
Charlotte, NC 28227

Henry Oliver Rhodes, Sr.
Mary L. Rhodes c/o John Rhodes
13849 Beatties Ford Road
Huntersville, NC 28078

Jerry N. Helms Family Trust
11901 Albemarle Road
Charlotte, NC 28227

PETITIONER
Kolter Acquisitions, LLC
701 S. Olive Avenue, Suite 104
West Palm Beach, FL 33401
Contact: John Morgan
Phone #: 843.696.6907

LANDSCAPE ARCHITECT/ CIVIL ENGINEER
LandDesign, Inc.
223 North Graham St.
Charlotte, NC 28202
Contact: Mark Kime
Phone #: 704.333.0325

SURVEYOR
LDG, INC
500 W. 5th Street, Suite 125
Charlotte, NC 28202
Contact: David Boyle
Phone #: 704.337.8329
Previously Approved Site Plan
Rezoning Petition: 2015-123 by Bainbridge Communities Acquisition I, LLC

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

Current Zoning: I-1 (light industrial) and TOD-M (transit oriented development-mixed use)
Proposed Zoning: TOD-RO (transit oriented development-residential, optional)

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST

Current Zoning: I-2 (general industrial) and TOD-M (transit oriented development - mixed-use)
Proposed Zoning: TOD-RO (transit oriented development - residential, optional)

LOCATION

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

SUMMARY OF PETITION

The petition proposes to redevelop an existing commercial building and truck parking lot to a new development with up to 210 multi-family dwelling units with accessory uses, located within ¼ mile of the LYNX light rail station at New Bern.

PROPERTY OWNER

Charlotte Bottling, LLC & McRee Family Property-South Blvd, LLC

PETITIONER

Bainbridge Communities Acquisition I, LLC

AGENT/REPRESENTATIVE

Jim Guyton/Design Resource Group

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 5

STAFF RECOMMENDATION

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

Plan Consistency
The petition is consistent with the New Bern Transit Station Area Plan recommendation for transit supportive development.

Rationale for Recommendation
- The petition will replace existing under-utilized land with new residential units, providing increased density in a transit corridor.
- The site is within a ¼ mile walk distance of the New Bern LYNX station, thereby encouraging rapid transit use.
- The development will activate South Boulevard and the Rail Trail with ground floor residential uses and storefront-type lobby/leasing and common areas with direct connections to the sidewalk and multi-use path.
- The project meets or exceeds the TOD street wall requirements for enlivening the public realm through the use of clear glass windows and doors.
- The site is approximately ¼ mile from both the South Boulevard Publix Supermarket and the developing Sedgefield Harris Teeter Supermarket, enabling residents to shop without having to use a car, thereby reducing vehicle miles driven.
- The optional request for additional 10 feet of building height is supported because the nearest single family zoning district is at least 330 feet from the subject site’s setback line. It is across the 60’ pavement width of South Boulevard, a major thoroughfare, and further separated from South Boulevard by two B-2 commercially zoned parcels. The additional requested building height will have little to no impact on this single family neighborhood.

PLANNING STAFF REVIEW

Proposed Request Details
The site plan accompanying this petition contains the following provisions:
- Demolition of an existing single story commercial building (built in 1950) and a surface truck parking lot.
- Development of a multi-family building with up to 210 residential units.
• Five residential floors above two levels of podium structured parking with two separate vehicle entrances. The lower parking level is accessed from South Boulevard and the upper level from Poindexter Drive.
• An optional request to exceed the TOD permitted height plane by ten feet. The maximum building height is 84 feet. This height exceeds the TOD height plane by approximately seven feet near the corner of South and Poindexter. The permitted height increases as it moves further away from South Boulevard; therefore, this point represents the greatest deviation from the TOD-permitted building height.
• Existing eight-foot planting strip and eight-foot sidewalk on Poindexter Drive which was installed by the previous owner when it was developed under TOD standards.
• Existing 12-foot multi-use trail, seven-foot planting strip, decorative rail fence, and pedestrian lights on Rail Trail frontage, installed by the previous owner and by the City's SCIP (South Corridor Infrastructure) program.
• New streetscape improvements with recessed on-street parking along South Boulevard as per the adopted streetscape plan.
• Active ground floor uses (residential units and leasing/club/common areas) along the full length of the Rail Trail and South Boulevard sides of the building and along more than 50% of the Poindexter Drive side.
• Individual sidewalk connections from the ground floor residential units fronting the Rail Trail.
• Private fenced yard areas between the residential units and the Rail Trail.
• Tall floor-to-ceiling heights (17 to 18 feet) at ground floor on South Boulevard elevation to mimic retail uses.

**Existing Zoning and Land Use**
• The subject property is currently developed with an existing industrial office and parking lot and is zoned I-2 (general industrial) and TOD-M (transit oriented development - mixed-use).
• Most of the surrounding properties are zoned conventional and conditional TOD-M (transit oriented development - mixed-use) and TOD-MO (transit oriented development - mixed-use, optional), and MUDD-O (mixed use development, optional) and are developed with, or planned for, transit supportive uses, including multi-family and retail uses.
• There is a property directly across South Boulevard with has retained B-2 (general business) zoning and is developed with automobile oriented commercial uses.
• See "Rezoning Map" for existing zoning in the area.

**Rezoning History in Area**
• Since the construction of the LYNX Blue Line and the light rail station at New Bern Street, there have been a number of rezonings around the station to primarily conventional TOD-M (transit oriented development – mixed-use), as well as conditional and optional MUDD (mixed use development), to allow transit supportive development.
• Recent rezonings close to the site include:
  • Petition 2015-102 to TOD-M (transit oriented development – mixed-use) by Lennar Multifamily Communities for the Pepsi Bottling site.
  • Petition 2014-064 to MUDD-O (mixed use development, optional) and UR-2(CD) (urban residential, conditional) by Marsh Properties, LLC for a retail and multi-family portion of the Sedgefield neighborhood to allow a mixed use development.

**Public Plans and Policies**
• The New Bern Transit Station Area Plan (2008) recommends transit supportive - mixed uses for the subject site and surrounding properties. Appropriate uses include office, multi-family residential and retail uses designed to support walkability and transit use.
• The petition supports the General Development Policies-Environment by providing transit-supportive development and by redeveloping an infill site, thereby minimizing further environmental impacts while accommodating growth.

**TRANSPORTATION CONSIDERATIONS**
• Although the wide variety of uses allowed under this proposed zoning district makes it difficult to predict the trip generation for the site, CDOT supports intense development in close proximity to rail transit stations. Pedestrian and bicycle access to this site and to the light rail station are provided via continuous connectivity along the rail trail. The primary transportation goal for this site is to implement the area plan recommendations. This site achieves this goal by constructing the on-street parking, bike lane, planting strip and sidewalk along South Boulevard.

**Vehicle Trip Generation:**
Current Zoning: 60 trips per day (based on warehouse use)
Proposed Zoning: The proposed zoning allows for a variety of uses.
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System**: No issues.
- **Charlotte Department of Neighborhood & Business Services**: No issues.
- **Charlotte Fire Department**: No comments received.
- **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce 186 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 186 students. The proposed development is projected to increase the school utilization (without mobile classroom units) as follows:
  - Sedgefield Elementary from 86% to 112%,
  - Sedgefield Middle from 104% to 111%,
  - Myers Park High from 113% to 114%.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte Water**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

OUTSTANDING ISSUES

**Site and Building Design**
1. Modify the optional request for height and list the total proposed height in feet.
2. Modify door for proposed roll containers with a decorative window or decorative architectural element. Modify and relocate proposed rollout cart path alongside of the proposed driveway.
3. Replace planting strip with hardscape adjacent to on-street parking along South Boulevard.
4. Clarify and show if proposed wall or fence will be provided for residential units at ground level along South Boulevard.
5. Modify residential building elevation along South Boulevard to provide a storefront appearance to allow for potential future conversion to commercial or live-work.
6. Modify building elevation along Poindexter Drive to provide active uses, artwork, and/or opaque glazing to enhance proposed screened parking.
7. Stairway access doors facing Poindexter Drive should include clear glass windows.
8. Provide north facing building elevation and show how cars parked on all levels will be screened from view from the street and the transitway.
9. Ensure that all doors shown on the elevation drawings correspond with doors on the site plan, and vice versa.

REQUESTED TECHNICAL REVISIONS
1. Label 24-foot setback from future back of curb along South Boulevard.
2. Show and indicate that trees provided along South Boulevard will be placed in curbed planters.
3. Petitioner should remove the word “potential” from the proposed sidewalk connections from the ground floor units to the rail trail.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive.
Petition #: 2015-123
Petitioner: Bainbridge Communities Acquisition I, LLC

Zoning Classification (Existing): I-2 & TOD-M
   (General Industrial and Transit Oriented Development, Mixed Use)

Zoning Classification (Requested): TOD-RO
   (Transit Oriented Development, Residential, Optional)

Acreage & Location: Approximately 1.6 acres located on the northwest corner of South Boulevard and Poindexter Drive.
Rezoning Petition: 2015-132 by Simonini Saratoga, LLC

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

Current Zoning: R-4 (single-family residential) and B-1 (neighborhood business)
Proposed Zoning: UR-3(CD) (urban residential, conditional)

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

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
Rezoning Petition 2015-132
Pre-Hearing Staff Analysis
December 14, 2015

REQUEST

Current Zoning: R-4 (single family), and B-1 (neighborhood business)
Proposed Zoning: UR-3(CD) (urban residential, conditional)

LOCATION

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

SUMMARY OF PETITION

The petition proposes to allow the development of vacant land in the Myers Park neighborhood for up to four single family attached dwelling units at density of 11.11 dwelling units per acre.

PROPERTY OWNER

Simonini Saratoga, LLC

PETITIONER

Simonini Saratoga, LLC

AGENT/REPRESENTATIVE

Jeff Brown/Keith MacVean, Moore Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 6

STAFF RECOMMENDATION

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

Plan Consistency

The proposed development is inconsistent with the Central District Plan, which recommends retail development for this site; however, the proposed residential density of 11.11 units per acre is supported by the General Development Policies-Residential.

Rationale for Recommendation

• Although the Central District Plan identifies this site for retail, it also envisions that a mix of uses including residential could be appropriate for this and surrounding sites, if designed to blend in with the adjacent single family residential, and to be pedestrian oriented.
• The site is located between the Providence Road commercial corridor and single family housing in the Myers Park neighborhood.
• The site will provide a moderate density residential transition from the Providence Road commercial area to the single family neighborhood.
• The low scale and generous setbacks of the proposed units are compatible with the existing neighborhood.
• The site has been designed to maintain the existing sidewalk and pedestrian activity along Huntley Place.

PLANNING STAFF REVIEW

• Proposed Request Details

  The site plan accompanying this petition contains the following provisions:
  • Allows up to four single family attached dwelling units at a maximum density of 11.11 dwelling units per acre.
  • Provides architectural renderings of the front elevations, notes indicating proposed building materials, and prohibits vinyl as an exterior building material except for windows, soffits and trim.
  • Proposed units will have, at a minimum, two-car garages.
  • Limits maximum building height to 40 feet and two stories.
  • Only two proposed driveways will be allowed for the four units.
  • Proposed 20-foot setback from the back of the existing sidewalk.
  • Request to maintain the existing 4.6-foot sidewalk and eight-foot planting strip.

• Existing Zoning and Land Use

  The western portion of the site is zoned B-1 (neighborhood business) and is currently vacant. The eastern portion of the site is zoned R-4 (single-family) and occupied with several garden
plots.
- Adjacent properties, zoned B-1 and R-4, are developed with a 3,000 square foot auto repair shop constructed in 1955 and a single-family residence.
- The property south of the subject site is zoned MUDD-O and developed with two commercial structures a 50,000 square foot supermarket (Harris Teeter) and a 32,000 square foot strip mall with various retail and office uses.

- **Rezoning History in Area**
  - Rezoning petition 2011-029 rezoned approximately 3.90 acres located at the intersection of Providence Road and Queens Road, generally bounded by Huntley Place and Bolling Road, to MUDD-O (mixed use development, optional) in order to demolish an existing grocery store and replace it with a maximum 42,200-square foot commercial building.

- **Public Plans and Policies**
  - The *Central District Plan* (1993) shows the proposed land use as retail.
  - The *Central District Plan* envisions that a mix of uses including retail, residential, and office in the vicinity of the site may be appropriate, if it is sensitively designed to blend in with adjacent single family, and is pedestrian oriented.
  - The *General Development Policies* (GDP)-Residential provides policy guidance for evaluating proposed residential densities greater than four units per acre. The site meets minimum *General Development Policies* (GDP) criteria for consideration of up to twelve dwelling units per acre as illustrated in the table below.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category – up to 12 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>3 (Medium)</td>
</tr>
<tr>
<td>Connectivity Analysis</td>
<td>3 (Medium)</td>
</tr>
<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Minimum Points Needed:</strong></td>
<td><strong>Total Points:</strong> 13</td>
</tr>
</tbody>
</table>

- The petition supports the *General Development Policies-Environment* by redeveloping underutilized sites in a developed area, thereby minimizing further environmental impacts while accommodating growth.

- **TRANSPORTATION CONSIDERATIONS**
  - Since this site does not generate a significant amount of traffic, the primary transportation goals are to minimize the disruption of the Huntley Place sidewalk with several driveways. The site design includes shared driveways, which achieves this goal.

  - **Vehicle Trip Generation:**
    - Current Zoning: 100 trips per day
    - Proposed Zoning: 40 trips per day

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Eastover Elementary (at 100%), Alexander Middle (at 116%) or Myers Park High (at 113%) in any significant manner.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.

**OUTSTANDING ISSUES**

**Site and Building Design**

1. Provide masonry screen walls and landscaping near the back of the existing public sidewalk to help screen the front-loaded garages from the street to be compatible with the adjacent property located at 130 Huntley Place. The height, length, and placement of these walls should be coordinated with CDOT and Planning.

2. Provide individual sidewalk connections from the front doors of all units to the public sidewalk on Huntley Place. A combined sidewalk for units #2 and #3 could be provided. This combined sidewalk at the center of the site could break up the central screen wall with an architectural feature, such as an archway, to provide a visual focal point for the street-facing edge of the project.

3. Increase building setback from Huntley Place five to ten feet to allow for the screen walls and landscaping and provide better maneuverability in the driveway areas.

4. Consider recessing the two center attached units to create a courtyard and provide more articulation along the street-facing building façade.

5. Add a note under “Architectural Standards” that decorative garage doors will be provided and designed to provide the appearance of two separate garage doors.

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

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

**Planner:** Solomon Fortune  (704) 336-8326
Petition #: 2015-132

Acreage & Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road.
Petition #: 2015-132
Petitioner: Simonini Saratoga, LLC

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

Zoning Classification (Requested): UR-3(CD)
(Urban Residential, Conditional)

Acreage & Location: Approximately 0.36 acres located on the north side of Huntley Place near the intersection of Huntley Place and Providence Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-8-2015.
NOTE:

THIS ELEVATION IS PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDING CONSTRUCTED ON THE SITE MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED.
Rezoning Petition: 2015-134 by Charlotte Merlane FDS 713525

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

Current Zoning: R-4 (single family residential)
Proposed Zoning: NS (neighborhood services)

Staff Recommendation:
Staff recommends denial of this petition.

Attachments:
Staff Analysis
Vicinity Map
Rezoning Map
Site Plan
REQUEST
Current Zoning: R-4 (single family residential)
Proposed Zoning: NS (neighborhood services)

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

SUMMARY OF PETITION
The petition proposes to allow a vacant site to be developed for up to 13,000 square feet of office and retail uses.

PROPERTY OWNER
Various

PETITIONER
Charlotte Merlane FDS 713525

AGENT/REPRESENTATIVE
Walter Fields

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

STAFF RECOMMENDATION
Staff recommends denial of this petition.

Plan Consistency
The petition is inconsistent with the Central District Plan recommendation for residential development up to four dwelling units per acre.

Rationale for Recommendation
- The subject site is located at the intersection of West Sugar Creek Road and Merlane Drive and is located along a predominantly residential section of West Sugar Creek Road.
- The remainder of the parcels along Merlane Drive are planned and zoned for single family residential and the proposed non-residential development does not integrate with or provide a transition to the residential area.
- While there is an eating/drinking/entertainment establishment (EDEE) on the adjacent site on the corner of Wilson Lane and West Sugar Creek Road, the properties directly across West Sugar Creek Road and to the south are planned and zoned for residential.
- The Central District Plan recommends that retail uses in this area be clustered near the I-85 interchange with West Sugar Creek Road.
- Approval of this development will result in additional strip commercial along West Sugar Creek Road and will negatively impact the residential character of the immediate area.

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Office, retail and neighborhood service uses at a maximum of 13,000 square feet.
  - Drive-through service windows prohibited.
  - Maximum of two buildings: One building for a retail store; the second building for office and/or retail.
  - A 10-foot “Class C” buffer along the northern and southern property boundaries.
  - Access via West Sugar Creek Road and Merlane Drive.
  - A CATS concrete bench pad for a new bus stop to be constructed by the petitioner, at a location to be determined.
  - Large expanses of wall exceeding 20 feet in length to be avoided though articulated facades.
  - Primary building entrance to be a corner entrance oriented to West Sugar Creek Road.
  - A minimum 25% of the building façade on West Sugar Creek Road to have transparent windows or doors with active uses visible from the street.
  - Maximum building height of 30 feet.
• **Existing Zoning and Land Use**
  - The subject property is currently vacant. It is part of a larger tract extending west along Merlane Drive zoned R-4 (single family residential). To the south across Merlane Drive is the Sugar Creek Community Park, in R-4 (single family residential) zoning. To the east across West Sugar Creek Road are additional single family homes and land zoned R-4 (single family residential).
  - Abutting the subject to the north, at the corner of West Sugar Creek Road and Wilson Lane is an eating/drinking/entertainment establishment constructed in 1989 in B-1(CD) (neighborhood business, conditional), and additional single family homes extending westward along Wilson Lane.
  - Further northward from Wilson Lane in the immediate vicinity of an I-85 interchange are hotels, retail and warehouse uses in O-2 (office), B-1 (neighborhood business), and B-2(CD) (general business, conditional).
  - See “Rezoning Map” for existing zoning in the area.

• **Rezoning History in Area**
  - There have been no recent rezonings in the immediate area.

• **Public Plans and Policies**
  - The Central District Plan (1993) recommends residential development up to four units per acre for this site and the other properties on the north side of Merlane Drive.

• **TRANSPORTATION CONSIDERATIONS**
  - Since this site will not generate a significant amount of additional traffic, the primary transportation considerations are to provide safe access to the site and improve conditions for pedestrians. This site achieves the pedestrian goals by improving the planting strips and sidewalks along Sugar Creek Road. The access to the site will be safe and reasonable for the use and will provide for full movement access to Sugar Creek Road at Merlane Drive.
  - See Outstanding Issues, notes 5 and 6.

• **Vehicle Trip Generation:**
  - Current Zoning: 100 trips
  - Proposed Zoning: 650 trips

**DEPARTMENT COMMENTS** (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: No issues.
• Engineering and Property Management: See Outstanding Issues, note 4.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No comments received.

**OUTSTANDING ISSUES**

**Land Use**
1. The petition is inconsistent with the Central District Plan recommendation for residential development up to four dwelling units per acre.

**Site and Building Design**
2. Clarify notes under Architectural Standards to state that the primary building entrances on both Parcel 1 and Parcel 2 will be oriented to West Sugar Creek Road.
3. Add a note that minimum building height for both buildings will be 22 feet.
4. Add a note that primary building entrances for both buildings should front along Sugar Creek Road.

**Transportation**

5. Depict an eight-foot wide planting strip and six-foot wide sidewalk along the site’s frontages on Merlane Drive and West Sugar Creek Road.

6. Dedicate in fee simple 50 feet of right-of-way as measured from the existing centerline of West Sugar Creek Road.

**REQUESTED TECHNICAL REVISIONS**

1. Align the maximum square footage listed under Permitted Uses and in the Development Data Summary as one lists 15,000 and the other 13,000 square feet.

2. Specify boundaries of the ten-foot “Class C” buffer, and provide a buffer at the rear of the property abutting single family residential uses and zoning.

3. Delete the “Alternate use for parcel 08707125” which shows the parcel being used for a public or private road.

4. Add a minimum 30-foot wide tree save on the site plan.

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

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

**Planner:** Sonja Strayhorn Sanders (704) 336-8327
Petition #: 2015-134

Acreage & Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive.

Rezoning Petition: 2015-134

Charlotte City Limits

INSIDE CHARLOTTE CITY LIMITS

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

Charlotte City Limits

Oct 21, 2015
Petition #: 2015-134
Petitioner: Charlotte Merlane

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 1.84 acres located on the northwest corner at the intersection of West Sugar Creek Road and Merlane Drive.