CITY COUNCIL ZONING AGENDA
Monday, December 15, 2014

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

6:00PM – Zoning Meeting
Meeting Chamber

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

**DEFERRAL / WITHDRAWAL REQUESTS**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2014-019</td>
<td>Charlotte-Mecklenburg Planning Department - west corner of the intersection of Mallard Creek Road and Salome Church Road</td>
<td>Decision – Defer to March Protest Sufficient</td>
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<tr>
<td>4</td>
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<td>Decision - Defer to January</td>
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<tr>
<td>6</td>
<td>2014-068</td>
<td>City of Charlotte – Statesville Avenue, Dalton Aveune, North Graham Street and Armour Drive</td>
<td>Decision – Defer to March</td>
</tr>
<tr>
<td>9</td>
<td>2014-092</td>
<td>Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road</td>
<td>Decision - Defer to January Protest Insufficient</td>
</tr>
<tr>
<td>12</td>
<td>2014-101</td>
<td>LGI Homes NC, LLC – east side of Reames Road between Beklla Vista Court and Lawnmeadow Drive</td>
<td>Decision – Defer to January</td>
</tr>
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**MISCELLANEOUS REQUESTS AND INFORMATION**

<table>
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<td>2014-043</td>
<td>Mark Patterson – west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane</td>
<td>Decision - Protest Petition - Sufficient</td>
</tr>
<tr>
<td>18</td>
<td>2014-074</td>
<td>Terwilger Pappas Multifamily Partners, LLC – northeast corner of the intersection of North Community House Road and Bryant Farms Road</td>
<td>Hearing - Protest Petition – Sufficient</td>
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<tr>
<td>19</td>
<td>2014-078</td>
<td>Park Selwyn, LLC – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue</td>
<td>Hearing - Protest Petition - TBD</td>
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<tr>
<td>21</td>
<td>2014-109</td>
<td>Midtown Area Partners II, LLC - northeast corner of Baxter Street and South Kings Drive</td>
<td>Hearing - Protest Petition - TBD</td>
</tr>
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2. Follow-Up Report – Tammie Keplinger
3. Rezoning Cases of Special Interest – Tammie Keplinger
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<th><strong>Zoning District Acronyms</strong></th>
<th><strong>Zoning Overlay District Acronyms</strong></th>
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<td>• B-1 – neighborhood business district</td>
<td>• CR/LWW – Catawba River / Lake Wylie watershed</td>
</tr>
<tr>
<td>• B-2 – general business district</td>
<td>• CR/LWWCA – Catawba River / Lake Wylie watershed – critical area</td>
</tr>
<tr>
<td>• B-1SCD – business shopping center district (old district)</td>
<td>• CR/LWWPA – Catawba River / Lake Wylie watershed – protected area</td>
</tr>
<tr>
<td>• BD – distributive business district</td>
<td>• HD-O – historic district overlay</td>
</tr>
<tr>
<td>• BP – business park district</td>
<td>• LNW – Lake Norman watershed overlay</td>
</tr>
<tr>
<td>• CC – commercial center district</td>
<td>• LNWCA – Lake Norman watershed – overlay, critical area</td>
</tr>
<tr>
<td>• HW – hazardous waste</td>
<td>• LNWPA – Lake Norman watershed – overlay, protected area</td>
</tr>
<tr>
<td>• I-1 – light industrial district</td>
<td>• LLWW – Lower Lake Wylie watershed overlay</td>
</tr>
<tr>
<td>• I-2 – general industrial district</td>
<td>• LLWWCA – Lower Lake Wylie watershed – overlay, critical area</td>
</tr>
<tr>
<td>• INST – institutional district</td>
<td>• LLWWPA – Lower Lake Wylie watershed – overlay, protected area</td>
</tr>
<tr>
<td>• MUDD – mixed use development district</td>
<td>• MILW – Mountain Island Lake watershed overlay</td>
</tr>
<tr>
<td>• MX-1 – mixed use district</td>
<td>• MILWCA – Mountain Island Lake watershed – overlay, critical area</td>
</tr>
<tr>
<td>• MX-2 – mixed use district</td>
<td>• MILWPA – Mountain Island Lake watershed – overlay, protected area</td>
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<tr>
<td>• MX-3 – mixed use district</td>
<td>• MH – manufactured home overlay</td>
</tr>
<tr>
<td>• NS – neighborhood services district</td>
<td>• PED – pedestrian overlay district</td>
</tr>
<tr>
<td>• O-1 – office district</td>
<td>• TS – transit supportive overlay district</td>
</tr>
<tr>
<td>• O-2 – office district</td>
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<tr>
<td>• O-3 – office district</td>
<td></td>
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<tr>
<td>• R-3 – single-family residential – up to 3 dwelling units per acre (dua)</td>
<td></td>
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<tr>
<td>• R-4 – single-family residential – up to 4 dua</td>
<td></td>
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<tr>
<td>• R-5 – single-family residential – up to 5 dua</td>
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<tr>
<td>• R-6 – single-family residential – up to 6 dua</td>
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<td>• R-8 – single-family residential – up to 8 dua</td>
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<tr>
<td>• R-8MF – multi-family residential – up to 8 dua</td>
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<tr>
<td>• R-12MF – multi-family residential – up to 12 dua</td>
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<td>• R-17MF – multi-family residential – up to 17 dua</td>
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<td>• R-22MF – multi-family residential – up to 22 dua</td>
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<tr>
<td>• R-43MF – multi-family residential – up to 43 dua</td>
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<tr>
<td>• R-MH – residential manufactured housing</td>
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<tr>
<td>• RE-1 – research district</td>
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<td>• RE-2 – research district</td>
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<td>• RE-3 – research district</td>
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<tr>
<td>• TOD – transit oriented development</td>
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<td>• TOD-E – transit oriented development – employment</td>
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<td>• TOD-M – transit oriented development – mixed use</td>
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<td>• TOD-R – transit oriented development – residential</td>
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<tr>
<td>• U-I – urban industrial district</td>
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<td>• UMUD – uptown mixed use district</td>
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<td>• UR-1 – urban residential</td>
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<td>• UR-3 – urban residential</td>
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<td>• UR-C – urban residential – commercial</td>
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**Miscellaneous Zoning Acronyms**

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

**Miscellaneous Other Acronyms**

• CAG – citizen advisory group
• CDOT – Charlotte Department of Transportation
• FEMA – Federal Emergency Management Agency
• LED – light emitting diode
• NCDOT – North Carolina Department of Transportation
• PCCO – Post Construction Control Ordinance
1. **Petition No. 2012-102** (Council District 1 – Kinsey) by Eastway Holdings for a change in zoning for approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue from B-1SCD (business shopping center) to B-1SCD SPA (business shopping center, site plan amendment).

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

- The plan identifies this area for redevelopment and revitalization.

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

- The proposed site plan allows the redevelopment of a portion of the existing shopping center; and
- The proposed site plan does not exceed the maximum square footage allowed by the previous petition.

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

1. Amended Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to be determined with CATS along the site’s frontage on Central Avenue.
3. Addressed CDOT comments as follows:
   (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:
      (i) an area in size of 12 feet by 115 feet on Central Avenue; and
      (ii) an area in size of 19 feet by 125 feet on Eastway Drive.
   (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.
4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.
5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.
6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.
7. Added the following notes under the heading of Lighting:
   a. All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
   b. All site lighting installed on the site after the approval of the site plan amendment shall be “full-cut off” type fixtures. Light trespass shields shall be used on site lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.
8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

Staff recommends approval of this petition.

**Attachment 1**
2. **Petition No. 2014-001 SUB** by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Subdivision Ordinance to: 1) modify the definition of planned development; 2) clarify existing regulations and update references, formatting and tables; 3) relocate regulations into the proper section; 4) correct the dimension of the right-of-way requirements for local residential wide streets; 5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners; 6) clarify street spacing requirements; 7) clarify the standards for required streets when lots or building sites are part of a multi-family development; 8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and 9) update the appeal regulations.

The Zoning Committee found this petition to be consistent with the *Centers, Corridors, and Wedges Growth Framework* and consistent with the *North Carolina General Statutes*, based on information from the staff analysis and the public hearing, and because the text amendment:

- Provides clarifications to the existing regulations; and,
- Updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations; and,
- Preserves and enhances existing neighborhoods.

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

- It makes the regulations consistent with the North Carolina General Statutes.

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

Staff recommends approval of this petition.

**Attachment 2**

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<thead>
<tr>
<th>Deferral (to March)</th>
<th>Protest Sufficient</th>
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<tbody>
<tr>
<td>3. <strong>Petition No. 2014-019</strong> (Outside City Limits) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road from CC (commercial center) to R-4 (single family residential).</td>
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The Zoning Committee voted 7-0 to **DEFER** this petition to their February 25, 2015 meeting.

**Attachment 3**

<table>
<thead>
<tr>
<th>Deferral (to January)</th>
<th>Sufficient Protest</th>
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<tbody>
<tr>
<td>4. <strong>Petition No. 2014-021</strong> by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create a new definition for mobile farmer’s market; 2) allow mobile farmer’s markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer’s markets.</td>
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</table>

The Zoning Committee voted 7-0 to **DEFER** this petition to their January 5, 2015 meeting.

**Attachment 4**

<table>
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<tr>
<th>Sufficient Protest</th>
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<tbody>
<tr>
<td>5. <strong>Petition No. 2014-043</strong> (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).</td>
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The Zoning Committee found this petition to be inconsistent with the *Northeast District Plan*, based on information from the staff analysis and the public hearing, and because:

- The Plan recommends single family residential up to four dwelling units per acre for this site.

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

- Area plans typically do not specify locations for institutional uses; and
- The site has frontage along a major thoroughfare; and
- The proposed use would serve the needs of the surrounding neighborhoods.

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

1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.
2. Removed the sign from the site plan.
3. Added the heading “Signage” and a note stating that signage is permitted per the ordinance.

Staff recommends approval of this petition.

**Attachment 5**

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<thead>
<tr>
<th>Deferral (to March)</th>
<th>6. <strong>Petition No. 2014-068</strong> (Council District 2 - Austin) by City of Charlotte for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).</th>
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<tr>
<td></td>
<td>The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.</td>
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<td><strong>Attachment 6</strong></td>
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| 7. **Petition No. 2014-075** (Council District 6 - Smith) by Crossroads Realty Group, LLC for a change in zoning for approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive from R-3 (single family residential) to UR-2(CD) (urban residential, conditional). |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | The Zoning Committee found this petition to be consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because: |
|                     | - The proposed single family attached use is consistent with the residential use called for in the adopted area plan; and |
|                     | - The proposed site qualifies for an increase in density up to 17 dwelling units per acre.                                                                                                          |
|                     | Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because: |
|                     | - Units along Closeburn Road will be oriented so that front doors of units front the street; and, |
|                     | - Units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street; and |
|                     | - A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and |
|                     | - A pedestrian pocket park that will be improved with landscaping and seating areas will be provided; and |
|                     | - Construction traffic is limited to Fairview Road.                                                                                                                                             |
|                     | The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications: |
|                     | 1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. |
|                     | 2. Specified that the proposed pocket park will be improved with landscaping and seating areas. |
|                     | 3. Addressed Engineering comment by adding the following note: The petitioner will |
provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.

4. Added the following notes under the heading of Construction Traffic and Construction Staging:
   a. The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
   b. Staging for the development of the site will occur on site.

Staff recommends approval of this petition.

Attachment 7

8. **Petition No. 2014-79** (Council District 1 – Kinsey) by Crescent Communities, LLC for a change in zoning for approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street from UMUD (uptown mixed use) to UMUD-O (uptown mixed use, optional).

The Zoning Committee found this petition to be consistent with the *Charlotte Center City 2020 Plan*, based on information from the staff analysis and the public hearing, and because:

- *Charlotte Center City 2020 Plan* recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and
- The subject property will complete the Tryon Mall on the southern side of Tryon Street.

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

- The subject property will complete the Tryon Mall on the southern side of Tryon Street; and
- The subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces.

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

1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows:
   a. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted.
2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance.
3. Amended Notes 2A and 2B to specify that off-premises signs and outdoor advertising signage shall not be permitted.
4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance.
5. Amended optional request Note 2C to delete the following: “unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.”
6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.
7. Deleted vendor structures shown on Sheet RZ-09.
8. Amended optional request Note 2F to specify the following:
   a. This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions.
b. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.

10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(12) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site’s Tryon Street frontage.

Staff recommends approval of this petition.

Attachment 8

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<tr>
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<th>Protest Insufficient</th>
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<tr>
<td>9. Petition No. 2014-092 (Council District 3 - Mayfield) by Pavilion Development Company for a change in zoning for approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road from CC (commercial center) to CC SPA (commercial center, site plan amendment). The Zoning Committee voted 7-0 to DEFER this petition until their January 5, 2015 meeting.</td>
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| 10. Petition No. 2014-095 (Council District 4 - Phipps) by QuikTrip Corporation for a change in zoning for approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road from R-3 (single-family residential) and NS (neighborhood services) to B-1(CD) (neighborhood business, conditional). This petition is found to be inconsistent with the Northeast Area Plan, based on information from the staff analysis and the public hearing, and because: |
| - The Northeast District Plan recommends residential land uses for the site; and |
| - The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and |
| - The proposed site design and layout is inconsistent with the adopted policies. |
| Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because: |
| - The petition is inconsistent with the adopted area plan; and |
| - The proposed site design and layout is inconsistence with adopted policies. |
| The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made: |
| 1. A note has been added that accessory service windows will not be allowed on the site. |
| 2. The proposed parking has been removed from the 30-foot setback along Salome Church Road. |
| 3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension. |
| 4. A note has been added that “The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area.” |
| 5. Possible tree save areas have been labeled and shown on the site plan. |
| 6. The note has been modified under Architectural Standards that “changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance.” |
| 7. The proposed building materials on the proposed elevations have been labeled. |
| 8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such
as brick and other masonry products, stone, glass windows, water table, and/or soldier course.

9. A note has been added that pole signs will not be allowed.
10. References to the proposed signage have been removed from the site plan.
11. Amended Note 4 under Architectural Standards to include “above ground backflow preventer assemblies.”
12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management.
15. Identification signage will be limited to 50 square feet and a height of seven feet.

Staff recommends denial of this petition.

**Attachment 10**

11. **Petition No. 2014-096** (Council District 7 - Driggs) by Lenox Development Group, LLC for a change in zoning for approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue from R-3 (single family residential) to NS (neighborhood services).

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 **South District Plan** recommends residential land uses at up to three dwelling units per acre; and
- The **General Development Policies** support residential densities up to eight dwelling units per acre for this site.

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

- The proposed retail uses have not been objected to by the neighborhood; and
- It connects well to the existing retail development along Ardrey Kell Road.

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

1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class “B” buffer.
2. Committed to a minimum office square footage of 25 percent.
3. Eliminated reductions to buffers abutting residential zoning and/or use.
4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer.
5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands,
single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.

6. Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.”

7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.

8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site’s frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved.

9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class “B” buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

The following staff identified issues are outstanding:

1. Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.
2. Reduce overall square footage from 30,000 to 20,000 square feet.
3. Add note committing building design to be residential in character.

Staff recommends denial of this petition.

Attachment 11

Deferral (to January)

12. **Petition No. 2014-101** (Council District 2 - Austin) by LGI Homes NC, LLC for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential).

The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.

Attachment 12

13. **Petition No. 2014-102** (Council District 1 – Kinsey) by Charlotte-Mecklenburg Planning Department to establish zoning for approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street from no current zoning to UMUD (uptown mixed use).

The Zoning Committee found this petition to be consistent with the **Center City 2020 Vision Plan**, based on information from the staff analysis and the public hearing, and because:

- The Plan recommends mixed residential and non-residential uses.

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

- The petition establishes the zoning for property that was former I-277 right-of-way; and
- The petition allows all uses in the UMUD (uptown mixed use) district.

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

Staff recommends approval of this petition.

Attachment 13
14. **Petition No. 2014-103** (Council District 7 – Driggs) by Weekley Homes, LP for a change in zoning for approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane from R-3 (single-family residential) to UR-2(CD) (urban residential, conditional).

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

- The South District Plan recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the General Development Policies.

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

- The petition is consistent with the South District Plan and the General Development Policies.

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

1. A note has been added that a pedestrian refuge will be provided along Endhaven Lane.
2. Freestanding lighting has been limited to 20 feet.
3. Possible on-street parking has been labeled and shown on the site plan
4. Elevations have been provided for the facades facing Endhaven Lane. Staff recommends approval of this petition.

Staff recommends approval of this petition.

**Attachment 14**

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15. **Petition No. 2014-106** (Council District 6 - Smith) by Quail Hollow Village, c/o Harris Land Company for a change in zoning for approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Glen Eagles Road from CC (commercial center) to CC SPA (commercial center, site plan amendment).

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

- The South District Plan recommends a mixture of retail, office and residential uses as amended by a previous rezoning.

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

- The proposed uses are largely unchanged from the prior plan except for the addition of by-right multi-family residential.

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

1. Amended Note E under permitted uses to read as follows: “Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.”
2. Replaced “restaurant” with “eating/drinking and entertainment establishments.”
3. Deleted the following note under Permitted Uses: “For the purposes of determining individual development restrictions that may apply, the term ‘restaurant’ will be deemed to include both ‘eating, drinking and entertainment establishments’. Specified that Type I and Type II eating/drinking and entertainment establishments are permitted.”
4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage.
5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows:

**General Character**

(a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.

(b) The architectural character throughout the project will take inspiration from a neoclassical interpretation of elements found in Southeast American resorts. Primarily this will mimic design elements of what is called “Italianate” Mediterranean. All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.

(c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.

(d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.

(e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.

(f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.

(g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

**Buildings along Park Road**

(a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.

(b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the functional address faces the internal side, these structures will be built with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.

(c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.

(d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.

**Buildings along Gleneagles Road**

(a) Where the site slopes dramatically close to Park Road the structure will allow for a ‘base’ that accommodates street facing display windows, options for tenant and project identity, and extensive landscaping to soften the base edges.

(b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.

(c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.

(d) The building massing along Gleneagles next to Seven Eagles will have a base
retail/commercial and upper level residential units. This creates a distinct street wall along the project’s internal drive setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.

6. Provided a definition for specialty retail as follows: “Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants.”

7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.

8. Added the following note related to conversion allowances:
   Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to provide a ‘maximum’ development amount for each of the development types allowed on the site subject to the total trip generation limitation below:
   a. Total maximum retail space including all retail types: 290,000 sq. ft.
   b. Total maximum office space including all office types: 205,000 sq. ft.
   c. Total maximum hotel rooms: 200
   d. Total maximum residential units at 22 du/ac: 420

9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.

10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.

11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.

12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.

13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.

14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.

15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. It is anticipated that this lane can be developed within the existing median.

16. Amended the arrangement of building envelopes and eliminated Building Envelope D.

17. Amended the following notes under Architectural Standards General Character:
   a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
   b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.

18. Added the following notes under Architectural Standards General Character:
   a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
   b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
   c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
   d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall
incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.

e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.

f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass.

19. Added the following notes under Architectural Standards Buildings along Park Road:
   a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road.

20. Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet will count toward open space.

Staff recommends approval of the petition.

Attachment 15

16. **Petition No. 2014-111** (Council District 5 - Autry) by Cambridge Properties, Inc. for a change in zoning for approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road from B-1(CD) (neighborhood business, conditional) and R-3 (single-family residential) to B-1(CD) (neighborhood business, conditional) and R-1(CD) SPA (neighborhood business, conditional, site plan amendment).

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

- A portion of the property is recommended for retail and a portion of the property is recommended for institutional.

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

- The proposed request will allow for a more consistent development pattern with similar development requirements.

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

1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced “restricted” with “prohibited” in the first sentence under Permitted Uses.

2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. **Staff is rescinding this request and agrees with the petitioner’s rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow:**
   a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building.
   b. Commitment to a 2’-8” brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow.
   c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road.

3. The petitioner has labeled all elevations as shown on Sheet RZ3.1.

4. The petitioner has included revised elevations for each proposed building including...
typical side elevations and brick detail.

5. The heading PCCO Treatment has been renamed Environmental Features.
6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
7. The heading Sideyards/Buffers has been removed from the site plan.
8. The site plan has been modified to state signage will be per ordinance.
9. Addressed CDOT and Storm Water comments as follows:
   a. Addressed CDOT’s request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).
   b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”
10. Modified the height of the proposed screen wall along Albemarle Road to read as 2'-8”, which was previously noted as 2.5 ft.
11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, lawn/setback, shrub hedgerow with 2'-8” brick wall).

Staff recommends approval of this petition.

*Attachment 16*
<table>
<thead>
<tr>
<th>No.</th>
<th>Petition Details</th>
<th>Status Notes</th>
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<tr>
<td>17.</td>
<td><strong>Petition No. 2014-042</strong> (Council District 3 - Mayfield) by Moss Road Development Partners, LLC for a change in zoning for approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</td>
<td>Staff does not support this petition in its current form.</td>
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<td><strong>Attachment 17</strong></td>
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<td>18.</td>
<td><strong>Petition No. 2014-074</strong> (Council District 6 – Driggs) by Terwilliger Pappas Multifamily Partners, LLC for a change in zoning for approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).</td>
<td>Staff recommends approval of this petition upon resolution of the outstanding issues.</td>
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<td><strong>Attachment 18</strong></td>
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<td>19.</td>
<td><strong>Petition No. 2014-078</strong> (Council District 6 – Smith) by Park Selwyn, LLC for a change in zoning for approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment).</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td><strong>Attachment 19</strong></td>
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<td>20.</td>
<td><strong>Petition No. 2014-108</strong> (Council District 5 – Autry) by U-Haul Company of Charlotte for a change in zoning for 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane from B-2 (general business) to B-D(CD) (distributive business, conditional).</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td><strong>Attachment 20</strong></td>
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<tr>
<td>21.</td>
<td><strong>Petition No. 2014-109</strong> (Council District 1 - Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single-family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay), and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional pedestrian overlay).</td>
<td>Staff does not recommend approval of this petition in its current form.</td>
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<td><strong>Attachment 21</strong></td>
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<tr>
<td>22.</td>
<td><strong>Petition No. 2014-112</strong> (Council District 6 – Smith) by Mohammad R. Bolouri for a change in zoning for approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).</td>
<td>Staff recommends approval of this petition upon resolution of outstanding issues.</td>
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<td><strong>Attachment 22</strong></td>
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23. **Petition No. 2014-116** (Council District 6 – Smith) by **Spectrum Properties Residential, Inc.** for a change in zoning for approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional).

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

   Attachment 23

24. **Petition No. 2014-118** (Council District 1 – Kinsey) by **Cotswold Partners, LLC** for a change in zoning for approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road from B-1 (neighborhood business) to MUDD-O (mixed use development, optional).

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

   Attachment 24

25. **Petition No. 2015-010** (Council District 2 – Austin) by **The Salvation Army** for a change in zoning for approximately 2.68 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street from O-6(CD) (office, conditional) to MUDD-O (mixed use development, optional).

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

   Attachment 25

26. **Petition No. 2014-114** by **Stor-All Storage** for a Text Amendment to the City of Charlotte Zoning Ordinance to allow an increase in the maximum FAR for “warehousing, within a completely enclosed building” when the building is multi-story.

   Staff recommends approval of this petition.

   Attachment 26
**REQUEST**

Current Zoning: B-1SCD (business shopping center district)
Proposed Zoning: B-1SCD SPA (business shopping center district, site plan amendment)

**LOCATION**

Approximately 21.5 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.
(Council District 1 - Kinsey)

**SUMMARY OF PETITION**

The petition proposes to allow redevelopment of a limited portion of an existing shopping center. The part of the center that is included in the rezoning is currently developed with 212,654 square feet of retail uses including one freestanding parcel. Proposed changes include up to 225,753 square feet of building area through demolition and reallocation of a limited amount of existing building square footage, in addition to 17,500 square feet of new retail uses, and two accessory drive-through service windows.

**PROPERTY OWNER**

Eastway I Holdings, LLC
**PETITIONER**

Eastway Holdings, John Turner
**AGENT/REPRESENTATIVE**

Kevin Ammons, ColeJenest and Stone

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4

**STATEMENT OF CONSISTENCY**

This petition is found to be consistent with the *Eastside Strategy Plan*, based on information from the staff analysis and the public hearing, and because:

- The plan identifies this area for redevelopment and revitalization.

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

- The proposed site plan allows the redevelopment of a portion of the existing shopping center; and
- The proposed site plan does not exceed the maximum square footage allowed by the previous petition;

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

**ZONING COMMITTEE ACTION**

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

1. Amended Proposed Development Summary to reflect total square footage for the B-1SCD SPA (business shopping center district, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to be determined with CATS along the site’s frontage on Central Avenue.
3. Addressed CDOT comments as follows:
   (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:
       (i) an area in size of 12 feet by 115 feet on Central Avenue; and
       (ii) an area in size of 19 feet by 125 feet on Eastway Drive.
   (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted.
between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by CDOT and NCDOT.

4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.

5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.

6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.

7. Added the following notes under the heading of Lighting:
   (a) All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
   (b) All site lighting installed on the site after the approval of the site plan amendment shall be “full-cut off” type fixtures. Light trespass shields shall be used on site lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.

8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted the petition is consistent with the Eastside Strategy Plan. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- Background
  The subject property was included in the overall 30.5-acre Eastway Crossing Shopping Center rezoned under Petition 1989-096 to R-9(CD) (single family residential, conditional) and B-1SCD (business shopping center district), to allow a maximum of 293,847 square feet of retail uses.

- Proposed Request Details
  The site plan amendment contains the following changes:
  - Allows the demolition of a minimum 3,401 square feet of the existing buildings located along the north side of the property.
  - Adds a new 16,500-square foot building located on the north side of the property.
  - Allows two uses with accessory drive-through service windows.
  - Removes the note limiting building height above finished floor elevation to not exceed 30 feet.
  - Eliminates the three existing driveways and access points, in the event that the new building is constructed.

- Public Plans and Policies
  - The Eastside Strategy Plan (2001) recommends retail for the subject parcel, which was originally established by the Central District Plan (1993).
  - The Eastside Strategy Plan recognizes this as an area for redevelopment and revitalization to restore economic and social vitality, which is consistent with the City’s goals for business
corridors.
  • The petition is consistent with the *Eastside Strategy Plan*.

DEPARTMENT COMMENTS (see full department reports online)
  • Charlotte Area Transit System: No issues.
  • Charlotte Department of Neighborhood & Business Services: No issues.
  • Transportation: No issues.
  • Charlotte Fire Department: No issues.
  • Charlotte-Mecklenburg Storm Water Services: No issues.
  • Engineering and Property Management: No issues.
  • Mecklenburg County Land Use and Environmental Services Agency: No issues.
  • Mecklenburg County Parks and Recreation Department: No issues.
  • Urban Forestry: No comments received.

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

OUTSTANDING ISSUES
  • No issues.

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

**Planner:** Sonja Sanders  (704) 336-8327
Petition #: 2012-102

Acreage & Location: Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.
Petition #: 2012-102

Petitioner: Eastway Holdings

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

Zoning Classification (Requested): B-1SCD (SPA)
(Business Shopping Center District, Site Plan Amendment)

Acreage & Location: Approximately 21.50 acres located on the southwest corner at the intersection of Eastway Drive and Central Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 11-12-2014.
1. No more than two project identification signs may be erected on the Site.

2. The buffer areas extending around the perimeter of the Site are to remain as open space, except to the extent necessary to accommodate pedestrian pathways, access points, walks, berms, grading, storm water retention ponds, signs and graphics (as permitted by the Sign Code).

3. Pursuant to this Rezoning Plan, the Petitioner may (but shall not be required to) demolish that existing building located on the Site that is designated as Building E on Demolition Inset A on the Rezoning Plan, and build a new maximum 16,500 square foot freestanding building in the location generally depicted on the Rezoning Plan. In the event that the construction of the New Building would exceed the requirements of the 1990 Ordinance, may be altered or modified during design development and construction document phases.

4. All landscaping will comply with the City of Charlotte Tree Ordinance effective as of the date of the approval of Rezoning Petition No. 1989-96 relating to the Site to accommodate the potential redevelopment of portions of the Site as more particularly designated as Building E on Demolition Inset A on the Rezoning Plan.

5. Petitioner agrees to provide an irrigation system servicing the berm area behind the new development. In addition, Petitioner agrees to dedicate and convey to the City of Charlotte right of way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:

6. Notwithstanding anything contained herein to the contrary, a maximum of two uses located on the Site may have accessory drive-thru lights or unshielded wall-pack type lighting may be installed on the Site after the approval of this site plan amendment.
REQUEST


SUMMARY OF PETITION

The petition proposes to:

1) modify the definition of planned development;
2) clarify existing regulations and update references, formatting, and tables;
3) relocate regulations into the proper section;
4) correct the dimension of the right-of-way requirements for local residential wide streets;
5) remove the requirement for delivery of final plats to the Planning Department and remove references to the County and Board of Commissioners;
6) clarify the street spacing requirements;
7) clarify the standards for required streets when lots or building sites are part of a multi-family development;
8) update the notice and hearing requirements for variances and appeals; the standards for granting a variance; and the standards for making decisions; and
9) update the appeal regulations.

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

Meeting is not required.

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the Centers, Corridors, and Wedges Growth Framework and consistent with the North Carolina General Statutes, based on information from the staff analysis and the public hearing, and because the text amendment:

- Provides clarifications to the existing regulations; and
- Updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations; and
- Preserves and enhances existing neighborhoods.

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:

- It makes the regulations consistent with the North Carolina General Statutes;

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

ZONING COMMITTEE ACTION

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

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented a summary of the text amendment. There were no questions.
Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• Background
  • The Subdivision Ordinance regulations were updated by City Council on December 20, 2010, to implement the Urban Street Design Guidelines.
  • Since adoption, staff has identified a number of clarifications, modifications, reformatting, and updates to section references that are needed.
  • New North Carolina General Statute legislation was approved on June 19, 2013 that clarified and modernized the statutes regarding variances and appeals.
  • The new legislation focuses on providing greater clarity, creating standardized procedures for key actions and generally providing more certainty and predictability about the processes used for variances and appeals.
  • This text amendment aligns the Charlotte Subdivision Ordinance with the new legislation.

• Proposed Request Details
  The text amendment contains the following provisions:
  • Modifies the definition of planned development to include a multi-family residential building, including a single building with more than 12 units.
  • Updates the name of the metropolitan planning organization from “Mecklenburg-Union Metropolitan Planning Organization” to “Charlotte Regional Transportation Planning Organization” throughout the Ordinance.
  • Corrects section references and misspellings.
  • Modifies formatting of text for clarity.
  • Removes the requirement that a sealed and recorded final plat must be delivered to the Planning staff within five days of recording because final plats are now digitally recorded at the Register of Deeds Office.
  • Relocates requirements that existing local streets do not have to dedicate or reserve right-of-way from the incorrect subsection titled “Non-local street right-of-way” into the subsection titled “Local street right-of-way”.
  • Clarifies the preferred and maximum street spacing requirements and provides an illustration.
  • Clarifies tables and provide titles related to the text for preferred and maximum street spacing.
  • Clarifies the design standards for lots. Where lots or building sites that are part of a multi-family development exceed the maximum street spacing, at least one street extending through the development shall be a public street, in “both directions”, instead of in “either direction.”
  • Removes references to inspections by the County, filing fees set by the Board of Commissioners, and variance forms prepared by the Board of Commissioners.
  • Replaces the existing findings of fact and conditions that constitute a practical difficulty or unnecessary hardship with new language to align with new North Carolina General Statute legislation. The new language states that when unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing in the affirmative of all of the following findings of fact:
    • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
    • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
    • The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
    • The requested variance is consistent with the spirit, purpose, and intent of the Subdivision Ordinance, such that public safety is secured, and substantial justice is achieved.
  • Adds new language that appropriate conditions may be imposed on any variance, provided they
are reasonably related to the variance.

- Adds new requirements detailing the mailing of notices of hearings for variance and appeal petitions including:
  - Notices shall be mailed to the person who is the subject of the hearing, the owners of the property, and owners of abutting properties.
  - County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.
  - Notices shall be mailed at least 10 days but not more than 25 days prior to the date of the hearing.
  - Notices shall be posted on the property that is the subject of the hearing, or an adjacent street right-of-way.

- Adds new requirements about the Planning Commission or hearing committee’s decisions and evidence:
  - The hearing shall be conducted in a quasi-judicial manner.
  - The Planning Commission (or hearing committee) must determine contested facts and make its decision within a reasonable time.
  - Every quasi-judicial decision shall be based on competent, material, and substantial evidence in the record.
  - Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission’s (or hearing committee’s) determination of contested facts and their application to the applicable standards.
  - The written decision shall be signed by the chair or other duly authorized member of the Planning Commission (or hearing committee).
  - A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission (or hearing committee).

- Adds new requirements as to who is notified of the decision of the Planning Commission (or hearing committee), and how notice is delivered. Delivery methods for variance and appeal decisions include personal delivery, electronic mail or first-class mail. The decision is to be delivered to the applicant, property owner (if not the applicant), and to abutting property owners of the parcel of land that is the subject of the hearing.

- Modifies when an appeal of the Planning Commission’s (or hearing committee’s) decision to the Superior Court must be filed with the clerk of the Superior Court. Currently, an aggrieved party has 30 days from the date the decision is filed in the Charlotte-Mecklenburg Planning Department, or 30 days after a written copy of the decision is mailed to every aggrieved party who has filed a written request or such a copy with the Planning Director at the time of the hearing, whichever is later. This text amendment modifies the language, aligning with new state legislation, to allow an appeal to be filed with the clerk of Superior Court by the later of 30 days after the decision is effective, or 30 days after a written copy of the decision is given by personal delivery, electronic mail or first-class mail. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

- **Public Plans and Policies**
  - This petition is consistent with the North Carolina General Statutes, and consistent with the Centers, Corridors, and Wedges Growth Framework goal to preserve and enhance existing neighborhoods.
  - This petition makes the written regulations in the Subdivision Ordinance consistent with updated state legislation.

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

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

ENVIROMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
• Site Design:
  • There is no site plan associated with this text amendment.

OUTSTANDING ISSUES
• No issues.

Attachments Online at www.rezoning.org
• Application
• Pre-Hearing Staff Analysis
• Transportation Review
• Charlotte-Mecklenburg Utilities Review
• Mecklenburg County Land Use and Environmental Services Agency Review
• Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722
## TEXT AMENDMENT SUMMARY: SUBDIVISION ORDINANCE REGULATIONS
### 8-15-14

**Purpose/Background:** The purpose of this text amendment is to modify the Subdivision Ordinance regulations by 1) modifying the definition of planned development; 2) clarifying existing regulations and updating references, formatting, and tables; 3) relocating regulations into the proper section; 4) correcting the dimension of the right-of-way requirements for local residential wide streets; 5) removing the requirement for delivery of final plats to the Planning Department and removing references to the county and board of commissioners; 6) clarifying the street spacing requirements; 7) clarifying the standards for required streets when lots or building sites are part of a multi-family development; 8) updating the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and 9) updating the appeal regulations.

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| Definitions | • Block face – *The distance along a block between two adjacent intersections*, measured from centerline to centerline.  
• Planned development means a group of two or more duplex, triplex, quadraplex, multifamily residential or nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. | • Remove italics and modify sentence to read:  
  • Block face means the distance along a block between two adjacent intersections, measured from centerline to centerline.  
• Update the definition for planned development to read as follows:  
  • Planned development means 1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas. | • Clarifies and replaces definitions. |
| Monuments   | • The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. | • Replace the word, “map” with “phase”:  
  • The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per phase including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual. | • Updates language for clarity. |
<p>| Final Plats | • A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording. | • Removes this provision since final plats are now digitally recorded at the Register of Deeds Office and staff has computer access to the final plats. | • Removes requirements no longer needed. |</p>
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| Design Standards for Streets | • Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.  
• Total right-of-way required for Local Residential Wide Streets: 71 feet. | • Relocates this provision from subsection (c) titled “non-local street right-of-way” to subsection (d) titled, “local street right-of-way”.  
• Changes the total right-of-way required for Local Residential Wide Streets from 71 feet to 72 feet. | • Corrects location of regulations to corresponding subsection. |

| Design Standards for Street Network and Blocks | • The requirements for additional new local streets are:  
• Measure the width of each property boundary and divide by the appropriate preferred spacing from the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length, one street is required.  
Where an odd-shaped parcel has a series of boundary segments shorter than the preferred length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.  
• Table 1 and 2 have no titles.  
• Table 1: right hand column is titled, “Preferred (Perimeter)”.  
• Table 2: right hand column is titled, “Maximum”. | • Clarify the regulations as follows:  
• Measure the length of each property boundary and divide by the appropriate preferred block length spacing from the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length (Table 2 “Maximum Street Spacing”), one street is required.  
Where an odd-shaped parcel has a series of boundary segments shorter than the preferred block length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.  
• Add a graphic to illustrate the regulations above.  
• Clarify the tables by adding a more predominant title:  
• Table 1: Preferred Street Spacing  
• Table 2: Maximum Street Spacing  
• Clarify Table 1, right hand column to read, “Preferred Block Length along Property Boundary”.  
• Clarify Table 2, right hand column to read, “Maximum Block Length”. | • Clarify regulations. |
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| **Design Standards for Lots**      | • Where lots or building sites that are part of a multifamily development exceed the maximum street spacing in Sec. 20-23(b)(2)b above, at least one street extending through the development in either direction shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. | • Clarify the regulations to require at least one public street in both directions:  
• Where lots or building sites that are part of a multifamily development exceed the maximum local street spacing in Sec. 20-23(b)(2)b, at least one street extending through the development in both directions shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street. | • Clarify regulations. |
| **Inspections**                     | • The city or county must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. | • Remove references to the county. The revised section shall read:  
• The city must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed. | • Removes references to the County |
| **Filing of notice of Appeal**      | • A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. | • Remove references to the board of commissioners. The revised section shall read:  
• A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section. | • Remove references to the board of commissioners |
| **Filing of variance petition**     | • A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. | • Remove references to the board of commissioners. The revised section shall read:  
• A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council. | • Remove references to the board of commissioners |
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<td>Notice and Hearing</td>
<td>• The Planning Commission, or hearing committee, will hold public hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose.</td>
<td>• Updates regulations to align with new North Carolina legislation: • The Planning Commission, or hearing committee, will hold quasi-judicial hearings on any appeal or variance petition, which comes before it, in accordance with rules adopted by it for such purpose.</td>
<td>• Aligns with new legislation</td>
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<td>• The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing</td>
<td>• Replaces regulations for notification to read: • Notices of hearings shall be mailed to 1) the person whose appeal, application, or request is the subject of the hearing; 2) the owner of the property that is the subject of the hearing; and 3) to owners of land abutting the parcel of land that is the subject of the hearing.</td>
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<td>• County tax listings shall be used to determine owners of property, unless there is evidence to the contrary.</td>
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<td>• Notices shall be mailed at least 10 days, but not more than 25 days prior to the date of the hearing.</td>
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<td>• Notices shall be posted on the property that is the subject of the hearing, or on an adjacent street or highway right-of-way.</td>
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<td>Standards for Granting a Variance</td>
<td>• Before granting a variance, the Planning Commission, or the hearing committee must determine that: • The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or • The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or • The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or • The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or • The granting of the variance would permit the preservation of an historic structure or site.</td>
<td>• Removes the existing findings and conditions and replaces them with new language to align with new North Carolina legislation: • When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the Planning Commission, or the hearing committee, shall vary any of the provisions of the Subdivision’ Ordinance upon a showing of all of the following: • Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. • The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.</td>
<td>• Aligns findings with new state legislation.</td>
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</table>
The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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

Adds language that appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.

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| Action by the Planning Commission | • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision. | • Adds more detail about the Planning Commission’s or hearing committee’s decision and evidence to align with new North Carolina legislation:  
  • The Planning Commission or hearing committee will grant or deny the variance or will reverse, affirm, or modify the order, decision, requirement, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting.  
  • The Planning Commission, or hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Planning Commission’s (or committee’s) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the Planning Commission or hearing committee.  
  • The decision of the Planning Commission, or the hearing committee, shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person delivering the decision shall provide the person with a copy of the decision. | • Aligns with new legislation |
required to provide notice shall certify that proper notice has been made.

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| Appeal from Planning Commission | • Any appeal of a decision rendered by the Planning Commission, or the hearing committee, must be to the Superior Court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later. | • Replaces the language with updated language to match new North Carolina legislation:  
• Every quasi-judicial decision of the Planning Commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. § 160A-393. Any petition for a review of the Planning Commission’s, or hearing committee’s, decision in the nature of certiorari by the superior court must be filed with the clerk of Superior Court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition. | • Aligns with new legislation |
| Corrects misspelled words and updates names of organizations and section references | • “thoughfares”  
• MUMPO – Mecklenburg- Union Metropolitan Planning Organization | • Corrects misspelled words:  
• “thoroughfares”  
• Updates the name of the MUMPO organization:  
• MUMPO becomes Charlotte Regional Transportation Planning Organization (CRTPO)  
• Updates section references.  
• Updates figure references. | • Updates references and corrects spelling |
AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE –SUBDIVISION ORDINANCE

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 20, Code of the City of Charlotte is hereby amended as follows:
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### ARTICLE 1. IN GENERAL

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ARTICLE I. IN GENERAL

Sec. 20-1. - Short title.
This chapter will be known and may be cited as the "Charlotte Subdivision Ordinance."

(Code 1985, § 20-1)

Sec. 20-2. - Purpose.
This chapter is adopted pursuant to the authority conferred by G.S. 160A-371 et seq., the Charter, and certain special legislation for the city and the county (ch. 203, Sess. Laws 1961) and for the purpose of promoting the orderly development of the city and county and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-way or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety, convenience and the general welfare.

(Code 1985, § 20-2)

Sec. 20-3. - Jurisdiction.
This chapter applies to all subdivision activities for which approval under this chapter is required in the city.

(Code 1985, § 20-3)

Sec. 20-4. - Compliance.
All plats for the subdivision of land must conform to the requirements of this chapter and be submitted in accordance with the procedures and specifications established in this chapter. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.

(Code 1985, § 20-5)

Sec. 20-5. - Modification of certain standards.
(a) Certain development standards regulated by this chapter and specifically as follows may be modified under the provisions of the city zoning ordinance:

(1) Street right-of-way.
(2) Sidewalks.
(3) Curb and gutter.

(4) Type of street (public or private).

(5) Street pavement width.

(b) The standards of chapter 19 of this Code, which also regulate the development of streets, sidewalks and other facilities in the city, must be complied with, except as may be varied under article III of this chapter.

(Code 1985, § 20-6)

(c) Any standard regulated by this chapter may be modified by City staff where necessary to ensure public safety.

**Sec. 20-6. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alternative Compliance for street design* means the process to approve street designs that differ from the design standards prescribed in this chapter.

*Appeal* means an action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

*Block face* means the distance along a block between two adjacent intersections, measured from centerline to centerline.

*Building envelope* means a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

*Charlotte- Land Development Standards Manual* means the manual of construction standard drawings and details prepared by the city engineer, which provides standard designs for public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever in this chapter reference is made to "standards" or "manual," it refers to that document.

*Collector street* means any street which is defined as a collector street in the adopted comprehensive street classification system.

*Commercial arterial street* means a multilane, major roadway connecting major or minor thoroughfares with lesser streets in the network. The commercial arterial may also connect this region to other regions. Commercial arterial streets provide direct access to nonresidential high trip generating land uses. A commercial arterial street may be part of state primary or secondary highway systems.

*Connectivity* means street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bikepaths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation.

*Cul-de-sac* means a street designed with a turnaround, or a street that will not reasonably be extended in the future.
Development review board means the board appointed by city council to hear and decide applications for alternative compliance for street design.

Double frontage lot means a lot with street frontage along two opposite boundaries. A "double frontage lot" may also be referred to as a "through lot" or a “reverse frontage lot”.

Freeway or expressway means a multilane, grade-separated, limited-access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal or state primary highway system. A freeway or expressway will be built to or approach interstate design standards.

Green zone means the space lying between the sidewalk and back of curb, or edge of pavement where no curb-and-gutter is present (typically a planting strip or hardscaped amenity zone) which serves as a buffer between pedestrians and vehicles. The green zone typically includes street trees and landscaping, and often includes street furnishings and utilities.

Groundwater and wastewater services means Mecklenburg County Groundwater and Wastewater Services Department.

Half street means a street that lies across a property line between two properties and is partially improved on only one of the properties at a time.

Hearing committee. The Charlotte-Mecklenburg Planning Commission can serve as the hearing committee to hear and decide variances and appeals, or it can appoint the zoning committee to serve as the hearing committee.

Limited-access arterial street means a multilane limited-access major road connecting major activity centers or major roads. Intersections are at grade with access only at cross streets rather than at individual driveways.

Local street means a street that provides access to residential, industrial or commercial districts, as well as to mixed use areas.

LUESA means the Mecklenburg County Land Use and Environmental Services Agency

Major arterial means a major thoroughfare on the MUMPO Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan.

Major streams means jurisdictional streams which are regulated by state or federal agencies.

Minor arterial means a minor thoroughfare on the MUMPO Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan. It is typically designed to accommodate moderate volumes of traffic at moderate speeds, and usually only handles trips for short to moderate distances.

Mixed use development means one or more buildings that contain more than one type of land use (e.g., retail, office, residential); or, a combination of buildings that contain single uses and buildings that contain more than one type of land use. At least one land use is non-residential. A key characteristic of mixed use development is that the various uses are well integrated in a pedestrian-oriented environment.

Paper street means a right-of-way for a street offered for dedication on a final recorded plat which has not been constructed or accepted by the city for maintenance.
Parks department means the county park and recreation department.

Planned development means 1) a group of two or more duplex, triplex, quadraplex, multifamily residential buildings; 2) a multifamily residential building, including a single building with more than 12 units; or 3) nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.

Private street means a street which is constructed to private street standards as described in the Charlotte Land Development Standards Manual, and which is privately maintained.

Public street means a street accepted for dedication to the city, county or North Carolina Department of Transportation.

Reverse frontage. A "reverse frontage" lot is a through lot or "double frontage" lot. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

School board means the Charlotte-Mecklenburg School Board.

Slow Point means any physical feature constructed in a street designed to moderate vehicle speeds.

Street means a facility (either public or private) designed to accommodate motor vehicle, pedestrian and bicycle travel.

Street Furnishings means physical features included as part of the streetscape, e.g. benches, bike racks, lighting, trash receptacles, and banners

Street right-of-way means any public right-of-way set aside for public travel which has been accepted for maintenance by the state or the city or the county if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which, prior to the effective date of the ordinance from which this chapter derives, has been approved by either the Planning Department, the city council or board of county commissioners or is subsequently approved by the planning staff or the planning commission or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter derives.

Streetscape means the physical features of the street outside of the travel lanes that typically includes sidewalk, curb, gutter, and street trees.

Stub street means a street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

Subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the register of deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided,
however, that the following will not be included within this definition nor be subject to the requirements of this chapter:

(1) The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of the zoning ordinance.

(2) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.

(3) The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.

(5) The division of land into plots or lots for use as a cemetery.

(6) Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.

(7) The lease of space or other area within a building owned by the landlord.

(8) Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.

(9) The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of:

   a. A deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure), and

   b. Releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.

(10) Proceedings to partition interests in lots or parcels pursuant to G.S. ch. 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this chapter.

(11) Transfers of tracts or parcels by inheritance or bona fide gift.

(12) Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this chapter as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Subdivision, limited, means a subdivision that is not otherwise exempt from this chapter, and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten acres. For such subdivisions, the owner shall be required to plat only
the parcel to be transferred or leased, and only that parcel shall be subject to the requirements of this chapter.

**Subdivision, minor**, means a subdivision that is not otherwise exempt from this chapter and that does not involve any of the following:

1. The creation of any new public street or street right-of-way or improvements to an existing street.
2. The extension of any needed rights-of-way or easements for the water or sewer system operated by the Charlotte-Mecklenburg Utilities.
3. The installation of drainage improvements through one or more lots to serve one or more other lots.
4. The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

**Thoroughfare** means any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The terms "thoroughfare" and "arterial" are used synonymously.

**Thoroughfare plan** means the most recent Map approved by the Mecklenburg-Union Metropolitan Planning Organization Charlotte Regional Transportation Planning Organization (CRTPO) which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

**Through lot** means a lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot."

**Traffic calming** means a measure (or measures) that reduce(s) vehicle speeds.

**Variance** means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

**Zoning committee.** The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the zoning committee and the planning committee.


Cross reference—Definitions generally, § 1-2.

**Sec. 20-7. - Rules of construction.**

For the purposes of this chapter, the following rules of construction apply:

1. This chapter will be construed to achieve the purposes for which it is adopted.
2. If a conflict occurs between the text of this chapter and any caption, figure, illustration, table or map, the text of this chapter will control.
(3) If any conflict occurs in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.

(4) Reference to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(Code 1985, § 20-9)

**Sec. 20-8. - Planning staff.**

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Department (referred to as "planning staff") by other ordinances of the city or the county, the planning director and the employees under his or her control will have the following powers and duties to be carried out in accordance with this chapter:

(1) Review and approve all subdivisions of land within the authority and jurisdiction of this chapter.

(2) Maintain the text of this chapter.

(3) Maintain files and other public records related to the administration and enforcement of this chapter.

(4) Recommend and comment on proposed amendments to this chapter.

(5) Interpret the sections of this chapter.

(6) Work to coordinate all local, state and other appropriate agency reviews and comment on all subdivisions proposed under this chapter.

(7) Establish such rules of procedure as necessary and proper for the administration of their responsibilities under this chapter.

(Code 1985, § 20-10)

**Sec. 20-9. - Planning commission.**

(a) In addition to any authority granted to the Charlotte-Mecklenburg Planning Commission (hereinafter "planning commission) by other ordinances of the city or Mecklenburg County, and in accordance with the provisions of the interlocal agreement regarding the structure and responsibilities of the planning commission, the planning commission will have the following powers and duties to be carried out in accordance with these regulations.

(1) To hear appeals filed regarding the action of the planning staff in the approval or disapproval of any subdivision proposed under these regulations.

(2) To hear and decide requests for variances from the standards of this chapter in accordance with the provisions of article III. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide requests for variances.
(3) To hear and decide appeals from the interpretation of any provisions of this ordinance from the planning staff. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) In all of these matters, the planning commission, or the hearing committee, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this chapter.

(Code 1985, § 20-11; Ord. No. 2960, § 2, 5-16-2005)

Sec. 20-10. – Development Review Board.

(a) A Development Review Board is hereby established to hear and decide requests for alternative compliance with the standards of this chapter. The board shall be composed of nine members and three alternates who shall be appointed according to the following disciplines (the determination that an appointee meets the relevant discipline shall be made by the appointing authority whose determination shall be conclusive):

Architect (City Council)
Civil Engineer (Mayor)
Landscape Architect (Mayor)
Bicycle Advocate (Mayor)
Planning Commissioner (City Council)
Public Health Professional (City Council)
Real Estate Attorney (City Council)
Real Estate Development Industry Representative (City Council)
Transportation Planner or Urban Planner (City Council)
Architect – Alternate (Mayor)
Civil Engineer – Alternate (City Council)
Landscape Architect – Alternate (City Council)

(b) The terms of office shall be for three (3) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.

(c) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.

(d) Members shall be subject to removal from the Board with or without cause by the appointing authority.
Sec. 20-11. - Amendments.

(a) The planning staff may, from time to time, and must at the request of the city council, board of county commissioners or planning commission, prepare certain improvements to the text of this chapter to correct errors, update or modify the requirements, or otherwise improve the operation of this chapter in regulating the subdivision of land.

(b) Amendments to this chapter may only be enacted pursuant to the public notice and public hearing requirements established by law. All text amendments must be referred to the planning commission for a recommendation prior to final action by the elected officials. Failure of the planning commission to act on such a recommendation within 30 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

(Code 1985, § 20-12)

Sec. 20-12. - Compliance required.

After the effective date of the ordinance from which this chapter derives, no plat of a subdivision of land, subject to the jurisdiction of this chapter, will be filed or recorded by the county register of deeds until it has been submitted to and approved by the Planning Department. This includes all divisions of land as defined in section 20-6.

(Code 1985, § 20-13)

Sec. 20-13. – Intent

(a) Consistency with adopted public plan and policies. All subdivision of land approved under this chapter should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policies regarding development objectives for the area, as well as specific policies or plans for public facilities, such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the Planning Department.

(b) Street network goals. The proposed street network should implement the following goals:

1. Support economic development and quality of life – by providing more transportation capacity, while creating more user-friendly streets overall.

2. Provide more and safer transportation choices – by creating a better-connected network (route choices) and building streets for a variety of users (mode choices).

3. Better integrate land use and transportation – by avoiding mismatches between land uses and streets, and by creating the right combination of land uses and streets to facilitate planned growth.
(c) Street network design. The street network should be designed to provide interconnected streets so as to facilitate the most advantageous development of the entire neighborhood or area of the city.

Sec. 20-14. - General requirements.

(a) Scope. The statements in this section provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter. Questions of interpretation of any of these subsections should be discussed with the planning staff at the earliest possible time in the development of a subdivision proposal.

(b) Residential street design should ensure the creation of a network of low volume, low speed roadways. All new development should provide for more than one access for ingress and egress, where feasible. The proposed street system should extend existing streets on their proper projections. Cul-de-sacs and other permanently dead-end streets should be avoided.

(c) Relationship to railroad rights-of-way. When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings, except where no such crossing will be allowed by the railroad.

(d) Half streets. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract. New half streets are prohibited in single-family residential development.

(e) Mature trees and natural vegetation. Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

(f) Access to parks, schools, greenways, etc. Streets shall be designed or walkways dedicated to ensure convenient access to parks, greenways, playgrounds, schools and other places of public assembly.

(g) Parallel streets along thoroughfares. Where a tract of land to be subdivided adjoins a federal or state highway, major or minor thoroughfare, or commercial arterial, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for lots developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street.

(h) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed
above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(i) Public facilities. When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing or other public use sites, falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(j) Street names. Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the county or city. Where proposed streets are extensions of existing streets, the existing street names should be used.

(k) Easements. Easements established to the width and in the locations required by the engineering department or the utility department, but in no case less than ten feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. This requirement applies to such lines installed at the time of the development of the subdivision and to easements for such lines which may reasonably be expected to be installed in the future.

(l) Proposed water and sewer system. The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(1) Where these systems are to be a part of the public water and sanitary sewer systems owned and operated by the city, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department, stating the availability of water and/or sewer service, and that the subdivision will be allowed to connect to the systems upon the completion and dedication of the systems in the development.

(2) When the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the city, the proposed systems will be reviewed and approved by the agency with jurisdiction over the approval. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewage disposal, whichever is applicable. Prior to the approval of the final plat, evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any
certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

(3) Where local standards exceed those of state or federal agencies, and where those standards may be enforced over those of state or federal agencies, the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency, which may include the Mecklenburg County Land Use and Environmental Services Agency Groundwater and Wastewater Services, or the Charlotte Utility Department.

(m) Restrictions on subdivision of land subject to flooding. Lots that are subject to flooding should not be established in subdivisions, except as provided in section 20-24-25(f).

(n) Water access lots. Where a subdivision which adjoins the Catawba River or its impounded waters contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge should be reserved to provide water access for the owners of interior properties. Such lots will be called water access lots (see section 20-24-25(g)). If the property which is in the same ownership adjoins the subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of water access lots.

(Code 1985, § 20-14)

Sec. 20-15. - Sketch plan.

(a) Encouraged for subdivisions. Prior to the filing of an application for approval of the subdivision preliminary plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the planning staff for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It should include the following information:

(1) The boundary lines of the property being subdivided.
(2) Watercourses on the land to be subdivided.
(3) The location, names and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.
(4) The location of all property lines which intersect the boundaries of the property being subdivided.

(b) Required for minor subdivisions. In order to facilitate the review and approval of a minor subdivision, a sketch plan must be submitted to the planning staff. The staff will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(Code 1985, § 20-15)
Sec. 20-16. - Preliminary plan requirements.

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction are contained in the Charlotte Land Development Standards Manual available from the city engineer:

1. The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements or other significant features of the tract.

2. The location, sizes and elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.

3. Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coastal and Geodetic Survey and as extended by the city through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.

4. The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any storm water elevation line required by section 20-24-25(f).

5. The location of all proposed storm drains and appurtenances with grades, inverts and sizes indicated, together with a map of the drainage areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, use the stormwater elevation line and stormwater protection elevation for each lot subject to flooding as defined in section 20-24-25(f).

6. The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the planning staff.

7. The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date.

8. Typical cross sections of proposed streets, showing widths and proposed construction of roadways.

9. Proposed profiles of roadways. Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street
may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.

(10) The proposed method of water supply and sewage disposal; the number of housing units.

(11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(12) The location of any existing demolition landfill on the site and the location of any proposed demolition landfill sites if such information is available.

(13) A timetable for estimated project completion of the area covered by the preliminary plan.

(Code 1985, § 20-16)

Sec. 20-17. - Procedures for approval.

(a) Preliminary plan. A preliminary plan of the proposed subdivision, developed in accordance with the specifications set forth in section 20-16, must be submitted to the planning staff. The plan must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for approval of the plans, on application forms to be furnished by the planning staff. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in section 20-16 that must be submitted with the application.

(b) Time limits. Time limits for reviewing complete applications are as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Staff Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial review of preliminary plan—red line drawings</td>
<td>30 days</td>
</tr>
<tr>
<td>Review of plans with corrections and/or changes</td>
<td>20 days</td>
</tr>
<tr>
<td>Approval of completed and correct plan</td>
<td>10 days</td>
</tr>
</tbody>
</table>

The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the planning staff or to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in this subsection. Should the staff fail to respond within the time limits set out, the application will be considered to be denied, and the applicant may appeal the denial to the planning commission. If the application is denied by the planning staff, the staff will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

(c) Waiver. The required preliminary plan may be waived by the planning staff for certain subdivisions, including metes and bounds subdivisions. Such applications will be designated "minor subdivisions," provided:

(1) Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this chapter.
(2) A plat of the tract being subdivided, accompanied by two applications signed by the owner/developer and/or his or her duly authorized agent, has been filed with the planning staff.

(3) The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or resubdivided is traversed by or adjacent to a known watercourse. However, a final plat must be prepared and recorded as provided in section 20-18.

(4) The required preliminary plan may also be waived by the planning staff for limited subdivisions and/or those subdivisions which do not involve the dedication of a new street.

(d) Final plats. Upon tentative approval of the preliminary subdivision plan by the planning staff, the subdivider may proceed to comply with the other requirements of this chapter and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in section 20-58 prior to any final plat approval. The final subdivision plat must be developed in accordance with the specifications set forth in section 20-18. When the final plat is submitted to the planning staff for approval, it must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for final plat approval, on an application form to be supplied by the planning staff. The official plat for recording, together with a sufficient number of copies for distribution, must be presented for approval. The planning staff will approve final plats which comply with the requirements of this chapter within 30 days after complete submission.

(e) Disapproval. If the planning staff disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval will be stated in writing to the applicant. After such disapproval, an appeal from the decisions of the planning staff may be taken to the planning commission, in accordance with article III of this chapter. The planning commission may approve, disapprove in whole or in part, or otherwise modify the action of the planning staff. A final plat of a subdivision approved by the planning commission upon appeal from the decision of the planning staff will be eligible for recording by the register of deeds of the county.

(f) Effect of approval of preliminary plan. A preliminary plan approved under this chapter will be valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the preliminary plan approval will become null and void, and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, that involves any utility installations or street improvements except grading, the plan will remain valid and in force, and the subdivision may be completed in accordance with the approved plan.

(g) Release of grading permit. Preliminary plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. The release of the grading permit may be authorized by the planning staff prior to the approval of the preliminary plan, if the matters staying the
approval are not related to nor will have an effect on the need for grading on the site. Once the preliminary plan is approved, further approvals under this subsection are not required for granting permits for individual sites within the development.

(Code 1985, § 20-17)

Sec. 20-18. - Final plat requirements.

The final subdivision plat will be prepared by a registered surveyor and must be drawn to a scale of not smaller than 100 feet equal to one inch and must contain the following information:

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

(2) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose, with notes stating their purposes.

   (a) Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall, and the construction of buildings or structures below the stormwater protection elevation of __________ is prohibited, as further described by section 20-24 25(f) of the Charlotte Subdivision Ordinance."

   (b) Plats for multiple lots may include the stormwater protection elevations in tabular form.

   (c) In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the floodway regulations."

   (d) Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required under this chapter or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

(4) As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of the request for final plat approval or release of any surety for required improvements, whichever comes later.

(5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor
under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per phase map, including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual.

(7) A certificate signed by the surveyor meeting the requirements of G.S. 47-30 for proof upon oath that the plat is in all respects correct, written as follows: "The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. 47-30 as amended, is in all respects correct according to the best of his or her knowledge and belief, and was prepared from an actual survey made by him on the ___________ day of ___________, 20 ____________ / ____________ / ____________, with maximum linear error of closure of ____________, and a maximum field error of angular closure of ____________." Final written approval by the planning staff must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this section. The final plat shall be recorded within 120 days of the final approval date. A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording.

(8) If the subdivision is wholly or partially located in the airport noise disclosure overlay district, the following statement shall be inscribed on the plat: "Noise Warning—This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and lies within or near the Noise Exposure Map Areas of Charlotte/Douglas International Airport and may be subject to noise that may be objectionable."

(Code 1985, § 20-18; Ord. No. 2288, § 1, 4-21-2003; Ord. No. 2961, §§ 4, 5, 5-16-2005; Ord. No. 3401, § 1, 10-18-06)

Sec. 20-19. - Plats already established by survey.

(a) Plans for subdivisions of land previously approved by the city planning board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the county register of deeds prior to February 29, 1956, will be approved for recording without complying with the requirements of this chapter if the plat conforms to the previously approved plan.

(b) Plats already established by survey and recorded in the office of the county register of deeds prior to the effective date of the ordinance from which this chapter derives will be eligible for development and other administrative permits without complying with the requirements of this chapter, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of its approval.

(Code 1985, § 20-19)
Sec. 20-20. - Planned developments.

(a) The requirements of this section will apply for the preparation, submission and approval of preliminary site plans for planned developments involving one-family attached dwellings and planned multifamily developments.

(b) A pre-preliminary site plan conference will be arranged by the developer with designated members of the planning staff prior to the submission of a preliminary site plan for a planned development.

(c) The developer must submit to the planning staff a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of section 20-16 and must include the following additional information:

1. The use, approximate height, bulk and location of all buildings and structures other than one-family detached and semidetached dwellings, except that one-family detached dwellings using a zero side yard shall be shown.

2. All proposed land use and dwelling unit densities.

3. For plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.

4. The proposed location, use, improvements, ownership and manner of maintenance of common open space areas.

5. Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

(d) The planning staff action may be approval, requests for revisions, or denial of the preliminary site plan.

1. If the planning staff disapproves a preliminary site plan, the applicant will be notified of the grounds for such disapproval. After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. The planning commission may disapprove in whole or in part or otherwise modify the action of the planning staff.

2. The final plat for planned developments, involving one-family attached dwellings and planned multifamily developments shall be prepared in accordance with the requirements of section 20-18 and shall contain the following additional information:

   a. The use, bulk, and location of all buildings and structures other than one-family detached and semidetached dwellings.

   b. All land uses.

   c. The location, use, improvements, ownership and manner of maintenance of all common areas.

(e) The planning staff will review the preliminary site plan to ensure conformance with the
requirements of the zoning ordinance in appendix A to this Code and with this chapter.

(Code 1985, § 20-20)

Sec. 20-21. - Development standards for nonresidential development.
Subdivisions for nonresidential development must conform to this chapter and to the provisions of the applicable zoning district.

(Code 1985, § 20-21)

Sec. 20-22. - Design standards for streets.

(a) Scope. This section contains specifications for streets which must be followed in the subdivision process. Construction details for streets are available in the Charlotte Land Development Standards Manual. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

(b) Right-of-way. A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the following standards, unless the city engineer certifies that special circumstances exist which make the dedication of reservation of the full right-of-way unnecessary or impractical.

(c) Non-local street right-of-way.

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Minimum Right-of-Way (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway or Expressway other than U.S. 74 from Briar Creek southeast to the City Limits</td>
<td>350</td>
</tr>
<tr>
<td>U.S. 74 between Briar Creek and W.T. Harris Boulevard</td>
<td>250</td>
</tr>
<tr>
<td>U.S. 74 from W.T. Harris Boulevard southeast to the City limits</td>
<td>280</td>
</tr>
<tr>
<td>Limited-access Arterial</td>
<td>200</td>
</tr>
<tr>
<td>Commercial Arterial</td>
<td>150</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>100*</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>70*</td>
</tr>
</tbody>
</table>

*The right-of-way widths for major and minor thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum width of 80 feet for major thoroughfares and 60 feet for minor thoroughfares and as provided for in Section 12.103 of the zoning ordinance in appendix A to this Code.
(1) Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.

(12) City staff, after consulting applicable plans and programs and after consulting with the appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis.

(23) Whenever a tract of land to be subdivided includes any part of a thoroughfare shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the thoroughfare must be platted in the location and to the width specified in the plan.

(34) The subdivider is responsible for the dedication of the rights-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with Section 20-52. The remainder of the minimum right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.

(45) Freeways. Whenever a tract of land is to be subdivided includes any part of the proposed right-of-way for a freeway, as shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Charlotte Regional Transportation Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in subsection (2) above.

(d) Local street right-of-way.

<table>
<thead>
<tr>
<th>Local Street Type Right-of-Way</th>
<th>Total Right-of-Way</th>
<th>Minimum Right-of-Way (using an easement for the Pedestrian Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Residential Streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Narrow</td>
<td>50 feet</td>
<td>37 feet</td>
</tr>
<tr>
<td>Medium (default)</td>
<td>56 feet</td>
<td>42 feet</td>
</tr>
<tr>
<td>Wide</td>
<td>74 feet</td>
<td>51 feet</td>
</tr>
<tr>
<td>Local Office/Commercial Streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Narrow</td>
<td>55 feet</td>
<td>41 feet</td>
</tr>
</tbody>
</table>
(1) Along existing local streets less than 77 feet wide, there is no requirement that right-of-way greater than 38.5 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.

(e) Local Street Cross-section Application.

(1) Local street alternatives may be applied only in accordance with the table below. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

<table>
<thead>
<tr>
<th>Land Use Conditions</th>
<th>USDG Street Type/Cross-Section</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Land Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Default: except in conditions 1-4 below, use:</td>
<td>Local Residential Medium</td>
</tr>
<tr>
<td>1. If residential use within a mixed use development unless a conditional zoning</td>
<td>Local Office/Commercial Wide</td>
</tr>
<tr>
<td>district or adopted area plan indicates otherwise, or where the separation of the</td>
<td></td>
</tr>
<tr>
<td>residential uses from the non-residential uses is sufficient to justify the use of</td>
<td></td>
</tr>
<tr>
<td>residential street type.</td>
<td></td>
</tr>
<tr>
<td>2. If all lots are greater than 10,000 square feet with all of the following</td>
<td>Local Residential Narrow</td>
</tr>
<tr>
<td>conditions:</td>
<td></td>
</tr>
<tr>
<td>• Lot frontage greater than 80 feet</td>
<td></td>
</tr>
<tr>
<td>• More than one street connection</td>
<td></td>
</tr>
<tr>
<td>• Parallel street located within one connected block</td>
<td></td>
</tr>
<tr>
<td>3. If the street is abutted only by lots fronting adjacent perpendicular streets</td>
<td>Local Residential Narrow</td>
</tr>
<tr>
<td>with the following condition:</td>
<td></td>
</tr>
<tr>
<td>• More than one street connection</td>
<td></td>
</tr>
<tr>
<td>4. If greater than 8 dwelling units per acre use:</td>
<td>Local Residential Wide</td>
</tr>
</tbody>
</table>
Industrial Land Uses | Local Industrial Street
---|---
Office/Commercial/Retail Land Uses | Local Office/Commercial Wide
Default: except in conditions 1-2 below, use: | Local Office/Commercial Narrow
1. A conditional zoning district or small area plan prescribes the use of the Local Office/Commercial Narrow | Local Office/Commercial Narrow
2. The developer can reasonably demonstrate to city staff that the anticipated long-term development will not create parking demand on the street. | Local Office/Commercial Narrow

(Code 1985, § 20-22)

Sec. 20-23. – Design Standards for Street Network and Blocks

(a) Street Network. A network of interconnected streets providing both external and internal connectivity is required for all types of new development. This network can be constructed with either public streets or private streets as allowed under 20-25. The following uses are exempt from the street network requirements:

(1) Schools
(2) Parks
(3) Places of Worship
(4) Cemeteries

(b) External Connectivity

(1) Existing Street Stubs
   a. Extend any existing adjacent street stubs into the development on its proper projection
   b. Extend any existing adjacent paper street stub into the development where the city commits to construct the paper portion of the street no later than the time of permit approval.
   c. Complete any existing adjacent half street located along any property line.

(2) Additional new local streets shall be required as follows:
   a. Measure the *width* of each property boundary and divide by the appropriate preferred *block length spacing* from Table 1 “Preferred Street Spacing” to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the
result is less than 2, but the boundary exceeds the maximum block length (Table 2 “Maximum Street Spacing”), one street is required.

Where an odd-shaped parcel has a series of boundary segments shorter than the preferred block length, but separate blocks would be required if the site is measured across, (as opposed to along the boundary segments), then a local street shall be required. Where the extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.
Table 1
Preferred Street Spacing

<table>
<thead>
<tr>
<th>Street Spacing</th>
<th>Location¹ / Land Use</th>
<th>Preferred Block Length along Property Boundary (Perimeter)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Activity Centers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial Centers</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Mixed Use Centers</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>Growth Corridors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transit Station Areas¹</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td>Other Corridor Subareas</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Wedges (apply uses below)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nonresidential Uses</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>Residential ≥ 5 du/acre</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Residential &lt; 5 du/acre</td>
<td>600</td>
</tr>
</tbody>
</table>

¹ Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

EXAMPLE: Where the width of the site at the property boundary is 1,400 feet, and the site is located in a Transit Station Area, then three blocks are required (1,400 / 400 = 3.5, rounded down to the nearest whole number = 3 new blocks must be created).

b. Construct new local streets where additional streets are required to create the blocks calculated above, including any required stub streets or half streets. When the property abuts a local street, begin by aligning, where possible, with streets or driveways across the local street to create four-way intersections.

The average street spacing, measured from centerline to centerline, for an entire site shall not exceed the maximum spacing shown in the Table 2 “Maximum Street Spacing” below, and no individual block face shall exceed 1000 feet. Exceptions as noted in 20-23(d) are allowed, and will be included in the block averaging calculation based on its length, or 1000 feet, whichever is smaller. The following streets shall not be included in the calculation for average block length (see Figure 42):

1. Cul-de-sac streets
2. Stub streets
3. Streets whose length is determined by the depth of back-to-back residential lots
Table 2
Maximum Street Spacing

<table>
<thead>
<tr>
<th>Street Spacing</th>
<th>Location¹ / Land Use</th>
<th>Maximum Block Length</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Activity Centers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial Centers</td>
<td>1000</td>
</tr>
<tr>
<td></td>
<td>Mixed Use Centers</td>
<td>650</td>
</tr>
<tr>
<td></td>
<td>Growth Corridors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transit Station Areas¹</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Other Corridor Subareas</td>
<td>650</td>
</tr>
<tr>
<td></td>
<td>Wedges (apply uses below)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nonresidential Uses</td>
<td>650</td>
</tr>
<tr>
<td></td>
<td>Residential ≥ 5 du/acre</td>
<td>650</td>
</tr>
<tr>
<td></td>
<td>Residential &lt; 5 du/acre</td>
<td>800</td>
</tr>
</tbody>
</table>

¹ Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

(3) New Street Stubs
   a. New street stubs to adjacent properties are required using the prescribed methodology for creating blocks
b. New street stubs are not required to existing single family developments, with the following two exceptions:

1. A street stub may be required to an abutting single family lot that may be further subdivided based on the size and shape of the single family lot making a stub street extension feasible. New street stubs shall be public and connect to the existing public street system. Deed restrictions on the single family lots may be considered in determining whether a lot is likely to be redeveloped and therefore whether a street stub should be provided.

2. A paper street may be required to single family lots located adjacent to thoroughfares.

(4) Ingress and Egress

a. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.

b. New streets and driveways should align with existing streets across intersections to create four-way intersections.

(b) Internal Connectivity. Once the external streets are created, connect them, and ensure no block lengths exceed 1000 feet and the average of the block lengths for the entire site does not exceed the maximum block spacing shown in Table 2 “Maximum Street Spacing.” Streets eligible for inclusion in the average block length calculation are described in 20-23 (b)(2)b.

(ed) The city staff may modify the maximum local street spacing, eliminate the need for a stub or paper street where:

(1) A physical impedance to a connection exists, such as a freeway, railroad line, rapid transit line, or gas pipeline.

(2) A natural impedance exists, such as areas of steep slopes, wetlands, floodplain, creeks or streams.

(3) An industrial use is located adjacent to a proposed residential property, allowing future traffic to the non-residential use to traverse the residential property to reach a non-local street.

(4) The shape of the property does not allow the requirements to be met.

(5) There are right-of-way, sight distance, or access constraints to providing the recommended spacing.

(6) Accessibility to the subject property or an adjacent property requires modification of the requirements.

(7) Special manufacturing, distribution warehousing, industrial or security functions do not allow the street spacing requirements to be met.
(8) It is advantageous to the street network to align a new street with an existing street, major driveway, or traffic signal, and therefore not creating smaller than desirable block faces.

(e) Block widths. Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development, the separation of nonresidential and residential developments, or the separation of residential development from thoroughfares.

Figure 2 - Acceptable block width configurations

- Two-tiers of lots along a local street
- One-tier of lots adjacent to a thoroughfare
- One lot for commercial development
(fd) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet. Staff may reduce this requirement based on analysis of safety and operational conditions.

(gf) Cul-de-sac. Cul-de-sacs and other permanently dead-end streets are allowed only where no feasible alternative has been documented. No cul-de-sacs are permitted in transit station areas. Cul-de-sacs shall not be longer than the preferred local street spacing in Table 1 “Preferred Street Spacing”. Flag lots along the turnaround portion of the cul-de-sac shall not be used as a way to minimize the length of the cul-de-sac. Where a vehicular connection is impractical and limited additional connections exist, or when environmental conditions make a vehicular connection impractical, a pedestrian and bicycle connection through the cul-de-sac may be required.

(hf) Half streets. New half streets are allowed only where the dual objectives of achieving a network of streets and ensuring the burden of creating streets is reasonably shared among property owners are achieved. This determination shall be made by city staff based on the configuration of parcel boundaries and the anticipated impact of future extension and completion of the half street on the viability of the adjacent parcels. No new half streets are allowed for single-family residential development. Where a half street (partially improved) exists, adjacent development shall complete the street. A half street must be constructed to a minimum of one half the width of the appropriate local street. Where more than one half of the width is constructed, sufficient right-of-way must be dedicated to contain the constructed portion of the street.

(ig) Traffic calming. Wherever a street exceeds the maximum block length, the following conditions shall apply:

1. For residential wide or office/commercial wide, provide at least one pair of midblock curb extensions, as described in the Charlotte Land Development Standards Manual, or another approved slow point.

2. For all other street types, the developer must consult with City staff about the possible use of other traffic calming devices as available in the Charlotte Land Development Standards Manual or as approved by the City Engineer.

(jf) Parking, pedestrian, green zone design. While a common design for parking, pedestrian, and green zones on both sides of a street is preferred, there may be instances where opposite sides of a street contain significantly different land uses. Where such instances are located parallel to a thoroughfare, city staff may approve the design of each side of the roadway separately with regard to the parking, pedestrian, and green zones. Streets that extend perpendicular to a thoroughfare shall be designed for the most intense adjacent land use.

(kf) Collector street designation. If a street is designated on the adopted Collector Street Map dated November 27, 2000, or meets at least two of the criteria, the street will be designated as a collector street and must be built to the appropriate standard.

1. The street intersects directly with a thoroughfare and provides access to an area with an overall density of one dwelling unit per acre, or provides access to more than 125 dwelling units.

2. The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.
(3) The street serves as a primary access to a significant nonresidential, institutional or recreational land use, as well as access to a residential area.

**Sec. 20-24 Alternative Compliance for Street Design**

(1) **Purpose and Intent.** It is the purpose of this section to provide for the consideration of alternative street designs which differ from the conventional design standards outlined in Sec. 20-22 and 20-23 of this article but which are based upon sound engineering, transportation, and urban design practice. Alternative street design means alternative designs for physical improvements such as street cross-sections, street network, and street block design.

(2) **Authority.** The Development Review Board will have the authority to hear and decide applications for alternative compliance.

(3) **Initiation.** An application for alternative compliance may be initiated only by the owner of the subject property, an agent authorized in writing to act on the owner’s behalf, or a person having written contractual interest in the affected property.

(a) An applicant requesting alternative compliance shall schedule a pre-application conference with staff to discuss the procedures, standards, and regulations.

(b) An application, in a form prescribed by the Planning Director, must be filed with the planning department accompanied by a nonrefundable filing fee as established by city council. The application shall include an explanation of why the development proposal is not allowed by the ordinance standards.

(4) **Determination of completeness.**

(a) Within ten days of receiving an application for alternative compliance, the Planning Director will determine whether the application is complete. If the Planning Director determines that the application is not complete, he or she will notify the applicant or specifying the application’s deficiencies. The planning director will take no further action on the application until the deficiencies are remedied. If the planning director fails to notify the applicant, the application will be deemed complete. If the application is deemed complete, the planning director will schedule the application for consideration at a hearing before the Development Review Board within 30 days.

(b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the application to proceed under this section. In the event that the application is automatically deemed complete due to the failure of the planning director to notify the applicant of any deficiencies in the application, the deficiency of information may result in rejection of the application by the Development Review Board.

(5) **Staff review.**

(a) After receipt of a complete application for alternative compliance, the planning director will review the application and send a written recommendation to the Development Review Board setting forth whether the application for alternative compliance should be granted or denied and the reasons for such recommendation. In
making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the application for alternative compliance. The recommendation of the planning director will be submitted to the Development Review Board and mailed to the applicant at least five days prior to the scheduled public hearing

(6) Notice and hearing.

(a) The Development Review Board will hold hearings on any application for alternative compliance which comes before it in accordance with rules adopted by it for such purpose.

(b) The planning staff will mail written notice of the time, place, and subject of the hearing to the person or persons filing the application, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.

(7) Action by the Development Review Board. The Development Review Board will grant or deny the application for alternative compliance. The board must state the reasons used to reach its decision.

(8) Approval criteria. Before granting approval of an application for alternative compliance, the Development Review Board must determine that:

(a) While the proposed alternative design does not strictly meet all of the standards of the Urban Street Design Guidelines it nevertheless satisfies their intent and is not an inferior improvement design.

(b) The proposed alternative design will have the same or higher level of service or adequacy as the standard required improvements. It is not the intent of the alternative compliance procedure to allow an inferior improvement design to the standards required by this chapter for the purpose of reducing cost.

(c) The departure from the standard is the minimum necessary, given the specific circumstances of the request.

(d) The proposed alternative design will not materially endanger the public health or safety if constructed where proposed and developed according to the plan as submitted and approved.

(9) Rehearing. The Development Review Board may refuse to hear an application for alternative compliance which is substantially similar to an application that has been previously denied.

(10) Appeal from Development Review Board. Any appeal of a decision rendered by the Development Review Board under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the Development Review Board is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.
Effect of grant of application for alternative compliance. After the approval of an application for alternative compliance, the applicant will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the alternative compliance to the regulations granted to the applicant by the Development Review Board or court.

Sec. 20-25. - Design standards for lots.

(a) Frontage on street.

(1) Each lot in a subdivision must have frontage on a public or private street, except that all single-family detached lots shall front on a public street. Private streets may be allowed in place of public streets with approval by staff.

(2) Where lots or building sites that are part of a multifamily development exceed the maximum local street spacing in Sec. 20-23(b)(2) above, at least one street extending through the development in either both directions shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street.

(3) Lots designed for certain planned multifamily dwellings need not front on a street, provided that all portions of the dwelling unit proposed for such lots are located within 400 feet of a public street or private street that furnishes direct access to the property, and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.

(4) In addition to provisions 1-3 (1), (2) and (3), all other lots must be designed in accordance with Appendix A of the City Code.

(b) Sidelines. Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

(c) Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

(d) Building lines. Building lines shall be established on all lots in accordance with the appropriate zoning classification. For residential subdivisions on thoroughfares, the building line may not be less than the required setback for the zoning district and shall regulate the placement of any structure relative to the thoroughfare right-of-way including all front, side and rear yards.
(e) Driveway connections. Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the zoning ordinance and other applicable codes and ordinances.

(f) Lots subject to flooding. The city engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the city or county engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the city engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "stormwater elevation line." In addition, a "stormwater protection elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the county engineer based on the stormwater elevation line, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the stormwater elevation line or the lowest usable and functional part of the structure shall not be below the stormwater protection elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the stormwater protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the stormwater elevation line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.
(g) Water access lots. The water access lots must equal at least ten percent of the area, exclusive of streets, of all the interior property which lies within 450 feet of the water's edge. However, where the ten percent would equal less than 20,000 square feet, the subdivider will not be required to provide any water access lots. All water access lots shall have a minimum frontage at the water's edge of 100 feet. The water access lots must either be dedicated to the county parks department, but only if the board of county commissioners agrees to accept such dedication, or be transferred in fee simple title to a homeowners’ association of the interior lot owners of the subdivision. Before approval of the final plat can be given, the subdivider must submit to the planning staff a covenant stating either that:

1. He or she will dedicate the required amount of water access lots to the county; or
2. He or she will convey title of the water access lots to a homeowners' association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the county, the board of county commissioners must have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat must show the dedication. If the title is transferred to a homeowners' association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the homeowners' association for each water access lot.

(h) New subdivisions within watershed protection overlay zoning district. New subdivisions within a watershed protection overlay zoning district must submit a buffer plan in accordance with appendix B of Ordinance No. 1963. The buffer plan will be submitted with the subdivision preliminary plan application to the Planning Department.

(i) Building envelope. All residential lots shall have a building envelope sufficient to meet the minimum requirements of the Minimum Housing Code.


Editor's note—Ord. No. 3401, § 1, adopted October 18, 2006, added provisions intended for use as subsection (5). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsection (i).

Sec. 20-26. - Enforcement.

(a) After the effective date of the ordinance from which this chapter derives, a plat of a subdivision filed or recorded in the office of the register of deeds of the county, without the approval of the planning staff or the Charlotte-Mecklenburg Planning Department as required by this chapter, will be null and void for the purposes of this chapter.

(b) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 2-21. The county, through the county attorney, or the city, through the city attorney, may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance
of any grading, construction, building or occupancy permit, will be suspended. This chapter
will not affect the sale or transfer of any land, a plat of which was recorded prior to the
effective date of this chapter (January 1, 1966, for Mecklenburg County; February 29,
1956, for the City of Charlotte).

(c) In order to properly enforce the provisions of the subdivision regulations as stated in this
section prior to the beginning of any construction, reconstruction, use, or alteration of any
land, building, or structure, the appropriate permits must be obtained from the Mecklenburg
County Land Use and Environmental Services Agency (LUESA), engineering and property
management, and neighborhood development. No permit will be issued unless there has
been a determination made that the proposed use, building, or structure complies with the
requirements of this section.

(Code 1985, § 20-24; Ord. No. 3018, § 1A, 6-20-2005)

Sec. 20-27. - Application and processing fees.
Fees for the processing of applications for subdivision approval are established by ordinance by
the city council and will be collected at the time of initial application.

(Code 1985, § 20-25)

Secs. 20-28—20-50. - Reserved.

ARTICLE II. REQUIRED IMPROVEMENTS

Sec. 20-51. - Standards and specifications.
(a) Unless specifically noted, before any final plat of a subdivision is eligible for final approval,
and before any street is accepted for maintenance by the city or the state department of
transportation, minimum improvements, including drainage and soil erosion, must have
been completed by the developer and approved by the city or county engineer in accordance
with the standards and specifications of the Charlotte Land Development Standards manual
or bonded in accordance with section 20-58(c).

(b) The intent of the specifications set out in this chapter is to prescribe minimum requirements
for storm drainage and street improvements to be undertaken by the developer. Satisfactory
completion of these improvements, attested by approval of the city or county engineering
department, will qualify streets in the city to be accepted for maintenance by the city and
streets in the county to be considered for maintenance by the state.

(Code 1985, § 20-36)
Sec. 20-52. - Improvement responsibility.

(a) In order to facilitate the provision of street rights-of-way and necessary improvements, the following establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in the zoning ordinance in appendix A to this Code:

(1) Freeway-expressway: right-of-way: entire width reserved for future acquisition.

(2) Limited-access arterial:
   a. Right-of-way: entire width reserved for future acquisition.
   b. Improvements: installed by the public.

(3) Commercial arterial:
   a. Right-of-way: Up to 100 feet or required width dedicated, whichever is less, and the remainder reserved for future acquisition (half of right-of-way located on each side of the centerline). Any development along a commercial arterial which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
   b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new commercial arterials or extensions of commercial arterials must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(4) Local Streets:
   a. Right-of-way: Entire right-of-way width dedicated (half of right-of-way located on each side of the centerline), except where a half street has been approved by city staff.
   b. All streets must be constructed to meet applicable city requirements. Standard detail drawings are available in the Charlotte Land Development Standards Manual. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street
improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs.

(5) Major thoroughfare:

a. Right-of-way: The developer is responsible for the dedication of up to 100 feet (50 feet each side of the centerline) as provided for in section 20-22(c)(4). Any development along a major thoroughfare which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new major thoroughfares or extensions of class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(6) Minor thoroughfare:

a. Right-of-way: The developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) as provided for in section 20-22(c)(4). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.

b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development.

(7) Collector:
a. Right-of-way: dedicated by the developer.

b. Improvements: constructed by the developer.

(b) All streets must be constructed to the requirements of the city as described in the Charlotte Land Development Standards Manual or as approved by the City Engineer. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this chapter for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:

(1) Any multi-building site or multisite project that had at least one building built or under construction or had a valid, unexpired building permit issued for at least one building prior to May 1, 1989.

(2) Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:
   a. By the planning commission and/or planning staff; or
   b. Unconditional zoning district and/or special use permit zoning processes of the zoning ordinance in appendix A to this Code. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to this chapter.

(c) No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2 for a street or highway that is included in the department of transportation's Transportation Improvement Program will be required by this chapter, unless and until the planning staff has determined and certified in writing (i) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (ii) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication or reservation is mitigated by measures provided in this chapter. For these purposes, the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

(Code 1985, § 20-37)

Sec. 20-53. - Drainage.

(a) Storm drainage adequate to accommodate a ten-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with city or county standards, and has been dedicated and accepted or otherwise conveyed to the city or county, the city or county will assume the responsibility for
maintenance of the drainage pipe. Where adequate storm drainage has been provided by
means of properly graded channels or ditches, the maintenance thereof will remain the
responsibility of the property owner and must be so noted on the final plat and the deed for
the affected lots.

(b) In addition to the drainage improvements as required by this section, the subdivider may
provide for stormwater retention, at a minimum standard as provided in the applicable
zoning ordinance, to serve the entire subdivision as part of the drainage plan to be approved
by the city or county engineer. For the purposes of the subsection, the subdivision shall
include the streets, sidewalks, driveways, rooftops and other impervious covers as proposed
by the subdivider.

c) Reserved

(Code 1985, § 20-38)

Sec. 20-54. - Curb and gutter.
(a) Installation of curb and gutter shall be in accordance with the requirements of the city.
Standard detail drawings are available in the Charlotte Standards Manual according to street
type. Standard curbs and gutters must be constructed on all arterial and commercial streets
and streets within or abutting multifamily or other planned developments. Rolled curbs and
gutters or standard curbs and gutters must be constructed on all local and collector streets.

(Code 1985, § 20-39)

Sec. 20-55. - Sidewalks.
(a) Sidewalks are required in all subdivisions as follows:

1. Sidewalks are required on both sides of all new or existing major and minor
   thoroughfares in accordance with other improvement requirements of this section.

2. Sidewalks are required on both sides of all new or existing collectors in accordance
   with other improvement requirements of this section.

3. Sidewalks are required on both sides of all new or existing local residential streets in
   accordance with other improvement requirements of this section.

(b) Location. Approval of sidewalk construction plans must be obtained as part of the
subdivision review process. The Charlotte Land Development Standards Manual and
Appendix A of this code (where applicable), or any adopted Streetscape Plan or Area Plan
indicate the required location of the sidewalks. If existing public street right-of-way is not
available, the developer will be required to construct the sidewalk outside the street right-
of-way on a permanent easement.

1. Sidewalks may be located on private property, thereby reducing the width of the
   required right-of-way, where an easement for access, utilities, and other required
   functions acceptable to the city is proposed and accepted.
(2) Location of sidewalks. Where nonresidential or multifamily development occurs, sidewalks shall be placed in their conforming locations, and a transition to any adjacent existing sidewalks shall be made. All other residential development shall place sidewalks in their conforming location to the maximum extent determined feasible by city staff. In cases where the sidewalk is not located in its conforming location, an easement shall be granted for future location of the sidewalk, and all street tree and other landscape planting shall respect the location of the future sidewalk.

(Code 1985, § 20-40)

Sec. 20-56. - Street markers and barricades.

(a) Standard street markers must be installed at one corner of all street intersections in a subdivision, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Charlotte Land Development Standards Manual.

(b) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets which have been improved with a permanent turnaround as required by this chapter. Design, material and installation of the barricades must be in accordance with the Charlotte Land Development Standards Manual.

(Code 1985, § 20-41)

Sec. 20-57. - No service unless street accepted or tentatively approved.

(a) No department, officer or employee of the city or county will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city or county unless:

(1) Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of the ordinance from which this chapter derives;

(2) For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plat, tentatively approved by the planning staff or Charlotte-Mecklenburg Planning Commission;

(3) Such street has been accepted as a public street by a vote of a majority of all the members of the city council or by the state; or

(4) Such street is an approved private street built in conformance with the provisions of all applicable ordinances.

(b) The state department of transportation will accept subdivision streets for state maintenance purposes which meet all the requirements of this chapter and meet the uniform statewide standards adopted by the state department of transportation.
Sec. 20-58. - Modification of requirements; bond.

(a) In subdivisions adjoining already established streets that have been accepted for maintenance by the city or the state department of transportation, the requirements of this article will apply as follows:

(1) Those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable;

(2) Where the adjoining established street is a part of the city's or the state department of transportation's street system, the adjoining street must be improved in accordance with either the requirements of this article and the requirements of the city or the state department of transportation, whichever establishes the higher standard.

(b) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the city council or the state department of transportation, or which have been accepted for maintenance by the state department of transportation but have not been improved with a paved roadway, will be eligible for final approval when the requirements of this article have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.

(c) Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the engineering department, in an amount to be determined by the city engineering department in consultation with other affected agencies, such as the department of environmental health, with sureties satisfactory to the city guaranteeing the installation of the required improvements allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of as-built drawings, as required by this chapter, written notice thereof must be given by the subdivider to the appropriate engineering department. The engineering department will arrange for an inspection of the improvements and, if found satisfactory, will, within 30 days of the date of the notice, authorize in writing the release of the security given, subject to the warranty requirement.

(Sec. 20-59. - Inspection.

(a) The city or county must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed.
(b) The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.

(c) No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.

(d) If any disputes arises as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

(Code 1985, § 20-45)

Secs. 20-60—20-85. – Reserved.

ARTICLE III. APPEALS AND VARIANCES

Sec. 20-86. - Authority of planning commission.

(a) The planning commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) The planning commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinance. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

Sec. 20-87. - Initiation.

(a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-18.
(b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

Sec. 20-88. - Filing of notice of appeal.

(a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.

(b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.

(c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

Sec. 20-89. - Standards for granting appeal.

(a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

(b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

Sec. 20-90. - Filing of variance petition.

A petition for a variance from this chapter, in the form prescribed by the planning commission staff, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners.

(Code 1985, § 20-60)
Sec. 20-91. - Standards for granting variance.

Before granting a variance, the planning commission, or the hearing committee, must determine that:

- When unnecessary hardships would result from carrying out the strict letter of the Subdivision Ordinance, the planning commission, or the hearing committee, shall vary any of the provisions of the Subdivision Ordinance upon a showing of all of the following:

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

  2. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or

  3. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or

  4. The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or

  5. The granting of a variance would permit the preservation of an historic structure or site.

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

(Code 1985, § 20-61; Ord. No. 2960, § 5, 5-16-2005)

Sec. 20-92. - Determination of completeness.

(a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or
variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.

(b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is automatically deemed complete due to the failure of the planning director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the planning commission, or the hearing committee.

(Code 1985, § 20-62; Ord. No. 2960, § 6, 5-16-2005)

Sec. 20-93. - Staff review.

After receipt of a complete variance petition or notice of appeal from an action taken, the planning director will review the notice or petition and send a written recommendation to the planning commission, or the hearing committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the planning director will be submitted to the planning commission and mailed to the appellant or petitioner at least five days prior to the scheduled public hearing.

(Code 1985, § 20-63; Ord. No. 2960, § 7, 5-16-2005)

Sec. 20-94. - Notice and hearing.

(a) The planning commission, or the hearing committee, will hold public quasi-judicial hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.

(b) The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing. As per G.S. 160A-388(a2), notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject to the hearing.

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

(Code 1985, § 20-64; Ord. No. 2960, § 8, 5-16-2005)
Sec. 20-95. - Action by planning commission.
The planning commission, or the hearing committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the planning commission used to reach its decision. The planning commission, or the hearing committee, shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the commission’s (or committee’s) determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the commission or committee. A quasi-judicial decision is effective upon filing the written decision with the clerk to the planning commission or hearing committee.

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

(Code 1985, § 20-65; Ord. No. 2960, § 9, 5-16-2005)

Sec. 20-96. - Rehearing.
The planning commission, or hearing committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(Code 1985, § 20-66; Ord. No. 2960, § 10, 5-16-2005)

Sec. 20-97. - Appeal from planning commission.

(a) Any appeal of a decision rendered by the planning commission, or the hearing committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later. Every quasi-judicial decision of the planning commission, or the hearing committee, shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. Any petition for a review of the planning commission’s, or hearing committee’s decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with Section 20-95 of this ordinance. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a
revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

**Sec. 20-98. - Effect of grant of variance.**

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

**Sec. 20-99. --20.114. - Reserved**

**Sec. 20-115. – Applicability.**

(a) **Section 2.** These amendments shall apply to all development and redevelopment within the corporate limits of this city and its extraterritorial jurisdiction, unless one of the following exemptions applies as of the effective date:

1. Residential and nonresidential development and redevelopment plans submitted and accepted for review;
2. Zoning use application submitted and accepted for review for uses that do not require a building permit;
3. Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project); and/or
4. A conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district and parallel conditional use district) approved prior to the effective date of this article/ordinance, provided formal plan submission has been made and accepted for review either prior to five years from January 1, 2011 in the case of conditional zoning districts approved on or after January 1, 2002, or prior to two years from January 1, 2011 in the case of conditional zoning districts approved prior to January 1, 2002. If no such formal plan submission occurs within the above–described five-or two-year time frames the requirements of Section I shall be applied to the project.
REQUEST
Current Zoning: CC (commercial center)
Proposed Zoning: R-4 (single family residential)

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 rezone a vacant parcel to allow all uses in the R-4 (single family residential) zoning district. This request is a staff initiated rezoning to implement recommendations within the Council District 4 Multi-family Assessment Report.

PROPERTY OWNER
Craft Holdings, LLC

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is not required.

<table>
<thead>
<tr>
<th>ZONING COMMITTEE ACTION</th>
<th>The Zoning Committee voted 7-0 to DEFER this petition to their February 25, 2015 meeting.</th>
</tr>
</thead>
</table>

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

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

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 to:
    - Align existing and undeveloped multi-family developments with current zoning, recommended land use and community design policy for the six properties listed in the report;
    - Develop Community Design Guidelines for future multi-family housing developments that are consistent with recent City policy guidance; and
    - Assess appropriate locations and density of existing and proposed multi-family in future area planning initiative(s).
  - This site was 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.
  - The selection of the proposed zoning district, R-4 (single family residential), was based on the density of four dwelling units per acre, which is the base residential density recommended for the Northeast Area Plan. Greater densities of six or eight dwelling units per acre are not supported by the General Development Policies (2003) due to lack of interconnected road network and design guidelines for the site.
### Assessment Criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Base Density – up to 4 dua</th>
<th>Density Category – &gt;4 dua up to 6 dua</th>
<th>Density Category – &gt; 6 dua up to 8 dua</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
<td>0 (No)</td>
<td>0 (No)</td>
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<tr>
<td>Sewer and Water Availability</td>
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<td>Land Use Accessibility</td>
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<td>Road Network Evaluation</td>
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<td>0</td>
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<tr>
<td>Design Guidelines</td>
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<td>0 (No)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
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<td>NA</td>
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<td><strong>Total Points:</strong></td>
<td>4</td>
<td><strong>Minimum Points Needed:</strong></td>
<td><strong>Minimum Points Needed:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
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</tbody>
</table>

- Prior to staff submitting an application for rezoning this site to R-4 (single family residential), staff sent two letters, one a certified letter, to the property owner to explain the report and to request a meeting to share Planning staff’s desire to work with the property owner to update design guidelines for the property.

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

- **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 site be developed at a density up to eight dwelling units per acre.
  - While the *Northeast Area Plan* recommended a higher density, the *General Development Policies* (2007) supports a lesser density of four dwelling units per acre for the rezoning site.
  - The petition is consistent with the *Northeast Area Plan* and the *General Development Policies*.

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

- **Charlotte Area Transit System**: No issues.
- **Transportation**: CDOT recommends a fourth leg from the site be connected to the Mallard Creek Salome Church Road intersection. This is a conventional rezoning petition; therefore, this connection should be achieved through the development process if possible.
  - **Vehicle Trip Generation**:
    - Current Zoning: 7,100 trips per day.
    - Proposed Zoning: 1,110 trips per day.
  - **Connectivity**: No issues.
- **Charlotte-Mecklenburg Schools**: The development allowed under the existing zoning would generate 49 students, while the development allowed under the proposed zoning will produce 66 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 17 students.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No comments received.
- **Mecklenburg County Parks and Recreation Department**: No comments received.
- **Urban Forestry**: No issues.

### ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - There is no site plan associated with this conventional rezoning request.
OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte Area Transit System Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Urban Forestry Review

Planner: Claire Lyte-Graham (704) 336-3782
**Petition #:** 2014-019

**Acreage & Location:** Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.

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**Vicinity Map**

- **Petition #:** 2014-019
- **Acreage & Location:** Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.

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

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**February 4, 2014**
**Petition #:** 2014-019  
**Petitioner:** Charlotte-Mecklenburg Planning Department  

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

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

**Acreage & Location:** Approximately 26.47 acres located on the west corner of the intersection at Mallard Creek Road and Salome Church Road.
REQUEST

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

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING
Meeting is not required. Two community advisory group meetings were held on January 29 and June 3, 2014.

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.

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

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

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

- In January 2014, a Community Advisory Group was formed and charged with providing staff input on:
  1) the issues and opportunities associated with mobile farmer’s markets,
  2) a draft definition for mobile farmer’s markets, and
  3) associated prescribed conditions.

The group included representatives from the Charlotte-Mecklenburg Food Policy Council, Friendship Gardens, an outdoor fresh produce stand operator, and a mobile market operator. Four stakeholders met on January 29, 2014 to review and discuss the proposed regulations. Two stakeholders met on June 3, 2014 to continue discussions.

**Proposed Request Details**
The text amendment contains the following provisions:
- Adds a definition for mobile farmer’s market: a commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).
- Allows a mobile farmer’s market as a principal use and/or accessory use in all zoning districts under prescribed conditions:
  - A mobile farmer’s market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: UR-C (urban residential – commercial); RE-3 (research); B-1 (neighborhood business); B-2 (general business); B-D (distributive business); BP (business park); CC (commercial center); NS (neighborhood services); MUD (mixed use development); UMUD (uptown mixed use); TOD-E (transit oriented development – employment); TOD-M (transit oriented development – mixed-use); U-I (urban industrial); I-1 (light industrial); and I-2 (general industrial).
  - A mobile farmer’s market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: R-3, R-4, R-5, R-6, and R-8 (single family residential); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential); R-MH (manufactured housing); UR-1, UR-2, and UR-3 (urban residential); MX-1, MX-2, and MX-3 (mixed use); INST (institutional); RE-1 and RE-2 (research); O-1, O-2, and O-3 (office); and TOD-R (transit oriented development – residential).
  - Adds new prescribed conditions for mobile farmer’s markets:
    - The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.
    - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
    - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer’s market on each property.
    - A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
    - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
    - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
    - The mobile farmer’s market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer’s market shall not locate in any minimum required parking spaces for other uses on the site.
    - One table and one fabric covered tent (maximum size of 12 feet by 12 feet) for shelter only are permitted in association with the use, if removed daily.
    - No products shall be displayed or stored off the vehicle or trailer.
    - All applicable local and state codes shall be met.
    - A mobile farmer’s market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
    - Signs must be in compliance with Chapter 13. No portable signs are allowed.
• Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, “Citations”.

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

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

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

• **Charlotte Area Transit System:** No comments received.

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

• **Transportation:** No issues.

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

• **Charlotte-Mecklenburg Schools:** Not applicable.

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

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

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

• **Mecklenburg County Parks and Recreation Department:** No comments received.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

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**OUTSTANDING ISSUES**

• No issues.

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

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

**Planner:** Sandra Montgomery  (704) 336-5722
**TEXT AMENDMENT SUMMARY: Mobile Farmer’s Market**

6-13-14  

2014-21

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

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definitions</strong></td>
<td>Adds a new definition:</td>
<td>• Creates a new definition for a new use.</td>
</tr>
<tr>
<td>None</td>
<td>• <strong>Mobile Farmer’s Market:</strong> A mobile vehicle, commercial licensed by a Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits and vegetables are sold (excluding alcoholic beverages, homemade food products and goods).</td>
<td></td>
</tr>
<tr>
<td><strong>Items Sold</strong></td>
<td>Allows the same fresh produce to be sold that is allowed for outdoors fresh produce stands, plus dairy products:</td>
<td>• Allows the same types of fresh produce to be sold as outdoors fresh produce stands.</td>
</tr>
<tr>
<td>None</td>
<td>• Mobile farmer’s market operator(s) may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Mobile farmer’s markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519.</td>
<td></td>
</tr>
<tr>
<td><strong>Districts</strong></td>
<td>Allows a mobile farmer’s market as a principal use or an accessory use in the following districts: urban residential - commercial (UR-C); research (RE-3 only), neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented development – employment (TOD-E); transit oriented development – mixed use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2), subject to the following prescribed conditions:</td>
<td>• Allows the use in all zoning districts, including residential districts.</td>
</tr>
<tr>
<td>Allowed and Prescribed Conditions</td>
<td>• The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.</td>
<td>• Establishes prescribed conditions to regulate the use.</td>
</tr>
<tr>
<td>None</td>
<td>• Any operator of a mobile farmer’s market must receive a zoning use permit and display placard from Neighborhood &amp; Business Services. It must be posted in the front window of the mobile farmer’s market vehicle, while in use. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. A list of dates and times the mobile farmer’s market will be at each location shall be submitted with the zoning use permit application. There is a maximum of three (3) locations that can be listed for each permit.</td>
<td></td>
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<tr>
<td></td>
<td>• The operator of a mobile farmer’s market shall submit proof that the property</td>
<td></td>
</tr>
</tbody>
</table>


owner or designated agent (lessee) grants his/her permission to locate the mobile farmer’s market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application.

- A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. A mobile food truck is not allowed as part of the use.
- The operator of a mobile farmer’s market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
- The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
- The mobile farmer’s market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site.
- One table and one fabric covered tent (maximum size of 12 feet x 12 feet) for shelter only are permitted in association with the use, and shall be removed daily.
- No products shall be displayed or stored off the vehicle or trailer.
- All applicable local and state codes shall be met.
- A mobile farmer’s market and an outdoors fresh produce stand shall not occupy the same lot at the same time.
- Signs must be in compliance with Chapter 13. No portable signs are allowed.
- Violations are subject to Section 8.105, “Citations”. Violations may result in the revocation of the zoning use permit.

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

  If the mobile farmer’s market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
• In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.
REQUEST
Current Zoning:  R-3 (single family residential)
Proposed Zoning:  Inst (CD) (institutional, conditional)

LOCATION
Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. (Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes to reuse an existing single family home to establish a daycare center.

PROPERTY OWNER
North End Homes, LLC

PETITIONER
Mark Patterson

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting:  8

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because:
• The Plan recommends single family residential up to four dwelling units per acre for this site.

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:
• Area plans typically do not specify locations for institutional uses; and
• The site has frontage along a major thoroughfare; and
• The proposed use would serve the needs of the surrounding neighborhoods;

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:
1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.
2. Removed the sign from the site plan.
3. Added the heading "Signage" and a note stating that signage is permitted per the ordinance.

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

ZONING COMMITTEE DISCUSSION
Staff provided an update of the petition, noting that the petition is inconsistent with the Northeast District Plan’s recommendation for residential uses up to four units per acre. However, area plans typically do not specify locations for institutional uses. In addition, the site has frontage along a major thoroughfare and the proposed use would serve the needs of the surrounding neighborhoods.
A committee member asked if an additional turn lane could be provided into the site. CDOT staff responded that this would not be possible due to a lack of adequate distance to provide a turn lane. A committee member commented that the issue raised at the public hearing regarding other child care centers in the area is a market issue, and added that such uses do not deter the value of the neighborhood.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

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

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

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**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**: Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.
**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

**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
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Claire Lyte-Graham  (704) 336-3782
Petition # 2014-043

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

Rezoning Petition: 2014-043

Vicinity Map

Charlotte City Limits

Major Roads

Collector Roads

Charlotte City Limits

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

August 28, 2014
Petition #: 2014-043
Petitioner: Mark Patterson

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

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

Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.
SITE PLAN NOTES
(NOTE: BOLD ITEMS REVISED 7-21-14 SUBMITTAL)
(NOTE: BUBBLED ITEMS REVISED 11-18-14 SUBMITTAL)

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

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

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

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

5. TRANSPORTATION
   ON-SITE TRAFFIC CIRCULATION TO BE SIGNED AND MARKED FOR ONE-WAY COUNTER CLOCKWISE TRAFFIC FLOW.
   PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.
   PROPOSED DRIVEWAY CONNECTIONS TO PROSPERITY CHURCH RD. SHALL GO THROUGH ALL REQUIRED CDOT DRIVEWAY PERMITTING PRIOR TO CONSTRUCTION.

6. ARCHITECTURAL STANDARDS
   EXISTING STRUCTURE TO REMAIN.

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

7. STREETSCAPE AND LANDSCAPING
   EXISTING SIDEWALK ON PROSPERITY CHURCH RD. IS 5‘ WIDE. A 5‘ WIDE SIDEWALK TO BE CONSTRUCTED CONNECTING EXISTING SIDEWALK WITH THE DAYCARE PER CDOT REQUIREMENT.

8. ENVIRONMENTAL FEATURES
   MILL AND CREEK WATERSHED

11. SIGNAGE
   ALL SIGNAGE IS PERMITTED THROUGH THE ORDINANCE

12. LIGHTING
   ALL HEADLIGHT LIGHTING WILL BE UNIFORM IN DESIGN AND PLACED WHERE REQUIRED.
   FREESTANDING LIGHTING WILL BE LIMITED TO 25‘ IN HEIGHT.
   ALL LIGHTING WILL HAVE FULL CUT-OFF LIGHTING FIXTURES.

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

REZONING PETITION 2014-043

REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE
3231 PROSPERITY CHURCH RD
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 5.59 acres generally bounded by Statesville Avenue,
Dalton Avenue, North Graham Street and Armour Drive.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in the MUDD (mixed use development) zoning district.

PROPERTY OWNER
City of Charlotte

PETITIONER
City of Charlotte

AGENT/REPRESENTATIVE
Jim Metze, Little Diversified Architectural Consulting

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 6

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to their January 5, 2015 meeting.

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

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

PLANNING STAFF REVIEW
• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows all uses in the MUDD (mixed use development) district, with the intended use of the building to be constructed in Phase 1 as a government service facility and the building constructed in Phase 2 as any use permitted in the MUDD (mixed use development) district.
  • Provides a new public street through the southern edge of the site with sidewalks and planting strips on both sides.
  • Provides an 11.5-foot side yard along the northeastern property line.
  • Provides a pedestrian refuge island along Statesville Avenue with the final location to be determined during construction plan review and permitting.
  • Provides a 30-foot setback with a 12-foot planting strip, eight-foot sidewalk, and ten-foot amenity zone along Statesville Avenue, and an 18-foot setback with a 12-foot planting strip and six-foot sidewalk along North Graham Street.
  • Provides pedestrian connections throughout the site and to adjacent properties.
  • Phased development in two parts. Phase 1 includes:
    • Construction of a four-story government services building along Statesville Avenue.
    • A surface parking lot to the east and a landscaped building pad for Phase 2 development.
    • Building materials include a combination of brick veneer, glass, pre-finished metal panel accents, and solar screens.
    • Specifies that Phase 2 building will be similar in design and architecture as the Phase 1 building.
  • Building may provide a metal canopy at the public/visitor entrance along Statesville Avenue and may project into the amenity zone of the Statesville Avenue setback.
  • Includes architectural renderings of the Phase 1 building.
Optional provision:
- To allow parking between the building and North Graham Street setback during Phase 1, prior to the construction of the Phase 2 building.

Phase 2 includes:
- The development of a mixed use building constructed to MUDD (mixed use development) standards on the pad provided in Phase 1 along North Graham Street and the construction of a parking deck over a portion of the surface parking lot constructed in Phase 1.

Public Plans and Policies
- The site is located within the Applied Innovation Corridor, which is an area identified in the Center City 2020 Vision Plan for targeted economic growth and industry recruitment to leverage the City’s academic and research capital with its business assets. The petition is consistent with the recommendations and goals of the Center City 2020 Vision Plan.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No comments received.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No comments received.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - This site meets minimum ordinance standards.

OUTSTANDING ISSUES
- No issues.

Attachments Online at www.rezoning.org
- Application
- Site Plan
- Locator Map
- Prehearing staff analysis
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** John Kinley (704) 336-8311
Petition #: 2014-068

**Acreage & Location:** Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive.

**Rezoning Petition:** 2014-068

**Vicinity Map**

**November 3, 2014**
Petition #: 2014-068
Petitioner: City of Charlotte

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

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

Acreage & Location: Approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive.
REQUEST

Current Zoning:  R-3 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 2.6 acres located on the southwest corner of Fairview Road and Closeburn Road between Park Road and Park South Drive. (Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to allow up to 27 attached residential units, at a density of 10.38 dwelling units per acre.

PROPERTY OWNER

5620 Fairview, LLC, 5628 Fairview, LLC, Miller Vanderlip, Dianah Colburn, Elsie White, Thomas B. Furr, Jr., Gail Furr, Judith Caston and H. Russell Caston

PETITIONER

Crossroads Realty Group, 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: 10

STATEMENT OF CONSISTENCY

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

- The proposed single family attached use is consistent with the residential use called for in the adopted area plan; and
- The proposed site qualifies for an increase in density up to 17 dwelling units per acre.

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

- Units along Closeburn Road will be oriented so that front doors of units front the street; and
- Units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street; and
- A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and
- A pedestrian pocket park that will be improved with landscaping and seating areas will be provided; and
- Construction traffic is limited to Fairview Road;

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

<table>
<thead>
<tr>
<th>ZONING COMMITTEE ACTION</th>
<th>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet.</td>
</tr>
<tr>
<td></td>
<td>2. Specified that the proposed pocket park will be improved with landscaping and seating areas.</td>
</tr>
<tr>
<td></td>
<td>3. Addressed Engineering comment by adding the following note: The petitioner will provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.</td>
</tr>
<tr>
<td></td>
<td>4. Added the following notes under the heading of Construction Traffic</td>
</tr>
</tbody>
</table>
and Construction Staging:
(a) The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
(b) Staging for the development of the site will occur on site.

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

ZONING COMMITTEE DISCUSSION
Staff provided an update of the petition noting that there are no outstanding issues. Staff noted the petition is consistent with the South District Plan. A committee member stated that the project addresses the street well and is designed well. There was no further discussion.

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

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum of 27 attached dwelling units, with 400 square feet of private open space per unit.
  - Building height not to exceed three stories and 45 feet in height.
  - Minimum of two parking spaces per unit will be provided via a two-car garage.
  - Visitor parking located along the site’s internal driveways.
  - Total number of principal buildings not to exceed 12.
  - No surface parking between the proposed buildings and Fairview Road or Closeburn Road.
  - A 14-foot setback along Closeburn Road measured from the back of the proposed curb.
  - A 29-foot setback along Fairview Road measured from the back of the existing curb or 24 feet as measured from the back of the proposed curb.
  - Access to the site will be provided via private driveways on Fairview Road and Closeburn Road.
  - Access to each unit will be from an internal private drive or alley.
  - Building materials will consist of brick, stone, precast stone, synthetic stone, cementitious siding, stucco, EIFS, decorative metal panels, and decorative block and/or wood.
  - A minimum 65 percent of the exterior of each building, exclusive of windows, doors and roofs, will be constructed of brick, stone, precast stone, decorative block, or stucco. Accent portions of the roofs on the buildings will be constructed utilizing architectural shingles while portions of the roofs may also be constructed utilizing metal materials.
  - Vinyl siding is prohibited as an exterior building material except for windows, soffits, garage doors and handrails/railings.
  - Units abutting Closeburn Road will be oriented so that front doors of units front the street.
  - Units abutting Fairview Road will be constructed so the either front doors or the side of the units will be oriented toward the street. The rear of units or garages may not be oriented toward Fairview Road or Closeburn Road.
  - Front, side and rear building elevations have been included.
  - A six-foot sidewalk will be provided along Closeburn Road and Fairview Road. An eight-foot planting strip will be provided along Closeburn Road and a 13-foot planting strip will be provided along Fairview Road.
  - A 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site. This landscaped area will provide four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet. Area may contain a sidewalk and be used to meet the private open space requirement.
  - Each unit will be connected to the sidewalks along public streets via a minimum five-foot sidewalk.
• Pocket park improved with landscaping and seating areas.
• Up to 50 feet of right-of-way from the centerline of Fairview Road will be dedicated to the City of Charlotte.
• Construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
• A pedestrian refuge island will be constructed in the existing landscape median on Fairview Road near the intersection of Closeburn Road.
• Above ground backflow preventers and transformers will be located internally and not in the proposed setbacks.
• Providing peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. Petitioner may perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.
• Detached lighting will be limited to 15 feet in height.

• **Public Plans and Policies**

  • The *South District Plan* (1993) recommends residential land uses at this location.
  • The *General Development Policies* (GDP) (2003) support residential densities up to 17 units per acre.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category - up to 17 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>1 (Yes)</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> 12</td>
<td><strong>Total Points:</strong> 13</td>
</tr>
</tbody>
</table>

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

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

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

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

• **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  • This site meets minimum ordinance standards.

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

**Planner:** Sonja Sanders  (704) 336-8327
Petition #: 2014-075

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

Vicinity Map

Rezoning Petition: 2014-075

 Charlotte City Limits

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

August 28, 2014
Petition #: 2014-075
Petitioner: Crossroads Realty Group, LLC

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

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

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

- Access
- Use Permit
- Utility Zoning
- Proponent Zoning
- Gating (Y/N)
- Proposed Use
- Minimum Lot Size
- Height
- Parcels:
  - 2.26 acres
  - "17, 28, 44", 12, 33 and 34
- FPD
- ULI
- ULI/DA
- ULI/DA Urban Design Criteria
- ULI/DA Housing Plan
- ULI/DA Land Use Plan
- ULI/DA Transportation Plan
- ULI/DA Resilience Plan
- ULI/DA Sustainability Plan
- ULI/DA Economic Development Plan

Vicinity Map

List of Adjacent Parcels & Zoning:

Schematic Plan

Fairview at Closeburn Townhomes

TECHNICAL DATA SHEET

Petition 2014-075
"For Public Hearing"

GRAPHIC SCALE
Fairview at Closeburn

DEVELOPMENT STANDARDS

Petition 2014-075

“For Public Hearing”

3 4
Conceptual Architectural Front Elevation
Facing Fairview Road, Closeburn Road and Pedestrian Parks

Conceptual Architectural Rear Elevation
Along Alleys / Private Drives

Note: Conceptual Schematic Architectural Renderings intended to depict the general conceptual architectural style, character, and elements of the buildings.

Conceptual Architectural Side Elevation
Along Fairview Road / Pedestrian Parks
REQUEST

Current Zoning:  UMUD (uptown mixed use)
Proposed Zoning:  UMUD-O (uptown mixed use, optional)

LOCATION

Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the UMUD (uptown mixed use) district and requests optional site modifications.

PROPERTY OWNER

Crescent Resources, LLC and CLT Development, LLC

PETITIONER

Crescent Communities, LLC

AGENT/REPRESENTATIVE

Collin Brown and Bailey Patrick, Jr., K&L Gates

COMMUNITY MEETING

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

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the Charlotte Center City 2020 Plan, based on information from the staff analysis and the public hearing, and because:

- Charlotte Center City 2020 Plan recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and
- The subject property will complete the Tryon Mall on the southern side of Tryon Street.

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

- The subject property will complete the Tryon Mall on the southern side of Tryon Street; and
- The subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces;

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

ZONING COMMITTEE ACTION

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

1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows:
   (a) This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted.
2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance.
3. Amended Notes 2A and2B to specify that off-premises signs and outdoor advertising signage shall not be permitted.
4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance.
5. Amended optional request Note 2C to delete the following: “unless otherwise approved by the Planning Director, the temporary retail
vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.”

6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.

7. Deleted vendor structures shown on Sheet RZ-09.

8. Amended optional request Note 2F to specify the following:
   (a) This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions.
   (b) Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.


10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site’s Tryon Street frontage.

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff provided an update of the petition, noting that there are no outstanding issues. Staff noted the petition is consistent with the Charlotte Center City 2020 Plan. A committee member commented that the project will provide an excellent gateway into the city. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows all uses permitted in the UMUD (uptown mixed use) district.
  - Site will comply with UMUD requirements set forth in the zoning ordinance, with the exception of optional requests.
  - Optional provisions requested include:
    - Two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each.
    - Up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs).
    - Temporary retail vendor zones, within the right-of-way or setback, subject to the approval of any necessary encroachment agreements. Retail vendor zones shall be allowed only in the locations specified on the Technical Data Sheet. Any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.
    - Reduced setback of 14 feet for an approximately 270-foot portion of the site’s frontage on
Stonewall Street measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with the standard ordinance provisions. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest. Such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.

- Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2)(f) of the ordinance to remove requirement to provide furniture or benches within the right-of-way along the site’s Tryon Street frontage.
- Deviations from urban open space seating and tree requirements established under Sections 9.906(4)(d) and (e) to remove prescribed seating and tree requirements within any non-required, non-public open space areas. Standard seating and tree requirements will be met within portions of the urban open space required to meet the minimum UMUD urban open space requirement.
- 50 percent reduction in the number of required loading spaces.

- **Public Plans and Policies**
  - *Charlotte Center City 2020 Plan* (2011) recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities.
  - The subject property will complete the Tryon Mall on the southern side of Tryon Street. The Tryon streetscape elements have been met by all new development along the mall. The required pavers and trees provide uniformity throughout the area and tie together the various architectural styles and unique urban spaces.
  - The petition is consistent with the *Charlotte Center City 2020 Plan*.

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

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

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

**OUTSTANDING ISSUES**

- No issues.

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

Planner: Sonja Sanders   (704) 336-8327
Acreage & Location: Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.
Petition #: 2014-079
Petitioner: Crescent Communities, LLC
Zoning Classification (Existing): UMUD (Uptown Mixed Use District)
Zoning Classification (Requested): UMUD-O (Uptown Mixed Use District, Optional)
Acreage & Location: Approximately 3.0 acres located on the southwest corner at the intersection of South Tryon Street and East Stonewall Street.
Tryon Place

132.9153.00

Tryon Place

Owner - NCDOT

ALL PAVERS PER THE
TRYON STREET MALL
REQUIREMENTS - SEE SHEET
RZ-08 AND RZ-09 FOR
ADDITIONAL INFORMATION

DOOR SWINGS DO NOT
ENCROACH INTO SETBACK
THE USE OF ALTERNATE PAVERS
OVERDOORS OVER SETBACKs
ARE PROPOSED

ALL  STREET TRESS
AND PLANTERS PER THE
TRYON STREET MALL
General Provisions

The purpose of the Rezoning Petition is to obtain approval of "Optional" provisions allowing deviations from certain provisions of the City of Charlotte Zoning Ordinance (the "Ordinance") as allowed by Section 9.908 of the Ordinance to provide additional flexibility which will facilitate the development of a 3 - acre property bounded by Tryon Street, Stonewall Street, College Street, and Hill Street in the City of Charlotte located in Mecklenburg County, Tax Parcel numbers 125-21-02, 125-21-03 and 125-21-05 (the "Site").

If the Petitioner seeks to take advantage of any of the "Optional" provisions approved as part of the Rezoning Petition, development of the Site will be governed by the accompanying Technical Data Sheet, these Development Standards, and Section 9.908 provisions. The development depicted on the Technical Data Sheet is intended to reflect, in general terms, the arrangement, location and design of the components and street improvements for the Site as if the Optional provisions requested in these Development Standards are implemented.

However, any deviations from the UMUD minimum standards are Optional in nature and relate only to the development and street improvements proposed by the accompanying Technical Data Sheet for these Development Standards. The Site may also be developed in accordance with the standard UMUD requirements and other applicable minimum standards established by other City of Charlotte codes, ordinances and policies. Accordingly, the Petitioner expressly reserves the right to develop the Site and/or portions thereof in a manner wholly different from the development depicted on the Technical Data Sheet in any manner permitted by the Ordinance and other City of Charlotte codes, ordinances and policies as if no Optional provision had been applicable.

Except as otherwise provided under the UMUD-Optional provisions, the development and street improvements as depicted on the Technical Data Sheet in any manner permitted by the Ordinance and other City of Charlotte codes, ordinances and policies as if no Optional provision had been applicable.

2. UMUD-Optional Provisions

Pursuant to the Optional provisions of Section 9.908 of the Ordinance, the Petitioner seeks approval of the following UMUD-Optional provisions to accompany the Technical Data Sheet or these Development Standards:

(a) Deviations from the signage standards established under Section 9.906(e) of the Ordinance to allow up to two attached electronic signs (video or LED screen) with a maximum size of 300 square feet each. Design and location of these signs shall be reviewed and approved by the Planning Department prior to application for sign permits. This signage shall be limited to building identification, tenant identification, and artistic or cultural displays or messages. Off-premise Signs and Outdoor Advertising Signage shall not be permitted.

(b) Deviations from the signage standards established under Section 9.906(e) of the Ordinance to allow up to 3,000 square feet of wall signage per street frontage (in addition to any approved electronic signs video or LED). Signage shall be located with the sign area shown on R-S6 and R-2.5. Design and location of a non-sign plan sign shall be reviewed and approved by the Planning Department prior to application for sign permits. This signage shall be limited to building identification, tenant identification, and artistic or cultural displays or messages. Off-premise Signs and Outdoor Advertising Signage shall not be permitted.

(c) Deviations from the street right-of-way and streetscape requirements established under Section 9.906(c)(2) of the Ordinance in order to accommodate temporarily used vendor zones, within the right-of-way or streets, subject to the approval of any necessary Temporary Agreements. The temporary vendor zones shall be allowed only in the locations specified on the Technical Data Sheet. Any vendor within the vendor zone must comply with any applicable street vendor ordinances or policies.

(d) Deviations from the street right-of-way and streetscape requirements established under Section 9.906(c)(2) of the Ordinance to or remove the requirement to provide furnishing or benches within the right-of-way along the Site's Tryon Street frontages.

(e) Deviations from the setback requirements established under Section 9.905(2) of the Ordinance, and any applicable streetscape plans, in order to allow a reduced setback of fourteen (14) feet measured from the back of curb along Stonewall Street. This reduced setback shall only apply to approximately 270 feet of portions of the Site's Stonewall Street frontages measured from the back of curb on the south side of Tryon Street and any portion of the Site's Stonewall Street frontages that fall within the UMUD-Optional provisions approved as part of the Rezoning Petition. Structures within the reduced setback area shall be limited to retaining walls and other features necessary to accommodate a public's accessible place of worship with Tryon Street, as building shall be permitted in the reduced setback area. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest, all as generally depicted on R-S6, R-2.5 and R-2.5-96. Additionally, such walls shall be made of decorative architectural material or stone or other natural materials, or combinations thereof.

(f) Deviations from the landscaping standards established under Section 9.906(c)(1)(i) and (ii) of the Ordinance to allow reduced setback areas to be met within portions of the urban open space areas required to meet the minimum UMUD urban open space requirements. Areas not subject to landscaping and tree requirements are generally identified on R-2.5.

(g) Deviations from the landscaping standards established under Section 9.906(c)(1)(i) and (ii) of the Ordinance to allow a reduction in the number required of loading spaces.

|h. DEVELOPMENT DATA TABLE|
| Site Area          | 3 acres |
| Tax Parcel         | 125-21-02, 125-21-03, 125-21-05 |
| Proposed Zoning    | UMUD-O |
| Existing Zoning    | UMUD |
| Existing Use       | All Uses Permitted in UMUD District |
| Minimum Development| N/A |
| Maximum Square Footage| N/A |
| Minimum Parking | N/A |
| Minimum Building Height | N/A |
| Parking            | Must satisfy or exceed UMUD minimum requirements |
STREET CROSS SECTIONS

A TRYON STREET

B STONEWALL @ TRYON PLAZA
STREET CROSS SECTIONS

D STONEWALL @ TRYON PLAZA

C STONEWALL @ TRYON PLAZA
NOTE: ELEVATIONS SHOWN ARE SCHEMATIC IN NATURE AND SUBJECT TO CHANGE WHEN PRESENTED FOR CONSTRUCTION DOCUMENT REVIEW.
This drawing and the design shown are the property of Little Diversified Architectural Consulting. The reproduction, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

NO. REASON                   DATE
PROJECT MANAGER
PRINCIPAL IN CHARGE
EDDIE PORTIS, AIA, LEED
FRANK DEBOLT, AIA, LEED
PROJECT ARCHITECT
CHRIS STOPHER HOYT, AIA

06/19/14
Rezoning Petition 2014-079
PER REVIEW
COMMENTS
10.17.14
RZ-08
CONCEPTUAL SITE PLAN

Legend
1. Building entry
2. Tryon Mall standard pavers
3. Urban Lounge (for graphic purposes)
4. Tryon Plaza monument signage
5. "Movable" trees (see sheet RZ-09)
6. Outdoor dining
7. Fireplace (see sheet RZ-09)
8. Bike rack
9. Wayfinding signage
10. Media towers (4)
11. Retaining wall (see RZ-09)
12. Seat walls
13. Tryon Plaza paver (see RZ-09)
14. Benches
15. Site Furnishings
16. Planters
**IMAGERY**

1. "Backyard" + Public Park rendering

2. Stonewall renderings and character images

3. Inspiration images

4. **Existing conditions**
   - Promenade building entry pavers
     - Match Tryon Mall standards
   - "Movable" Trees
     - 4' x 6' planter boxes
     - Materials to be determined
   - Back Porch Fireplace
     - Metal finish
     - Open on both sides
   - Tryon Plaza pavers
     - Pattern and materials to be determined
   - South Tryon Street tree pit
     - Match Tryon Mall standards
   - E Stonewall Street trees and materials
     - Quercus phellos - Willow oak
     - Match Tryon Mall standards
   - South Tryon Street pavers
     - Pattern and materials to be determined
   - Stonewall renderings and character images

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Little 2014 c

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PROJECT MANAGER

PRINCIPAL IN CHARGE

EDDIE PORTIS, AIA, LEED

FRANK DEBOLT, AIA, LEED

PROJECT ARCHITECT

CHRIS STOPHER HOYT, AIA

TRYON PLACE

OFFICE

601 SOUTH TRYON
CHARLOTTE, NC

06/19/14

Rezoning Petition 2014-079

PER REVIEW

COMMENTS

10.17.14

Promenade building entry pavers
- Match Tryon Mall standards

"Movable" Trees
- 4' x 6' planter boxes
- Materials to be determined

Back Porch Fireplace
- Metal finish
- Open on both sides
REQUEST
Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

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

SUMMARY OF PETITION
The petition proposes to allow a 3,010-square foot automobile service station and a 2,500-square foot commercial building.

PROPERTY OWNER
Corporate Trust Properties NC LLC

PETITIONER
Pavilion Development Company

AGENT/REPRESENTATIVE
Bohler Engineering, NC PLLC

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 19

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition until their January 5, 2015 meeting.

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

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

PLANNING STAFF REVIEW
- Background
  - Petition 1988-001 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road to B-1SCD (business shopping center district) to allow for a mixed use development including hotels and offices. Other business and retail uses were not permitted.
  - Petition 1997-015 approved in 1998 rezoned 22.25 acres at the northeast corner of the intersection of Nations Ford Road and Tyvola Road from B-1SCD (business shopping center district) to CC (commercial center) to allow for office, retail, institutional, eating/drinking/entertainment establishments and hotel uses. The rezoning included eight parcels. The proposed development is located on Parcel 4 of the overall commercial center site plan, which is at the corner of Nations Ford Road and Tyvola Road. The plan allows 16,000 square feet of office or 10,500 square feet of retail or 24,000 square feet of eating/drinking/entertainment establishments on Parcel 4. The plan excludes automobile service stations, building material sales and dwellings.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Divides Parcel 4 into two parcels; Parcel 4A is 1.28 acres and Parcel 4B is 0.52 acres.
  - Modifies the permitted uses for Parcel 4A to include automobile service stations.
  - Reduces the maximum development area on Parcel 4 from 16,000 square feet of office or 10,500 square feet of retail to a 3,010-square foot automobile service station on Parcel 4A and a 2,500-square foot commercial building on Parcel 4B. Reduces the total maximum for eating/drinking/entertainment uses from 24,000 square feet to 21,500 square feet.
  - Adds a limit of approximately 19 feet for building height on Parcel 4A.
  - Changes the right-in/right-out access on the north side of the site on Nations Ford Road to a full movement access, with a southbound left-turn lane into the center.
- Replaces the existing back of curb sidewalk along Tyvola Road with an eight-foot planting strip and six-foot sidewalk.
- Provides a four-foot planting strip and five-foot sidewalk along the eastern edge of the site along the right-in access drive. Provides a five-foot screening strip and five-foot sidewalk along the northern boundary of the site along existing private access easement named Tyvola Glen Circle.
- Adds a maximum height of 25 feet for freestanding lights on Parcels 4A and 4B.
- Adds a CATS bus stop and waiting pad on the north side of Tyvola Road between Nations Ford Road and the right-in access driveway.

The site plan accompanying this petition contains the following provisions carried over from Petition 1997-015:
- Provides a landscaped buffer along Nations Ford Road.
- Preserves existing trees in a tree save area near the intersection of Tyvola Road and Nations Ford Road.
- Limits the height of the building on Parcel 4B to a maximum of two stories.
- Specifies that building elevations fronting Nations Ford Road will include materials such as brick, masonry stucco, pitched, mansard roofs, decorative parapets, awnings, or palladian windows, mullioned windows in order to respect the residential nature of and view from residences fronting Nations Ford Road.
- Limits ground mounted signage for the individual parcels to a maximum of four feet high and 50 square feet.

**Public Plans and Policies**
- The *Southwest District Plan* (1991), as amended by Petition 1997-015, recommends a mix of uses including office, hotel and other uses permitted in the CC (commercial center) zoning district including eating/drinking/entertainment establishments and retail. Automobile service stations, building material sales and dwellings are prohibited uses. Prior to Petition 1997-015, the *Southwest District Plan* recommended a mixed use development, providing housing and employment with hotels and office uses at the northwest quadrant of the I-77 and West Tyvola Road intersection. Other business and retail uses were not permitted.
- The petition is inconsistent with the *Southwest District Plan*, as amended by rezoning petition 1997-015. The proposed land use is also inconsistent with the intent of the *Southwest District Plan*’s initial recommendation for mixed use development providing employment and housing opportunities. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following comments:
  1. Remove the proposed entrance only access located along the existing right-in driveway on Tyvola Road.
  2. Revise the first paragraph under Note D. to eliminate the following: “A separate drive is proposed off the right-in access off of Tyvola Road to the south.”
  3. Remove the fourth paragraph under Note D.
- **Vehicle Trip Generation:**
  Current Zoning: 1,600 trips per day.
  Proposed Zoning: 3,300 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No Issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
OUTSTANDING ISSUES

- The petitioner should:
  1. Change the proposed use for Parcel 4A to a use that is permitted in CC excluding automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.
  2. Address CDOT issues.
  3. Provide building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
  4. Revise the Site Area under Site Data for Parcel 4A to reflect the acreage for the parcel after the proposed subdivision (total site acreage minus acreage of parcel 4B).
  5. Remove the “Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant” from the Site Data.
  6. File for an administrative amendment to Petition 1997-015 to remove building square footage from the allotment for Parcel 4 and reduce the eating/drinking/entertainment establishment’s square footage allotment by 2,500 square feet. The administrative amendment must be filed and ready for approval prior to a decision on the rezoning. Add a note to the site plan requiring filing on an administrative amendment as described in the previous sentence.
  7. Remove the "+/-" in proposed building height for Parcel 4A.
  8. Revise the Proposed Floor Area Ratio, under the Site Data, for both parcels to reflect the proposed building area compared to proposed acreage for each parcel.
  9. Remove Note B. in its entirety and replace with the following: First paragraph - “Parcel 4A – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows.” Second paragraph – “Parcel 4B – All uses in the CC Zoning District except automobile service stations, building material sales, dwellings, and eating/drinking/entertainment establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207.”
  10. Delete Note C. in its entirety and replace with the following: “Parcel 4A may be developed with a maximum 3,010 SF building excluding permitted accessory structures. Parcel 4B may be developed with a maximum 2,500 SF building excluding permitted accessory structures.”
  11. Revise the second paragraph under Note E. as follows: “Landscape strips and islands shall be created to break the visual impact of the parking areas.”
  12. Revise the labels for the 35-foot setback to refer to the setback line.
  13. Provide the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
  14. Revise the third paragraph under Note E. as follows: “Continuous landscaping strips and islands shall be created along Nations Ford Road to break up the visual impact of the parking areas as shown on the site plan.”
  15. Provide a revised “Section Thru Landscaped Buffer” detail from Petition 1997-015 showing the eight-foot planting strip, six-foot sidewalk, 35-foot wide buffer with a three- to four-foot high berm, tiered evergreen plantings and small maturing trees on the rezoning site plan.
  16. Amend the label “Landscaping per master plan” to state “Landscaped buffer (see inset detail)” and clearly indicate the locations of the berm on the site plan.
  17. Revise Note F. by removing the following language: “As stated in Note 16 of the special conditions associated with the overall rezoning plan, petition #97-15,” and making all references to “parcel” and “building” plural.
  18. Add the following paragraph to Note F.: “The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola on at least 50% of the length of the first floor frontage facing the street and right-in access driveway.”
  19. Amend Note G. to remove the following: “per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”
  20. Eliminate the language, under Note H., referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.
Attachments Online at www.rezoning.org

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

Planner: John Kinley  (704) 336-8311
Petition #: 2014-092

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.
Petition #: 2014-092
Petitioner: Pavilion Development Company

Zoning Classification (Existing): CC
(Commercial Center)

Zoning Classification (Requested): CC (S.P.A.)
(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.
REQUEST

Current Zoning: R-3 (single-family) and NS (neighborhood services)
Proposed Zoning: B-1(CD) (neighborhood business, conditional)

LOCATION

Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road. (Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes to allow an 8,000-square foot building for a convenience store with gasoline sales, retail, and eating/drinking/entertainment uses.

PROPERTY OWNER

Lester Herlocker and Associates, Inc., Goldwyn Flanders Owusu, James E. Flanders, Jr., Gwendolyn Flanders Blackmon, Abigail L. Flanders, and Hwy 29 Lot LLC.

PETITIONER

QuikTrip Corporation

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: 4

STATEMENT OF CONSISTENCY

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

- The Northeast District Plan recommends residential land uses for the site; and
- The adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and
- The proposed site design and layout is inconsistent with the adopted policies.

Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:

- The petition is inconsistent with the adopted area plan; and
- The proposed site design and layout is inconsistency with adopted policies;

By a 5-2 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Sullivan).

ZONING COMMITTEE ACTION

The Zoning Committee voted 5-2 to recommend DENIAL of this petition. The following modifications have been made:

1. A note has been added that accessory service windows will not be allowed on the site.
2. The proposed parking has been removed from the 30-foot setback along Salome Church Road.
3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension.
4. A note has been added that “The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area.”
5. Possible tree save areas have been labeled and shown on the site plan.
6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."
7. The proposed building materials on the proposed elevations have
been labeled.
8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
9. A note has been added that pole signs will not be allowed.
10. References to the proposed signage have been removed from the site plan.
11. Amended Note 4 under Architectural Standards to include “above ground backflow preventer assemblies.”
12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.
14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management.
15. Identification signage will be limited to 50 square feet and a height of seven feet.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff presented the petition and stated all except one outstanding issue had been addressed. After reviewing the modifications to the site plan since the public hearing, staff stated that the rezoning request is inconsistent with the adopted area plan and it was recommended for denial.

A committee member asked if the design of the gas station changed would staff be able to recommend approval. Staff responded that even with the changes the request would still be inconsistent with the adopted area plan.

Another member asked if the West Pavilion Boulevard extension had been funded yet. Staff responded that the extension had not been funded but is on the adopted Thoroughfare Plan. Staff provided information to the committee that the existing commercial development along the southern side of North Tryon Street had a pre-submittal meeting to discuss developing a new gas station. The committee discussed whether the site could be developed with residential land uses. Staff responded that they could not provide that information but noted that the area plan recommended up to 12 residential units per acre for the subject property. A member of the committee expressed concerns that the proposed building could not be designed to be pulled to the street and address staff’s design comments.

Several members brought up concerns that they thought the area was changing with Interstate 485 and the adopted area plan was not consistent with the transition and change in the area along North Tryon Street and felt they could support the petition.

There was no further discussion of the petition.

**MINORITY OPINION**

The minority of the Commissioners felt that the proposal was appropriate given the age of the area plan and age of the existing multi-family in the area. With the extension of Pavilion Boulevard they
felt the dynamics and transition in the area was changing along the north side of North Tryon Street.

**STAFF OPINION**

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

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2007-143 rezoned 0.93 acres of the subject site located at the intersection of North Tryon Street and West Pavilion Boulevard to NS (neighborhood services) to allow the possible development of a 10,000-square foot building for general and medical office uses.

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - An 8,000-square foot building for a convenience store with gasoline sales; eating/drinking/entertainment establishments; and retail uses.
  - Accessory service pumps and canopy to serve the convenience store use will be located along North Tryon Street.
  - An eight-foot planting strip and six-foot sidewalk along North Tryon Street and Salome Church Road.
  - Elevations of the proposed structures.
  - Maximum building height of 25 feet.
  - Detached lighting limited to 24 feet in height.
  - Building materials will be a combination of brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels, and/or wood.
  - A 49-foot Class “B” buffer adjacent to residentially zoned properties.
  - Proposed screening shrubs and tree plantings provided along all public street frontages.
  - Site access from Salome Church Road and West Pavilion Boulevard.
  - Accessory service windows will not be allowed on the site.
  - 0.57 acres to be dedicated for the future West Pavilion Boulevard Extension.
  - Large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
  - A northbound right-turn lane with a minimum of 100 feet of storage on Salome Church Road. Extension of the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.

- **Public Plans and Policies**
  - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site, and the Plan, as amended by Petition 2007-143 for a portion of the site, recommends office uses for the existing NS (neighborhood services) zoned portion.
  - This petition is inconsistent with the *Northeast Area Plan*.

---

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

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

### ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - This site meets minimum ordinance standards.

### OUTSTANDING ISSUES

- **Land Use**
  - The *Northeast Area Plan* (2000) recommends residential land uses up to 12 dwelling units per acre for the existing R-3 (single family) zoned portion of the site and the Plan, as amended by Petition 2007-143, recommends office uses for the existing NS (neighborhood services) zoned portion of the site. Therefore, the proposed use is inconsistent with the adopted plan and not appropriate for this location.
  - The petitioner should:
    1. Modify the proposed principal structure to front along North Tryon Street, with accessory pumps behind.

### Attachments Online at [www.rezoning.org](http://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
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Solomon Fortune  (704) 336-8326
Petition # 2014-095

Acreage & Location: Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.
Petition #: 2014-095
Petitioner: QuikTrip Corporation
Zoning Classification (Existing): R-3 & NS
(Single Family, Residential and Neighborhood Services)
Zoning Classification (Requested): B-1(CD)
(Neighborhood Business, Conditional)
Acreage & Location: Approximately 5.08 acres located on the north side of North Tryon Street between West Pavilion Boulevard and Salome Church Road.
REQUEST
Current Zoning:   R-3 (single family residential)
Proposed Zoning:   NS (neighborhood services)

LOCATION
Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue. (Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes to develop the subject property with up to 30,000 square feet of office, retail, personal services, and eating, drinking, and entertainment establishment uses allowed in the NS (neighborhood service) district. The site plan shows development options with and without the approval of a Post Construction Controls Ordinance (PCCO) variance.

PROPERTY OWNER
North Carolina Department of Transportation

PETITIONER
Lenox Development Group, 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: 25

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 South District Plan recommends residential land uses at up to three dwelling units per acre; and
- The General Development Policies support residential densities up to eight dwelling units per acre for this site.

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

- The proposed retail uses have not be objected to by the neighborhood; and
- It connects well to the existing retail development along Ardrey Kell Road;

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

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

1. Provided a cross-section and elevations for the proposed six-foot wooden fence to be located in a portion of the 44-foot Class "B" buffer.
2. Committed to a minimum office square footage of 25 percent.
3. Eliminated reductions to buffers abutting residential zoning and/or use.
4. Updated the site plan to reflect the approved variance for a 100-foot PCCO (Post Construction Controls Ordinance) buffer (approved October 16, 2014) and eliminated the architectural site plan page reflecting a 200-foot PCCO buffer.
5. Amended Note 2b under Permitted uses and Development Area Limitations to add the following as prohibited uses: animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites,
boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.

6. Replaced “restaurants” with “eating, drinking, entertainment establishments Type 1 and Type 2.”

7. Amended Note 2b under Access and Transportation to state that a left-turn lane and right-turn lane along Ardrey Kell Road will be installed along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.

8. Amended Note 5a under Streetscape, Buffers, Yards, and Landscaping to specify the portion of the site’s frontage along Ardrey Kell road where the existing sidewalk and planting strip will be preserved.

9. Amended Note 5b under Streetscape, Buffers, Yards and Landscaping to specify three different treatments along portions of the 44-foot Class “B” buffer, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees.

The following issues are outstanding:

1. Limit permitted uses to "personal services" as listed in Note 2(a), and/or office uses.
2. Reduce overall square footage from 30,000 to 20,000 square feet.
3. Add note committing building design to be residential in character.

VOTE

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<td>Yeas:</td>
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<td>Absent:</td>
<td>Walker</td>
</tr>
<tr>
<td>Recused:</td>
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</table>

ZONING COMMITTEE DISCUSSION

Staff provided an overview of the petition and indicated that though the list of prohibited uses had been expanded to further limit allowed uses, the proposed retail uses were inconsistent with the area plan’s land use recommendation. In addition, there were outstanding issues pertaining to a reduction of the overall square footage and architecture of the proposed development. Staff recognized that, while the size and orientation of the site is not conducive to single family detached dwellings as recommended per the adopted area plan, it qualifies for higher density residential (up to eight units per acre) per the General Development Policies or would be suitable for a small office development that is sensitive in form to the surrounding residential uses.

A committee member questioned why the outstanding issues had not been addressed. Staff responded that the petitioner had concerns about limitations with marketing the property if uses were limited. Committee members noted that the site is a remnant property that is not connected to the abutting residential neighborhood, and is difficult to develop. Committee members also indicated that members of the community have communicated that more retail along portions of
Ardrey Kell Road is desirable and although they agree with staff’s recommendation for limiting uses to personal services and/or office uses, the amount of retail square footage proposed is minimal and almost needed so that the site does not feel like a vacant node. It was further added that surrounding land uses contain retail uses, the site provides public open space, and the proposed site layout placing the building closer to the street and away from residential dwellings is preferred.

A committee member asked if Ardrey Kell Road is maintained by NCDOT and if there were additional transportation issues associated with the site. Staff responded the road is maintained by NCDOT and that CDOT is unaware of any problematic traffic issues related to this petition, adding that CDOT works with NCDOT to address congestion issues. Another member questioned if retail uses were a bigger trip generator than office uses, whereby staff answered that office and retail uses generate a similar number of trips per day at the density proposed for this rezoning.

**STAFF OPINION**

Staff disagrees with the recommendation of the Zoning Committee because the proposed retail use is inconsistent with the recommended land use set forth in the adopted area plan. However, the site qualifies for an increase in residential density of up to eight dwelling units per acre, which is compatible with the existing townhomes across Ardrey Kell Road. In addition, because the site is adjacent to residential uses outside of a retail center location, a small office development sensitive in form to its residential surroundings could be supported.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Maximum 30,000 square feet office, retail, personal services and eating, drinking, and entertainment establishments. Eating, drinking, and entertainment establishments are limited to 5,000 square feet in area. Minimum office square footage of 25 percent.
  - Prohibited uses include: accessory drive-through service windows, gasoline service stations with or without a convenience store, residential dwellings, animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction & demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1&2 with more than 5,000 square feet of gross floor area, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materials/stocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facility/radio station/television station.
  - Number of principal buildings not to exceed four.
  - Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
  - Surface parking disallowed between the buildings and Ardrey Kell Road.
  - Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
  - Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels, and/or wood.
Petition 2014-096  Zoning Committee Recommendation

Vinyl as a building material may only be used on windows, soffits, and handrail/railings.

- Building elevations reflecting architectural style and quality of the proposed building.
- Building facades facing Ardrey Kell Road to include a minimum of 40 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage. Site plan specifies the area to be preserved.
- A 44-foot Class "B" buffer with a solid decorative fence six feet in height will be provided abutting any existing single family use and/or zoning. Three different treatments along portions of the 44-foot buffer area are specified, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. Buffers may not be reduced.
- Cross-section and elevations provided for the proposed six-foot wooden fence to be provided in a portion of the 44-foot Class "B" buffer.
- Site plan reflects an approved variance for a 100-foot Post Construction Controls Ordinance buffer.
- Detached signage limited to five feet in height and 50 square feet in area.
- Detached lighting limited to 15 feet in height.

Public Plans and Policies
- The South District Plan (1993) recommends residential land uses up to three units per acre, and references the residential locational criteria of the General Development Policies (2003) for areas of higher density development. Because the site is adjacent to residential uses and outside of a retail center location, it may be conducive for higher density residential or a small office development that is sensitive in form to the surrounding residential uses.
- The General Development Policies (2003) support residential densities up to eight dwelling units per acre.

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<th>Assessment Criteria</th>
<th>Density Category - &gt;6 up to 8 dua</th>
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<td>Meeting with Staff</td>
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<td>Design Guidelines</td>
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<td>Other Opportunities or Constraints</td>
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<td><strong>Total Points Needed:</strong> 11</td>
<td><strong>Total Points: 11</strong></td>
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</table>

- The petition is inconsistent with the South District Plan.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Transportation: No issues.
- Charlotte-Mecklenburg Schools: No issues.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No comments received.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- **Land Use**
  1. The proposed use is inconsistent with the South District Plan recommendation for single family at three units per acre.
  2. The petitioner should:
     1. Limit permitted uses to “personal services” as listed in Note 2(a), and/or office uses.
     2. Reduce overall square footage from 30,000 to 20,000 square feet.
     3. Add note committing building design to be residential in character.

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

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

**Planner:** Sonja Sanders  (704) 336-8327
Petition # 2014-096

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.
Petition #: 2014-096
Petitioner: Lenox Development Group, LLC

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.
### Perspective Along Arroyo Bell Trail

#### **Purpose**

The perspective along Arroyo Bell Trail is a visual representation of the proposed trail and surrounding area, highlighting key features and elements. The perspective is created to provide a comprehensive view of the trail's alignment, natural features, and proposed improvements, allowing stakeholders and the public to understand the project's vision and impact.

#### **Features**

- **Trail Alignment:** The perspective shows the trail's path, following the contours of the landscape and integrating with natural elements such as plants and hills.
- **Natural Features:** Highlights the existing vegetation, water bodies, and other natural elements that will be preserved and enhanced along the trail.
- **Improvements:** Details the proposed improvements, including rest areas, signage, and other amenities that will enhance the trail's usability and user experience.
- **Surrounding Environment:** Provides a context for the trail within the broader landscape, showing how it relates to the surrounding area.

#### **Key Elements**

- **Trails:** The proposed trail network is shown, with distinct segments that allow for varied experiences and accessibility.
- **Vegetation:** Natural vegetation, including trees, shrubs, and grasses, is integrated into the trail design to create a harmonious and natural environment.
- **Water Features:** The trail passes by or integrates with existing water features, enhancing the aesthetic and ecological value of the area.
- **Rest Areas:** Proposed rest areas along the trail provide opportunities for rest, relaxation, and interaction with the surrounding environment.
- **Signage and Information:** Signage is included to provide information about the trail, its history, and important environmental or cultural features.

#### **Conclusion**

The perspective along Arroyo Bell Trail is a critical tool for visualizing the proposed improvements and understanding the project's impact on the natural and cultural landscape. It serves as a guide for planning, design, and public engagement, ensuring that the trail is not only functional but also a valuable asset to the community it serves.
## REQUEST

| Request | Current Zoning: UR-1(CD) (urban residential, conditional) | Proposed Zoning: R-5 (single family residential) |

## LOCATION

| Location | Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive. (Council District 2 - Austin) |

## SUMMARY OF PETITION

The petition proposes to allow all uses permitted in the R-5 (single family residential) district.

## PROPERTY OWNER

| Property Owner | Liberty Oak, Inc. |

## PETITIONER

| Petitioner | LGI Homes NC, LLC/Seth Yurman |

## AGENT/REPRESENTATIVE

| Agent/Representative | N/A |

## COMMUNITY MEETING

Meeting is not required.

## ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to DEFER this petition.

## VOTE

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

## FINAL STAFF ANALYSIS

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

### PLANNING STAFF REVIEW

- **Background**
  Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes, at a density of 6.64 units per acre).

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

- **Public Plans and Policies**
  - The Northwest District Plan (1990) recommends single family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
  - The petition is consistent with the Northwest District Plan.

## DEPARTMENT COMMENTS

(see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 28 students, while the development allowed under the proposed zoning will produce 40 students. Therefore, the net change in the number of students generated from existing zoning to
proposed zoning is 12 students.

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

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - There is no site plan associated with this conventional rezoning request.

**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner**: Claire Lyte-Graham (704) 336-3782
Petition #: 2014-101

Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.
Petition #: 2014-101
Petitioner: LGI Homes NC, LLC

Zoning Classification (Existing): UR-1(CD) (Urban Residential, Conditional)

Zoning Classification (Requested): R-5 (Single Family Residential)

Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-20-2014.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-20-2014.

 INSIDE CHARLOTTE CITY LIMITS

Requested R-5 from UR-1(CD)
### REQUEST
Current Zoning: None  
Proposed Zoning: UMUD (uptown mixed use)

### LOCATION
Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.  
(Council District 1 - Kinsey)

### SUMMARY OF PETITION
The petition proposes to allow all uses in UMUD (uptown mixed use).

### PROPERTY OWNER
CNM Enterprises, LLC

### PETITIONER
Charlotte-Mecklenburg Planning Department

### AGENT/REPRESENTATIVE
N/A

### COMMUNITY MEETING
Meeting is not required.

### STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

- The Plan recommends mixed residential and non-residential uses. Therefore, this petition is found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- The petition establishes the zoning for property that was former I-277 right-of-way; and

- The petition allows all uses in the UMUD (uptown mixed use) district;

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

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

### VOTE
Motion/Second: Ryan/Walker  
Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker

Nays: None

Absent: None

Recused: None

### ZONING COMMITTEE DISCUSSION
Staff reviewed the petition and noted that it is consistent with the Center City 2020 Vision Plan. There was no further discussion of the request.

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

### FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

### PLANNING STAFF REVIEW
- **Background**
  - The property is a remnant parcel resulting from the reconfiguration of the I-277/Caldwell Street right-of-way. Because the parcel was formerly NCDOT right-of-way, there was no zoning designation for the property.

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
• Public Plans and Policies
  • The Center City 2020 Vision Plan (2011) recommends mixed residential and non-residential uses.
  • The petition is consistent with the Center City 2020 Vision Plan.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: No issues.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)
• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • There is no site plan associated with this conventional rezoning request.

OUTSTANDING ISSUES
• No issues.

Attachments Online at www.rezoning.org
• Application
• Locator Map
• Pre-hearing staff analysis
• Charlotte Area Transit System Review
• Charlotte Department of Neighborhood & Business Services Review
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Charlotte-Mecklenburg Utilities Review
• Engineering and Property Management Review
• Mecklenburg County Land Use and Environmental Services Agency Review
• Mecklenburg County Parks and Recreation Review
• Urban Forestry Review

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.
Petition #: 2014-102
Petitioner: Charlotte-Mecklenburg Planning Department

Zoning Classification (Existing): None
(No Current Zoning)

Zoning Classification (Requested): UMUD
(Uptown Mixed Use District)

Acreage & Location: Approximately 0.59 acres located on the west side of East Stonewall Street between South College Street and South Caldwell Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-29-2014.
REQUEST
Current Zoning: R-3 (single family residential)
Proposed Zoning: UR-2 (CD) (urban residential, conditional)

LOCATION
Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane. (Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes to allow 45 single family attached dwelling units at a density of 8.2 units per acre.

PROPERTY OWNER
Numerous. See application on website.

PETITIONER
Weekley Homes LP, c/o Shannon Boling

AGENT/REPRESENTATIVE
Walter Fields

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

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

- The South District Plan recommends residential land uses for the site and the proposed density is slightly higher than the eight dwelling units per acre recommended by the General Development Policies.

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

- The petition is consistent with the South District Plan and the General Development Policies;

By a 6-1 vote of the Zoning Committee (motion by Commissioner Nelson seconded by Commissioner Eschert).

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

1. A note has been added that a pedestrian refuge will be provided along Endhaven Lane.
2. Freestanding lighting has been limited to 20 feet.
3. Possible on-street parking has been labeled and shown on the site plan.
4. Elevations have been provided for the facades facing Endhaven Lane.

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

ZONING COMMITTEE DISCUSSION
Staff presented this item and stated that all outstanding issues had been addressed. Staff reviewed the modifications to the site plan since the public hearing. One commissioner noted concerns about the proposal.

MINORITY OPINION
The minority of the Committee had concerns regarding the building frontage along Endhaven Lane not providing enough eyes on the public street and design of the overall project.
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:
  - Allows 45 for-sale single family attached dwelling units at a density of 8.2 units per acre.
  - Maximum building height limited to 40 feet.
  - Provides two parking spaces within garages for each unit.
  - Provides site access via driveway connection to Endhaven Lane with internal alleyways serving the units.
  - Provides front building elevations.
  - Specifies building materials to include brick, stone, and/or other masonry products and hardy plank or other similar siding materials. Prohibits vinyl as a siding material.
  - Prohibits blank walls exceeding 20 feet for all end units that have a side along Endhaven Lane.
  - Reserves the right to install ornamental fencing within the site for decoration and delineation of private open spaces.
  - Provides a 15-foot Class "C" buffer adjacent to single family residential uses and a ten-foot landscaped buffer adjacent to the British American School.
  - Provides internal sidewalks along the proposed alleyways and serving each dwelling unit.
  - A pedestrian refuge will be provided along Endhaven Lane.
  - Free standing lighting has been limited to 20 feet.
  - Possible area for on-street parking.

- **Public Plans and Policies**
  - The South District Plan (1993) recommends single family residential. The Plan references the residential locational criteria of the General Development Policies (GDP) for areas of higher density. The requested density of 8.2 units per acre is slightly greater than the density supported by the General Development Policies.

<table>
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<th>Assessment Criteria</th>
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<td>Meeting with Staff</td>
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<tr>
<td>Sewer and Water Availability</td>
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<tr>
<td>Land Use Accessibility</td>
<td>3 (High)</td>
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<td>Connectivity Analysis</td>
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<td>Road Network Evaluation</td>
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<td><strong>Design Guidelines</strong></td>
<td>4 (Yes)</td>
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<td>Other Opportunities or Constraints</td>
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<td><strong>Minimum Points Needed:</strong> <strong>11</strong></td>
<td><strong>Total Points:</strong> <strong>11</strong></td>
</tr>
</tbody>
</table>

- The proposed residential use is consistent with the South District Plan, but the proposed density of 8.2 units per acre is slightly higher than the maximum of eight (8) units per acre supported by the General Development Policies.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

Site Design: The following explains how the petition addresses the environmentally sensitive site
design guidance in the General Development Policies-Environment.
- This site meets minimum ordinance standards.

OUTSTANDING ISSUES

No issues.

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

Planner: Solomon Fortune (704) 336-8326
Acreage & Location: Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane.
Petition #: 2014-103
Petitioner: Weekley Homes, LP

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

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

Acreage & Location: Approximately 5.5 acres located on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane.
Charlotte, NC

ENDHAVEN

David Weekley Homes

BUILDING ELEVATIONS

ENDHAVEN TOWNHOMES
WEEKLEY HOMES, L.P.
CHARLOTTE, NC

REZONING PETITION: 2014-103

Project Manager: MDL
Designer: MDL
Completed By: MDL
Date: 8/25/14
Project Number: 16053

RZ-3
REQUEST
Current Zoning: CC (commercial center)
Proposed Zoning: CC SPA (commercial center, site plan amendment)

LOCATION
Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes a site plan amendment to allow modifications to and reallocation of development rights and reconfiguration of site layout.

PROPERTY OWNER
Quail Hollow Village, LLC

PETITIONER
Quail Hollow Village, LLC c/o Harris Land Company

AGENT/REPRESENTATIVE
Walter Fields

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

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

- The South District Plan recommends a mixture of retail, office and residential uses as amended by a previous rezoning.

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 proposed uses are largely unchanged from the prior plan except for the addition of by-right multi-family residential;

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

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

1. Amended Note E under permitted uses to read as follows: "Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted."

2. Replaced "restaurant" with "eating/drinking and entertainment establishments."

3. Deleted the following note under Permitted Uses: “For the purposes of determining individual development restrictions that may apply, the term 'restaurant' will be deemed to include both 'eating, drinking and entertainment establishments'. Specified that Type I and Type II eating/drinking and entertainment establishments are permitted.”

4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage.

5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows: General Character
   (a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location
and massing as the plan evolves further.

(b) The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily this will mimic design elements of what is called “Italianate” Mediterranean. All sides of the buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.

(c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.

(d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to about either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.

(e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.

(f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.

(g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

Buildings along Park Road

(a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.

(b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the functional address’ faces the internal side, these structures will be built to with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.

(c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.

(d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.
Buildings along Gleneagles

(a) Where the site slopes dramatically close to Park Road the structure will allow for a ‘base’ that accommodates street facing display windows, options for tenant and project identity, and extensive landscaping to soften the base edges.

(b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.

(c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.

(d) The building massing along Gleneagles next to Seven Eagles will have a base retail/commercial and upper level residential units. This creates a distinct street wall along the project’s internal drive setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.

6. Provided a definition for specialty retail as follows: ‘Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants.’

7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.

8. Added the following note related to conversion allowances:
   Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to provide a ‘maximum’ development amount for each of the development types allowed on the site subject to the total trip generation limitation below:
   a. Total maximum retail space including all retail types: 290,000 sq. ft.
   b. Total maximum office space including all office types: 205,000 sq. ft.
   c. Total maximum hotel rooms: 200
   d. Total maximum residential units at 22 du/ac: 420

9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.

10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.

11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.

12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.

13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.

14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan.
amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.

15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. It is anticipated that this lane can be developed within the existing median.

16. Amended the arrangement of building envelopes and eliminated Building Envelope D.

17. Amended the following notes under Architectural Standards General Character:
   a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
   b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.

18. Added the following notes under Architectural Standards General Character:
   a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
   b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
   c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
   d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.
   e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
   f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass.

19. Added the follow notes under Architectural Standards Buildings along Park Road:
   a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road.
Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet located in front of retail stores/commercial buildings will count toward open space.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an update on the petition noting that all outstanding issues have been addressed, and a number of commitments regarding streetscape and architectural standards have been added as requested by staff. The committee suspended the rules to question the petitioner’s agent about the height and location of the hotel, in addition to the revised site layout and building elevations.

The agent, Walter Fields, explained that the site was rearranged to remove massive buildings closer to both streets and eliminate parking along the frontage on Park Road and Glen Eagles, which allowed for the creation of an open space corridor into the site. Due to these changes, the hotel no longer fit and was relocated away from Glen Eagles Road to the rear of the site abutting ball fields for an elementary school. The hotel will adhere to the zoning ordinance regulations pertaining to building height.

Mr. Fields explained that there are topographical changes that cause the site to fall away from Park Road toward Glen Eagles Road. The site plan reflects views from both streets. A committee member questioned the parking spaces located between the building and street along Park Road. Mr. Fields responded that parking was left between the building and the street in this location in anticipation of retail activity associated with liner shops and an eating/drinking/entertainment establishment. A committee member asked about the parking on the Park Road side. Mr. Fields explained that the parking will be located underground.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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

**PLANNING STAFF REVIEW**

- **Background**
  - The subject property was rezoned from B-1SCD (business shopping center) to CC (commercial center) via Petition 2001-048 with the following conditions:
    - 120,000 square feet of office uses, 165,000 square feet of retail uses, and a 200-room hotel, within Building Envelopes A, B, C and D are allowed.
    - Prohibited uses include fast food restaurants, restaurants with drive-through window service, gas stations, convenience stores and automobile service facilities.
    - Up to 85,000 square feet of additional retail may be added by converting office square footage at a rate of one square foot of retail/restaurant floor area for one square foot of office floor area.
    - Up to 45,000 square feet of accessory retail/restaurant uses are permitted with the hotel.
    - Hotel rooms may be converted into residential dwelling units, at a rate of one hotel room per residential dwelling unit that is not constructed up to a maximum of 200 residential dwelling units.
    - Up to 20,000 square feet of additional office space may be added if fewer than 200 hotel rooms are developed, at a rate of 200 square feet of office space for each hotel room eliminated.
    - No individual tenant may occupy more than 45,000 square feet of floor area of a single building or space for retail use, except Building Envelopes B and C shall have no individual tenant that
The site plan amendment contains the following changes:

- **Site access provided via one right-in/right-out access on Park Road, and one right-in/right-out access and one full access on Glen Eagles Road.**
- **Class “B” buffers provided abutting residential zoning and/or land use to the north and east. The 56.25-foot wide buffer to the north will include a screen wall and the 37.5-foot wide buffer to the east will include a screen fence.**
- **Reflects an existing controlled private access from the Seven Eagles neighborhood.**
- **An eight-foot sidewalk and eight-foot planting strip to be provided along frontage on Park Road and Glen Eagles Road.**

### Proposed Request Details

The site plan amendment contains the following changes:

- **Reconfigures Building Envelopes A, B, and C and internal site configuration.**
- **Amends permitted uses to allow:**
  - 76,000 square feet of retail and eating/drinking/entertainment uses.
  - 60,000 square feet of office uses (30,000 square feet each of medical office and other office).
  - 100,000 square feet of specialty retail and related accessory uses.
  - A 200-room hotel.
  - 290 residential dwelling units that may include for-sale and rental units, including condominiums and/or townhomes. Maximum density of 22 units per acre.
- **Amends and allows new use/square footage conversions as follows:**
  - **Up to 85,000 square feet of retail and eating/drinking/entertainment establishment uses can be substituted for office uses, at a rate of one square foot of retail and eating/drinking/entertainment establishment floor area for one square foot of office floor area.**
  - **Up to 85,000 square feet of office floor area can be substituted for retail and eating/drinking/entertainment floor area, at a rate of one square foot of office floor area for one square foot of retail and eating/drinking/entertainment floor area.**
  - **Hotel rooms may be converted to office space, at the rate of one hotel room for 300 square feet of office floor area, up to a maximum of 30,000 square feet.**
  - **Hotel rooms may be substituted for residential units, at the rate of one hotel room for each residential unit, up to a maximum of 200 residential units.**
  - **Residential units may be converted to retail, eating/drinking/entertainment establishments, or office space, at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.**
- **Based on the conversion allowances, the following maximum development amounts apply for each development type:**
  - Total maximum retail space including all retail types is 290,000 square feet.
  - Total maximum office space including all office types is 205,000 square feet.
  - Total maximum hotel rooms is 200.
  - Total maximum residential units is 420, at 22 dwelling units per acre.
- **Amended building height to comply with the zoning ordinance requirements for the CC (commercial center) district, thus eliminating the four-story height restriction in Building Envelopes A, B, and C, and the two-story height limit for buildings adjacent to neighborhoods.**
- **Allows two uses with accessory drive-through service windows, only one of which may be for an eating/drinking/entertainment establishment.**
- **Eliminates open space/garden area component reflected in Building Area B.**
- **Increases size of a single retail use to 60,000 square feet on a single level.**
- **Adds a right-in/right-out site entrance on Park Road.**
- **Type I and Type II eating/drinking and entertainment establishments permitted.**
- **All development types and amounts and conversion rights are subject to a total trip generation of 13,250 vehicles.**
- **Petitioner to construct an additional eastbound through lane on Glen Eagles Road along the site’s frontage starting from Park Road and extending to the eastern most access where it will terminate as an eastbound right-turn lane.**
- **Providing a six-foot sidewalk and eight-foot planting strip along frontages on Park Road and Glen Eagles Road. Sidewalk may meander to add variety to the streetscape.**
- **Providing a concrete bench pad for a new bus stop to be constructed by the petitioner, the location of which will be determined in conjunction with CATS during the development review and permitting process.**
- **Deleted a listing of what provisions the restrictive covenants will establish.**
- **Eliminated Access Drives A and B and the restriction of parking between Access Drive A and buildings located along the drive due to reconfiguration of site layout.**
- **Added 20-foot height limitation for free standing lighting located between buildings and the
residential properties to the east to 20 feet.
- Added service hour limitations for deliveries and trash collection to the hours of 6:00 a.m. to 9:00 a.m. for buildings located in Building Envelopes A and B

- **Public Plans and Policies**
  - The South District Plan (1993), as amended by previous rezoning petition 2001-48, recommends a mixture of retail, office, and residential uses.
  - The petition is consistent with the South District Plan.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System**: No issues.
- **Charlotte Department of Neighborhood & Business Services**: No issues.
- **Transportation**: No issues.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)
- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by providing pedestrian facilities beyond required.

**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
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner**: Sonja Sanders  (704) 336-8327
Acreage & Location: Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.
Petition #: 2014-106
Petitioner: Quail Hollow Village, c/o Harris Land Company

Zoning Classification (Existing): CC (Commercial Center)

Zoning Classification (Requested): CC (S.P.A.) (Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 19.13 acres located at the southeast corner of the intersection between Park Road and Gleneagles Road.
The elevations associated with the buildings to be located within the building envelope are included to reflect the spine of the architectural style only and may change in location and massing as the plan evolves further.
**REQUEST**

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

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

**LOCATION**

Approximately 3.32 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road. (Council District 5 - Autry)

**SUMMARY OF PETITION**

The petition proposes to allow up to three commercial buildings on three individual lots.

**PROPERTY OWNER**
Fifth Third Bank

**PETITIONER**
Cambridge Properties, Inc.

**AGENT/REPRESENTATIVE**
George Maloomian and Jay Priester

**COMMUNITY MEETING**
Meeting is required and has been held. Report available online.

Number of people attending the Community Meeting: 5

**STATEMENT OF CONSISTENCY**

A portion of this petition is found to be inconsistent with the *Eastside Strategy Plan* and a portion of this petition is found to be consistent with the *Eastside Strategy Plan*, based on information from the staff analysis and the public hearing, because:

- A portion of the property is recommended for retail and a portion of the property is recommended for institutional.

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

- The proposed request will allow for a more consistent development pattern with similar development requirements;

By a 6-1 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Walker).

---

**ZONING COMMITTEE ACTION**

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

1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced “restricted” with “prohibited” in the first sentence under Permitted Uses.

2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. **Staff is rescinding this request and agrees with the petitioner’s rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follows:**
   a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building.
   b. Commitment to a 2’-8” brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow.
   c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road.

3. The petitioner has labeled all elevations as shown on Sheet RZ3.1.

4. The petitioner has included revised elevations for each proposed building including typical side elevations and brick detail.
5. The heading PCCO Treatment has been renamed Environmental Features.
6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
7. The heading Sideyards/ Buffers has been removed from the site plan.
8. The site plan has been modified to state signage will be per ordinance.
9. Addressed CDOT and Storm Water comments as follows:
   a. Addressed CDOT’s request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).
   b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."
10. Modified the height of the proposed screen wall along Albemarle Road to read as 2'-8", which was previously noted as 2.5 ft.
11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, lawn/setback, shrub hedgerow with 2'-8" brick wall).

VOTE

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

ZONING COMMITTEE DISCUSSION

Staff presented this item to the Committee, noting that all outstanding issues had been addressed by the petitioner. A Commissioner inquired if a greenhouse used to be in operation on this site (Norwood Garden Center), and staff responded that use had indeed previously existed on the rezoning site. There was no further discussion of the petition.

MINORITY OPINION

Commissioner Ryan noted that this proposal constitutes a strip shopping center and that the City can do better than this proposed development.

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

- Background
  - Rezoning petition 1992-070 rezoned approximately 3.39 acres from R-3 (single family residential) to B-1(CD) (neighborhood business, conditional) in order to allow a plant nursery and garden center with a maximum building area of 30,000 square feet. The existing single
family home directly to the west was part of the rezoning.

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Allows up to three (3) separate parcels (Parcels 1, 2, and 3), with each lot having its own individual building footprint and associated parking area.
  - Allows a total maximum building square footage of 20,000 square feet for all three parcels combined.
  - Allows all uses in the B-1 (neighborhood business) zoning district, except the following uses will be prohibited:
    - Land clearing and inert debris landfills (LCID);
    - Construction and Demolition (C & D) Landfills;
    - Automotive service stations selling gasoline and diesel fuel;
    - Jails and prisons;
    - Heavy automotive repair shops. This does not prohibit minor automotive adjustments, repairs and/or lubrications;
    - Car washes;
    - Tattoo parlors;
    - Smoke shops;
    - Pawn shops; and
    - Check cashing stores.
  - Allows no more than one (1) drive through window within the site.
  - Proposes 2’-8” knee wall constructed of brick with a shrub hedgerow along the front of each parcel and parallel to Albemarle Road.
  - Provides a 41-foot Class “B” buffer along property lines adjacent to a residential use and/or zoning. A Class “C” buffer may be required along a portion of the northern property line that abuts acreage owned by Cornerstone Baptist Church (parcel 10910206), depending upon the proposed use of the developed parcel. Buffers may be reduced by 25% with installation of a fence.
  - Proposes left-in/right-in/right-out driveway providing access onto Albemarle Road with proposed left-turn lane into the site.
  - All three (3) parcels within the site will have vehicular and pedestrian interconnectivity and cross-access easements.
  - Provides stub connections to the adjacent parcels to the east and west for possible future interconnectivity.
  - Installs a minimum six-foot sidewalk and eight-foot planting strip along Albemarle Road measured from back of curb. If sidewalk cannot be installed in the NCDOT right-of-way, petitioner will install the sidewalk within the site along the right-of-way line within Albemarle Road.
  - All elevations fronting Albemarle Road to be treated with a minimum of 35% fenestration.
  - All exterior walls to be constructed with a minimum of 70% masonry products including any combination of brick.

- **Public Plans and Policies**
  - The portion of the petition currently zoned R-3 (single family residential) is inconsistent with the *East Strategy Plan*. The portion of the petition zoned B-1(CD) (neighborhood business, conditional) is consistent with the *East District Plan*.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

• **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  • This site meets minimum ordinance standards.

OUTSTANDING ISSUES

• No issues.

Attachments Online at [www.rezoning.org](http://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
• Charlotte-Mecklenburg Utilities Review
• Engineering and Property Management Review
• Mecklenburg County Land Use and Environmental Services Agency Review
• Mecklenburg County Parks and Recreation Review
• Urban Forestry Review

**Planner:** Claire Lyte-Graham  (704) 336-3782
Acreage & Location: Approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.

Rezoning Petition: 2014-111

Vicinity Map

INSIDE CHARLOTTE CITY LIMITS

Charlotte City Limits

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

Charlotte City Limits

November 3, 2014
**Petition #: 2014-111**

**Petitioner:** Cambridge Properties, Inc.

**Zoning Classification (Existing):** R-3 & B-1(CD)

(Single Family, Residential and Neighborhood Business, Conditional)

**Zoning Classification (Requested):** B-1(CD) & B-1(CD) S.P.A.

(Neighborhood Services, Conditional and Neighborhood Services, Conditional, Site Plan Amendment)

**Acreage & Location:** Approximately 3.31 acres located on the north side of Albemarle Road between Hollirose Drive and Circumferential Road.
NOTE:

1. The parcel site is located outside of the 100-year floodplain.

3. According to the Federal Emergency Management Agency's flood insurance map,依照2016年10月30日, the subject flood plain, known as the "100-year floodplain, in the City of Charlotte, Mecklenburg County, North Carolina, Community Panel No. 2014-0739, must be avoided in the planning process.

2. In cases where the FEMA Regulations are applicable, the subject flood plain, known as the "100-year floodplain, in the City of Charlotte, Mecklenburg County, North Carolina, Community Panel No. 2014-0739, must be avoided in the planning process.

NOTE:

Building locations and parking areas are shown for illustrative purposes only and may be changed provided the building meets the building envelope.

As per Section 5.3 of the Rezoning Plan, the parcel site is not to be used for construction, as permitted by R-10 (Zoning).

Revised

November 20, 2014

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

REZONING PLAN

FOR

SITE PLAN

HOLLIROSE DEVELOPMENT

RZ-2.0

1" = 30'
2014-0739
November 20, 2014

DATE

REVISIONS

MARK

1. GENERAL PROVISIONS

a. The development described in this plan is intended to reflect the development standards and design guidelines established by the City of Charlotte for the Hollirose Development. The development standards and design guidelines are intended to ensure a safe and functional community.

b. The development standards and design guidelines are intended to ensure a safe and functional community.

2. PURPOSE

The purpose of this plan is to provide a basis for the development of Hollirose Property. The plan includes site planning, land use, transportation, and utilities. The plan is intended to guide the development of the property in a manner that is consistent with the development standards and design guidelines established by the City of Charlotte.

3. HISTORICAL TRACES

a. Historical traces are shown on the plan. These traces are intended to provide a basis for the development of the property in a manner that is consistent with the development standards and design guidelines established by the City of Charlotte.

4. VISUAL IMPACT

a. The visual impact of the development is intended to be minimized. The plan includes design guidelines that are intended to ensure a safe and functional community.

5. STREETCARE AND LANDSCAPE

a. The streetcare and landscape guidelines are intended to ensure a safe and functional community.

6. ENVIRONMENTAL FEATURES

a. The development is intended to be environmentally sustainable. The plan includes design guidelines that are intended to ensure a safe and functional community.

7. Figure

The figure shows the development of the property in a manner that is consistent with the development standards and design guidelines established by the City of Charlotte.
City of Charlotte, Mecklenburg County, North Carolina

Rezoning Plan

For Building Elevations

Hollis Rose Development

RZ-3.1

1" = 30'

Parcel 1 Architectural Rendering (Facing Albemarle Road)

Parcel 2 Architectural Rendering (Facing Albemarle Road)

Parcel 3 Architectural Rendering (Facing Albemarle Road)

Parcel 1 Architectural Rendering (East Side Wall Typ.)

Parcel 2 Architectural Rendering (East Side Wall Typ.)

Parcel 1 Architectural Rendering (East Side Wall Typ.)

Brick Detail

Parcel 3 Architectural Rendering (West Side Wall Typ.)
REQUEST

Current Zoning: NS, neighborhood services
Proposed Zoning: NS SPA, neighborhood services, site plan amendment

LOCATION

Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road. (Council District 3 - Mayfield)

SUMMARY OF PETITION

The site plan amendment proposes to allow for additional uses on the site to include up to 6,000 square feet of retail and/or automobile services, and to increase the square footage of a previously approved office building from 29,000 square feet to 30,000 square feet.

STAFF RECOMMENDATION

Staff does not support this petition in its current form. The approved office building is consistent with the Steele Creek Area Plan. However, the proposed retail automobile service center is inconsistent with the office uses recommended per the Steele Creek Area Plan.

PROPERTY OWNER

Moss Road Development Partners, LLC

PETITIONER

Moss Road Development Partners, LLC

AGENT/REPRESENTATIVE

Walter Fields

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1

PLANNING STAFF REVIEW

- **Background**
  - The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the Southwest District Plan, which recommended single family residential up to three dwelling units per acre.

- **Proposed Request Details**
  - The site plan amendment contains the following changes:
    - Amends permitted uses to allow all uses in the NS (neighborhood services) district.
    - Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
    - Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
    - Modifies a development note currently committing to a minimum parking ratio of one space per 200 square feet of floor area for medical office and/or bank uses and one parking space per 300 square feet of floor area for office uses, to now state that parking will meet or exceed the requirements of the Ordinance. The NS (neighborhood services) district requires one space per 600 square feet for non-residential uses.
    - Removes 25-foot height maximum for detached lighting.
    - Provides elevations of the proposed automotive services building.

- **Existing Zoning and Land Use**
  - The site is currently undeveloped and surrounded by a mix of attached and detached single family residential neighborhoods, multi-family residential, institutional, commercial, office, and warehouse uses, and undeveloped acreage on properties zoned various zoning districts.

- **Rezoning History in Area**
  - Rezoning petition 2009-002 rezoned approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 (single family residential) to I-1(CD) (general industrial, conditional), in order to allow the continuance of a public utility use
on the site with the addition of a contractor’s office within a recently renovated 20,000-square-foot building.

- **Public Plans and Policies**
  - The Steele Creek Area Plan (2012) recommends office land uses for this site.
  - The portion of the request involving the previously approved office building is consistent with the Steele Creek Area Plan. The retail portion of the petition is inconsistent with the Steele Creek Area Plan.

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

- **Charlotte Area Transit System:** CATS has requested that the petitioner provide and construct a concrete waiting pad for the existing bus stop along South Tryon Street. The bus stop location may move to avoid blocking the proposed driveway. However, the bus stop location should remain outside of either right-turn lane to the new driveway or to Moss Road, since bus routes serving the stop continue straight on South Tryon Street. CATS has provided an image of the standard detail for the requested bus stop pad. The site plan may either show the conceptual location of the improved bus stop on South Tryon Street, or alternatively, include a development note to locate the bus stop pad during the development review and permitting process.

- **Charlotte Department of Neighborhood & Business Services:** No comments received.

- **Transportation:**
  - CDOT will require that the petitioner extend the existing eastbound right-turn lane on South Tryon Street, back to the proposed driveway and use pavement markings to create a median curb radius extension and right-turn lane bay taper (depiction provided in CDOT memorandum).

- **Vehicle Trip Generation:**
  - Current Zoning: 1,500 trips per day.
  - Proposed Zoning: 650 trips per day.

- **Connectivity:** See comment above.

- **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:** Storm Water Services has requested that the following note be placed on the site plan under “Environmental Features”: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”

- **Charlotte-Mecklenburg Utilities:** No issues.

- **Engineering and Property Management:** The petitioner should address the following:
  - Correct the typographical error in the note under the Environmental Features heading to read: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review…”
  - Existing trees must be preserved to meet tree save requirements per Charlotte Tree Ordinance Section 21-94.

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

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

- **Urban Forestry:** No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - This site meets minimum ordinance standards.
OUTSTANDING ISSUES

- Land use
  1. The retail portion of the rezoning request is inconsistent with the Steele Creek Area Plan, which recommends office.
- If this petition is considered for approval, the petitioner should:
  1. Provide a Development Data Table and include proposed use(s) and maximum building height.
  2. Limit uses to personal services and eliminate retail uses.
  3. Ensure the labelling on the site plan is correct with respect to development notes pertaining to streetscape commitments along Moss Road.
  4. Address CATS, CDOT, Engineering and Property Management, and Storm Water Services comments.
  5. Limit maximum height of detached lighting to 25 feet and note light fixtures will be full cut-off and downwardly directed.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.

Rezoning Petition: 2014-042

<table>
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<tr>
<th>Major Roads</th>
<th>FEMA flood plain</th>
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<tr>
<td>Collector Roads</td>
<td>Watershed</td>
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<tr>
<td>Charlotte City Limits</td>
<td>Lakes and Ponds</td>
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<td>Creeks and Streams</td>
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November 3, 2014
Petition #: 2014-042
Petitioner: Moss Road Development Partners, LLC

Zoning Classification (Existing): NS (Neighborhood Services)

Zoning Classification (Requested): NS (S.P.A.) (Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 2.84 acres located on the southwest corner at the intersection of South Tryon Street and Moss Road.
Previously Approved Site Plan
REQUEST  
Current Zoning: B-1(CD), neighborhood business, conditional  
Proposed Zoning: NS, neighborhood services  

LOCATION  
Approximately 10 acres located on the northeast at the intersection of  
North Community House Road and Bryant Farms Road.  
(Council District 7 - Driggs)  

SUMMARY OF PETITION  
The petition proposes to allow the development of a multi-use  
community consisting of up to 15,000 square feet of non-residential  
uses and up to 194 residential units.  

STAFF RECOMMENDATION  
Staff recommends approval of this petition upon the resolution of the  
outstanding issues. The non-residential portion of this petition is  
consistent with the retail land use recommendation in the South  
District Plan, but the residential portion is inconsistent with the area  
plan. Although the proposed development is not consistent with the  
South District Plan, if the significant outstanding design issues for the  
non-residential component are addressed, the development will  
provide a well-designed and integrated multi-use development.  

PROPERTY OWNER  
Harris Teeter, LLC, CMH-DWH Ballantyne, LLC, and Terwilliger Pappas  
Multifamily Partners, LLC  

PETITIONER  
Terwilliger Pappas Multifamily Partners, LLC  

AGENT/REPRESENTATIVE  
Jeff Brown & Keith Mac Vean / Moore Van Allen  

COMMUNITY MEETING  
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 44  

PLANNING STAFF REVIEW  
• Background  
  • Petition 1991-037(C) approved up to 70,000 square feet of B-1 uses with the following  
    provisions:  
    • A 50-foot landscape buffer along North Community House Road.  
    • A 40-foot front setback along Bryant Farms Road.  

• Proposed Request Details  
The site plan accompanying this petition contains the following provisions:  
• Allows for 15,000 square feet of non-residential uses and 194 units at a density of 19.4 units  
  per acre within two development areas.  
  • Area “A,” which allows non-residential uses:  
    • Maximum of two buildings.  
    • Non-residential buildings limited to two stories in height.  
    • A note limiting the site to one accessory service window.  
    • A note that limits access to development Area “A” from the internal drive.  
  • Area “B,” which allows for residential development:  
    • Residential buildings limited to three stories in height.  
    • One-story garages associated with the residential units.  
    • Residential building elevations.  
    • Maximum of three buildings in development Area “B.”  
    • Possible residential building materials that will consist of brick, stone, pre-cast concrete,  
      pre-cast stone, cementation siding, stucco, EIFS, and decorative block.  
    • Detached lighting in Area “B” will be limited to 15 feet in height between the building  
      and any exterior property line but 20 feet internal to the site.  
    • A 40-foot landscape buffer, of which 25-feet will be undisturbed, adjacent to the existing  
      single family.  
    • A minimum of 1.25 parking spaces per residential unit.
• General:
  • A 25-foot landscape buffer along North Community House Road and Bryant Farms Road.
  • Eight-foot planting strip and six-foot sidewalk along all public streets.
  • A public or private street internal to the site.
  • Prohibition of vinyl as a building material except for window trim and soffits.
  • Enhanced landscape buffer/planting note with specific plantings.
  • Attached and detached lighting will be fully screen and full cut off fixture.
  • Access to the site via North Community House Road and Bryant Farms Road.
  • Transportation improvements:
    • Proposed leftover along North Community House Road.
    • Southbound directional crossover on Community House Road.
    • Proposed right-turn lane into the site’s northern most driveway.
    • Proposed deceleration lane with 50 feet of storage along Bryant Farms Road.

• Existing Zoning and Land Use
  • The subject property is currently zoned B-1(CD) (general business, conditional) and is vacant. The properties to the north, east, and west are zoned R-3 (single-family) and R-12 PUD (single family residential, planned unit development) and developed with residential structures and a school. The property to the south is zoned INST (institutional) and developed with institutional uses for the YMCA.

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

• Public Plans and Policies
  • The South District Plan (1993) recommends retail for the subject property. The area plan references the residential locational criteria of the General Development Policies (2003) to assess density of proposed development.
  • The General Development Policies (2003) support residential densities up to six dwelling units per acre for the site.
  • The proposed retail is consistent with the land use recommendations of the South District Plan; however, the proposed residential is inconsistent with the land use recommendation of the South District Plan and the General Development Policies.

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<td><strong>Total Points:</strong></td>
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DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No comments received.
• Transportation: No issues.
  • Vehicle Trip Generation:
    • Current Zoning: 8,100 trips per day.
    • Proposed Zoning: 3,100 trips per day.
  • Connectivity: 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 38 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 38 students.
• Charlotte-Mecklenburg Storm Water Services: Petitioner should remove notes 6c and 6d under
“Environmental Features” in their entirety.

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

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - This site meets minimum ordinance standards.

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**OUTSTANDING ISSUES**

- **Development Area A**
  - The petition lacks the detail typically included on a conditional rezoning for the approximately two-acre portion of the site that is located at the intersection of North Community House Road and Bryant Farms Road and is proposed for non-residential uses. There are, however, sufficient details provided for the remainder of the site planned for multi-family. These details include a site plan, elevations, and architectural commitments.
  - Conditional rezonings typically include:
    - Detailed site plan and conceptual elevations with supplemental notes to support the intent of the illustrations, or
    - Detailed notes that address permitted uses, building placement, building orientation, parking location, service and dumpster locations, pedestrian amenities, drive thru circulation and screening, lighting heights specifically when adjacent to residential, and architectural treatment.
  - Additional details are needed for the non-residential portion of the proposed rezoning to ensure that the site design is consistent with the purpose of the NS (neighborhood services) zoning district to encourage and accommodate the development and continued existence of mixed use districts, which provide a focus for neighborhood retail and service activities. Emphasis in the district is placed upon creating a pedestrian scale urban environment with strong linkages to the neighborhood and access to transit.
  - Specifically, the petitioner should:
    1. Prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses.
    2. Add a note that commits to placing the building(s) along Community House Road and Bryant Farms Road, with no parking located between the building(s) and the streets.
    3. Provide minimum standards for blank walls visible from Community House Road and Bryant Farms Road, with facades greater than 20’ in length and over 5’ in height treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.
    4. Add a note that a where a drive-through window is allowed, only the drive-through service lane (no parking) may be located between the building and North Community House Road and Bryant Farms Road, and that low walls and accent plantings be provided when maneuvering is located in this area.
    5. Commit to not orienting the service side of the building(s) to Community House Road or Bryant Farms Road.
    6. Add a note stating that solid waste/recycling areas will not be allowed to abut Community House Road or Bryant Farms Road unless such areas area enclosed by a wall treatment similar to the architecture of the building.
    7. Commit to providing pedestrian connections between the multi-family component and the non-residential uses.
    8. Amend Note 5.B to remove the allowance for parking in the 25-foot setback for Area “A”.

- **Development Area B**
  The petitioner should:
  10. Label possible dumpster locations for Area “B”.
  11. Add a note that buildings in Area “B” will be 30 percent masonry material on each side.
12. Show and label location of dog walk area referenced in Note 2.D.
13. Show where additional garages may be located along the rear property line.
14. Provide detail of the required plantings for the 25-foot landscape buffer.

- Additional Issues
  The petitioner should:
  15. Amend Note 5.C to remove the following: “The petitioner may also post a bond for these improvements in order to allow the certificates of occupancy to be issued”.
  16. Address Storm Water comment.

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

Planner: Solomon Fortune (704) 336-8326
Petition #: 2014-074

Acreage & Location: Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.

Rezoning Petition: 2014-074

November 24, 2014
Petition #: 2014-074
Petitioner: Terwilliger Pappas Multifamily Partners, LLC

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

Zoning Classification (Requested):  NS
(Neighborhood Services)

Acreage & Location:  Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.
Previously Approved Site Plan
REQUEST

Current Zoning: UR-2(CD) (urban residential, conditional)
Proposed Zoning: UR-2(CD) SPA (urban residential, conditional, site plan amendment)

LOCATION

Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. (Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to allow the construction of eight multi-family residential dwelling units for an increase in the total number of units on the site from 16 to 24, and an increase in density from 13.2 units per acre to 19.8 units per acre.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The proposed residential use is consistent with the Central District Plan, but the proposed density exceeds the recommended density of up to 17 units per acre. However, the site fronts a major thoroughfare and the proposal is a minor expansion of an existing development.

PROPERTY OWNER

Park Selwyn, LLC

P ETITIONER

Park Selwyn, LLC

AGENT/REPRESENTATIVE

Jeff Brown, Keith MacVean, Moore & Van Allen

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

- Background
  - The site plan approved with Petition 1999-034 and administratively amended in 1999 contains the following conditions:
    - Allowed the construction of 16 multi-family dwelling units in three buildings at a density of 13.2 units per acre.
    - Limits the maximum building height to 44 feet, 6 inches.
    - Provides parking at a rate of 1.5 spaces per unit.
    - Screening in the form of a six-foot high fence along the rear property line.
    - Specification of exterior building finish shall be a combination of brick and siding.
    - Preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.
    - Limits height of parking area lighting to ten feet and designed to direct light away from or shield light from residential area.
    - Placement of large maturing trees in the rear yard.
    - Specifies that rear building elevations shall consist of all masonry veneer and may be accented with siding on the perpendicular areas not facing Hassell Place residents.
    - Required the lower/eastern portion of the site aside for dedication to Mecklenburg County Parks and Recreation and stipulates the dedication will occur prior to the issuance of any certificate of occupancy.
    - Commits to the construction and completion of the screening wall following the site work and grading prior to further development of the site.
    - Prohibits exterior construction work on Sundays.

- Proposed Request Details
  The site plan amendment contains the following changes:
    - Increases the number of total dwelling units from 16 to 24 by allowing the construction of a fourth building containing eight units for an increase in density from 13.2 units per acre to 19.8 units per acre.
    - Removes the specified building height to allow height per the Zoning Ordinance standards and specifies that the building will have a three-story elevation as seen from Woodlawn.
    - Continues/extends the existing six-foot screening wall along the rear property line and commits
to the construction of the wall prior to development of the new building.  
- Provides building design, scale and architecture for the new building to match the existing buildings.  
- Specifies that the dedication of the lower/eastern portion of the site to Mecklenburg County Parks and Recreation will take place prior to the issuance of a building permit for the new building.  
- Removes the notes committing to the preservation of the lower/eastern portion of the site and floodplain as undisturbed open space.  
- Removes the note requiring the installation of residential type building sprinklers.  
- Removes the note requiring the installation of large maturing trees in the rear yard.  
- Removes the note requiring a minimum building separation of 14 feet.  
- Removes the note prohibiting exterior construction work on Sundays.

**Existing Zoning and Land Use**  
- The site is currently used for multi-family residential, with 16 existing dwelling units.  
- The property to the north and east of the site is zoned R-3 (single family residential) and R-5 (single family residential) and is developed with single family homes, duplexes and a church. Property to the south is zoned R-17MF (CD) (multi-family residential, conditional) and developed with a 17-unit, multi-family building for a density of 11.4 units per acre. Property to the west is zoned B-1 and developed with a mix of non-residential uses.

**Rezoning History in Area**  
- Petition 2014-028 rezoned property located at the southeast corner of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow 150 residential dwelling units at a density of 89.2 units per acre with potential ground floor nonresidential uses, in a mid-rise building.

**Public Plans and Policies**  
- The Central District Plan, as amended by rezoning petition 1999-034, recommends multi-family residential use at a density of 17 units per acre.  
- The petition is consistent with the Central District Plan recommendation for land use but inconsistent with the recommended density. However, the site is located on a major thoroughfare, and is a minor expansion of existing development.

**DEPARTMENT COMMENTS** (see full department reports online)  
- Charlotte Area Transit System: No issues.  
- Charlotte Department of Neighborhood & Business Services: No issues.  
- Transportation: No issues.  
  - **Vehicle Trip Generation:**  
    - Current Zoning: 100 trips per day.  
    - Proposed Zoning: 140 trips per day.  
  - **Connectivity:** Not applicable.  
- Charlotte Fire Department: No issues.  
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would generate 12 students, while the development allowed under the proposed zoning will produce an additional six students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 6 students.  
- Charlotte-Mecklenburg Storm Water Services: No issues.  
- Charlotte-Mecklenburg Utilities: No issues.  
- Engineering and Property Management: No issues.  
- Mecklenburg County Land Use and Environmental Services Agency: No issues.  
- Mecklenburg County Parks and Recreation Department: No issues.  
- Urban Forestry: No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
  1. Dedicate the lower portion of the property as indicated on the previous site plan from rezoning petition 1999-34 to Mecklenburg County Parks and Recreation prior to the rezoning decision.
  2. Amend the site plan to show the area dedicated to Parks and Recreation once the dedication is completed.
  3. Label the proposed wall along the eastern edge of the site abutting the park and recreation open space area.
  4. Amend Note 4.d. to include the wall along the eastern edge of the site.
  5. It appears the steps encroach into the 50-foot right-of-way. Clearly identify the setback and right-of-way lines on the site plan. An encroachment agreement from CDOT is required if features extend into the right-of-way.
  6. Provide a note requiring the installation of large maturing trees in the rear yard.

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

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2014-078

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.
Petition #: 2014-078
Petitioner: Park Selwyn, LLC

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

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

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.
Note: These elevations are 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 these illustrations as long as the general architectural concepts and intent illustrated is maintained.
Previously Approved Site Plan
REQUEST
Current Zoning: B-2, general business
Proposed Zoning: B-D(CD), distributive business, conditional

LOCATION
Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane. 
(Council District 5 - Autry)

SUMMARY OF PETITION
The petition proposes the reuse of an existing 42,010-square foot building for a self-storage facility, truck rental facility and accessory office space.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the Eastland Area Plan; however, the proposed use will have minimal impact on the surrounding area, and the reuse of the existing building will support reinvestment in the Albemarle Road corridor.

PROPERTY OWNER
U-Haul Real Estate Company

PETITIONER
U-Haul Company of Charlotte

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: 2

PLANNING STAFF REVIEW

- Background
  - The subject property is a former United States Post Office warehouse building that is currently used for a truck rental facility. The request will allow the majority of the building to be used for self-storage along with offices and the existing truck rental use.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows a maximum of 42,010 square feet for reuse of an existing building as a self-storage and truck rental facility, and related accessory office uses.
  - Vehicular access provided via existing driveways along Farm Pond Lane and Albemarle Road.
  - New façade elevations.
  - 12-foot Class "C" buffer along a portion of the southern property edge.
  - Proposed six-foot high screening fence along a portion of the southern property boundary.
  - Proposed screening fence detail.
  - Rooftop mechanical equipment will be screened from the view of the public right-of-way.
  - Detail of the proposed screening for rooftop mechanical equipment.
  - Maximum building height of 40 feet.
  - Detached lighting will be limited to 25 feet in height. Any new detached or attached lighting will be decorative, capped and downwardly directed.
  - Dedication of a 100-foot wide easement within the SWIM buffer near the western property boundary to Mecklenburg County Park and Recreation.

- Existing Zoning and Land Use
  - An existing building is located on the subject property which is zoned B-2 (general business) and is currently used for a truck rental facility. The surrounding properties are zoned B-2 (general business) and O-1 (office) and developed with commercial structures. The property to the southeast is zoned R-17MF (multi-family residential) and developed with residential multi-family dwellings.

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

- Public Plans and Policies
  - The Eastland Area plan 2003 recommends retail and greenway/park/open space for the subject property.
  - This petition is inconsistent with the Eastland Area Plan as the proposed storage facility is
considered an industrial use and not a retail use.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: 1,030 trips per day.
    Proposed Zoning: 100 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
  1. Remove the commitment to dedicate land to Mecklenburg County Park and Recreation for greenway, as the area is not located on the property to be rezoned.
  2. Remove the commitment for the screening fence, as it is not located on the property to be rezoned.
  3. Revise Note 2 under Architectural Standards to limit the maximum building height to 40 feet so that it is consistent with the information in the Development Data Table.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326
Petition #: 2014-108

Acreage & Location: Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.
Petition #: 2014-108
Petitioner: U-Haul Company of Charlotte

Zoning Classification (Existing): B-2
(General Business)

Zoning Classification (Requested): B-D(CD)
(Distributive Business, Conditional)

Acreage & Location: Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.
REQUEST

Current Zoning: UR-C(CD)(PED) (urban residential-commercial, conditional, pedestrian overlay), B-1(PED) (neighborhood business, pedestrian overlay) and R-8 (single family residential)

Proposed Zoning: MUDD-O(PED) (mixed use development, optional, pedestrian overlay) and MUDD-O (mixed use development, optional)

LOCATION

Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street. (Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to allow a mixed use development including a 270,000-square foot building, a 187,450-square foot parking structure with up to 4,000 square feet of commercial uses on the street level, and up to eight single family attached dwelling units.

STAFF RECOMMENDATION

Staff does not recommend approval of this petition in its current form. The petition is consistent with the Midtown Morehead Cherry Area Plan land use recommendations for the majority of the site but inconsistent with the Plan’s recommendations for height, setbacks, streetscape standards, and residential use and density on Cherry Street. Although the land use is generally consistent, the deviations from the adopted plan recommendations are too great for staff to support the project as proposed.

PROPERTY OWNER

Midtown Area Partners II, LLC and Stonehunt, LLC

PETITIONER

Midtown Area Partners II, LLC

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: 6

PLANNING STAFF REVIEW

Background

- Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
- Petition 2012-050 established the PED (pedestrian overlay district) over a majority of the site excluding the portion facing Cherry Street.

Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
- Divides the site into three development areas (A, B, and C).
- Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, post offices, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and jewelry designers.
- Development Area A:
  - Allows a maximum of 270,000 square feet of building area.
  - Maximum building height of 140 feet.
  - Prohibits single family attached dwelling units.
- Development Area B:
  - Allows an 187,450-square foot structured parking facility, and up to 4,000 square feet of ground floor nonresidential uses facing South Kings Drive.
  - Maximum building height of 75 feet.
  - Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and post offices.
• Development Area C:
  • Allows up to eight single family attached dwelling units and associated accessory uses.
  • Dwelling units are required to be constructed along the frontage on Cherry Street adjacent to the structured parking facility, in order to provide a residential edge.
  • Maximum height of heated area of the single family attached dwelling units limited to 30 feet along Cherry Street and 40 feet for portions of the dwelling units located at least 16 feet from the back of the proposed sidewalk on Cherry Street.
  • Abandonment of Cecil Street right-of-way, which would be converted into a private drive providing access to adjacent parcels and the parking structure.
  • Direct vehicular access between Baxter Street and Luther Street via the proposed private drive (formerly Cecil Street) through the parking structure on Development Area B.
  • Vehicular access (ingress/egress) to site via Luther Street.
  • Pedestrian stair access from South Kings Drive to private drive.
  • Preserves the existing CATS bus stop on South Kings Drive provided it may be relocated on the site’s frontage with the approval of CATS and CDOT.
  • Provides building perspectives, elevations, and site cross sections.
  • Limits height of freestanding lighting to 20 feet, except those on the top level of the parking structure that will be limited to 30 feet.
  • Requests the following optional provisions:
    1. Allow the maximum height of the building located in Development Area A to be increased from 120 feet to 140 feet, the Plan recommends a height plane of one foot of building height increase per ten feet of distance from single family residential zoning.
    2. Eliminate the requirement for on-street parking along South Kings Drive. The MUDD (mixed use development) district refers to the adopted streetscape plan in the land use plan which recommends on-street parking.
    3. Allow a 24-foot setback along South Kings Drive at the first floor and 16 feet setback for all other floors in Development Area A. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 24 feet along South Kings Drive.
    4. Allow a 16-foot minimum setback for the structured parking facility along South Kings Drive. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 24 feet along South Kings Drive.
    5. Allow a 14-foot setback with eight-foot planting strip and six-foot sidewalk along Luther Street. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 16 feet with eight-foot planting strip, six-foot sidewalk and two-foot utility zone.
    6. Allow an eight-foot, six-inch setback with eight-foot sidewalk and no planting strip along Cecil Street if it is not abandoned. The MUDD (mixed use development) district refers to the adopted land use plan which recommends a building setback of 16 feet with eight-foot planting strip, six-foot sidewalk and two-foot utility zone.

• Existing Zoning and Land Use
  • The majority of the site is used for surface parking and a portion of the site contains two single family homes.
  • The property surrounding the site is zoned a mixture of B-1(PED) (neighborhood business, pedestrian overlay), R-22MF (multi-family residential), R-8 (single family residential), O-2(CD)(PED) (office, conditional, pedestrian overlay), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and MUDD-O (mixed use development, optional) and used for a mixture of single family residential, multi-family residential, commercial, office and institutional uses.

• Rezoning History in Area
  • A number of rezonings have taken place to accommodate infill development and redevelopment for commercial and residential uses.

• Public Plans and Policies
  • The Midtown Morehead Cherry Area Plan (2012) recommends a mixture of residential, office and retail for the majority of the site along South Kings Drive, Baxter Street, Cecil Street and Luther Street. The Plan recommends residential uses at eight units per acre for the portion of the site fronting Cherry Street south of Main Street.
  • The area plan recommends that as areas redevelop on the east side of South Kings Drive, a pedestrian friendly environment with activation of buildings at street level should be provided.
  • The site plan diverges from the recommendations of the Midtown Morehead Cherry Area Plan
and pedestrian overlay standards in regards to building heights, setbacks, streetscapes and residential density along Cherry Street south of Main Street. Additionally, the parking structure encroaches into a portion of the area recommended for residential use.

- The petition is consistent with the Midtown Morehead Cherry Area Plan land use recommendations for the majority of the site and inconsistent with the Plan’s recommendations for height and streetscape on South Kings Drive, and residential use and density on Cherry Street. The petition is not appropriate for approval for the following reasons:
  - The proposed height of 50 feet, for the portions of Development Area B nearest the single family use and the provision to allow height up to 75 feet is greater than the height recommended by the Plan. The proposed building height for Development Area A of 140 feet is a 58-foot increase above the height recommended by the Plan.
  - The proposed setbacks and streetscapes do not match the recommendations of the Plan. The Planning staff in cooperation with CATS and CDOT did, however, determine that the recommendation in the Plan for on-street parking along South Kings Drive may not be feasible due to the location of the existing bus shelter and separation requirements between on-street parking and intersections.
  - The eight proposed single family attached dwelling units do provide screening from the parking deck and a residential edge to the site; however, they should be setback to be consistent with most of the other homes on the street.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation: Current Zoning: 1,900 trips per day. Proposed Zoning: 3,000 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: No comments received.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.
- Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and provides an improved pedestrian experience through the site and along South Kings Drive with the provision of wide sidewalks.
  - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- The petitioner should:
  1. Label the CATS bus stop on South Kings Drive.
  2. Specify the dimensions of the planting strip and sidewalk along South Kings Drive.
  3. Label possible pedestrian refuge island on South Kings Drive.
  4. Add the word “Transportation” to label “see note d for street abandonment” on Sheet RZ1.1
  5. Remove the label of 5’6” planting strip, 4’ sidewalk, 12’8” min. setback along Luther Street on Sheet RZ1.1.
  6. Provide revised elevations illustrating the changes made to the plans since the last submittal.
  7. Label the PED standards lines on the site cross sections on sheets 1.4 and 1.5.
  8. Provide a maximum number of multi-family dwelling units and maximum number of hotel rooms.
allowed in Development Area A.
9. Remove driveways from single family attached dwelling units, as no garages should not be permitted fronting Cherry Street; set back the units to be consistent with most of the homes along the street; and enlarge porches and entry space in front of units.
10. Provide a development data table, with parcel ID numbers, existing uses, proposed floor area ratio (FAR), percentage of open space and the revised site acreage that includes the area in the proposed Cecil Street right-of-way abandonment.
11. Provide a note under Streetscape to indicate that tree grates, seat walls and other pedestrian amenities may be provided in the setback along South Kings Drive.
12. Specify architectural details for the screen wall along Cecil Street.
13. Provide a note describing the architectural intent, including the style of units, building materials, etc., for the single family detached units.
14. Specify that end attached dwelling units will provide a combination of windows, doors or other architectural details on each floor to break up blank walls and provide architectural interest.
15. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
16. Provide the acreage to be rezoned on the site plan (1.99 acres) and submit a revised application form reflecting the correct acreage.
17. Amend Note A(9) c to private postal services instead of post offices.
18. Amend notes A. Development Area A and B. Development Area B to say ground floor uses along South Kings Drive "shall" be devoted to non-residential uses with primary street level access to said uses.
19. Add a note stating that the single family attached units will be constructed prior to the issuance of a certificate of occupancy for the parking structure.
20. Clarify how the site will be designed in terms of building placement, in the event that Cecil Street abandonment is not approved.
21. Reorder the development standards to read top to bottom, left to right.
22. Increase the setback on South Kings Drive for all floors and the parking structure to 24-feet as specified in the Area Plan.
23. Increase the setback on Cherry Street to be consistent with most other homes on the street and provide a six-foot sidewalk, eight-foot planting strip and two-foot utility zone as specified in the Area Plan.
24. Increase the setback on Luther Street to at least 16-feet and provide a six-foot sidewalk, eight-foot planting strip and two-foot utility zone as specified in the Area Plan.
25. Add an optional provision to request an eight-foot sidewalk and eight-foot planting strip along Baxter Street or provide an eight-foot planting strip, six-foot sidewalk and two-foot utility zone as specified by the Area Plan.
26. Clarify the proposed height for Development Area A. Eliminate the 13-foot building variation.
27. Clarify the height for Development Area B. Show where the transition from 50 feet to 75 feet takes place.
29. Provide a label showing the measured depth (from Cherry Street to the parking deck) for Development Area C on the site plan.

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

Planner: John Kinley  (704) 336-8311
Petition #: 2014-109

Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.

Rezoning Petition: 2014-109

Vicinity Map

November 3, 2014
Petition #: 2014-109
Petitioner: Midtown Area Partners II, LLC

Zoning Classification (Existing): R-8, UR-C(CD)(PED), & B-1(PED)
(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

Zoning Classification (Requested): MUDD-O & MUDD-O(PED)
(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Pedestrian Overlay District)

Acreage & Location: Approximately 1.70 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.
Previously Approved Site Plan
REQUEST

Current Zoning: INST(CD) (institutional, conditional)
Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)

LOCATION

Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.
(Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to add medical office and research center as an allowed use as part of an existing adult day care facility.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the South District Plan, but the proposed addition of the medical office/research use will have minimal impact on the surrounding area. Both the existing and proposed uses are institutional in nature and complement each other and the proposed use is an extension of the existing adult day care. No exterior changes to the existing structure are proposed with this request.

PROPERTY OWNER

Mohammad R. Bolouri

PETITIONER

Mohammad R. Bolouri

AGENT/REPRESENTATIVE

N/A

COMMUNITY MEETING

Meeting is required but has not been held.
Number of people attending the Community Meeting: 2

PLANNING STAFF REVIEW

Background

- Rezoning petition 2009-050 rezoned the subject property from R-3 (single family residential) to INST (CD) (institutional, conditional), in order to allow the establishment of an adult care center with approximately 80 clients and related personnel. The approved rezoning allowed up to 7,500 square feet of building area on the site, with the first floor building footprint not to exceed 5,000 square feet, and up to 2,500 square feet permitted on the second floor.

- Proposed Request Details
  The site plan amendment contains the following changes:
  - Adds medical office and research center as a permitted use.
  - Adds language that states that all conditions from the 2009-050 rezoning plan will be met, and that the only requested change is to allow a medical office/research use.

- Existing Zoning and Land Use
  - The existing 5,015-square foot adult day care center was constructed on the subject property in 2013, and is primarily surrounded by property zoned R-3 (single family residential) and developed with single family residential neighborhoods and institutional uses. McAlpine Creek Greenway is located to the northeast and southwest.

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

- Public Plans and Policies
  - The South District Plan (1993) recommends institutional, as amended by rezoning petition 2009-050. Prior to this rezoning, the Plan recommended single family residential and greenway on the subject site.
  - The 2009 rezoning was not consistent with the Plan. However, the request was approved because the proposed adult day care facility was an institutional use generally considered supportive and compatible with a single family neighborhood. The proposed addition of the medical office/research use may have negligible impact compared to the existing use. Both uses are institutional in nature and complement each other, and the proposed use is an extension of the existing adult day care. No exterior changes to the existing structure are proposed with this request.
• The petition is inconsistent with the South District Plan, but the proposed medical office/research use is an extension of the existing adult day care facility and the two uses complement each other.

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: No issues.
  • Vehicle Trip Generation:
    Current Zoning: 240 trips per day.
    Proposed Zoning: 260 trips per day.
• Connectivity: No issues.
• Charlotte Fire Department: No comments received.
• Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
• Charlotte-Mecklenburg Storm Water Services: Please add the following note under section 9. Storm Water: "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • This site meets minimum ordinance standards.

OUTSTANDING ISSUES

• The petitioner should:
  1. Note on site plan the acreage of the parcel.
  2. Note the proposed zoning on the site plan: INST (CD) SPA.
  3. Amend Survey Note 8 to indicate that the required minimum lot size in the institutional district is 15,000 square feet. This was accurately reflected on the approved site plan.
  4. The parking tabulation provided on the site plan needs to be adjusted. Medical offices require one space per 300 square feet, and adult care centers require one space per employee plus one space per six adults.
  5. Specify the maximum square footage devoted to the adult day care center and the maximum square footage proposed for office/research. Given the existing facility has 26 parking spaces (including one handicap space), and constraints on the site, the petitioner should considering ensuring the square footages do not warrant the creation of additional parking spaces.
  6. Specify a minimum square footage devoted to the adult day care use, to ensure that this site is not used solely for medical office/research.
  7. Address Storm Water Services comments as provided under the Department Comments section of this staff analysis.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Petition #: 2014-112

Acreage & Location: Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.

November 24, 2014
Petition #: 2014-112
Petitioner: Mohammad R. Bolouri

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

Zoning Classification (Requested): INST(CD) SPA (Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.
Previously Approved Site Plan
THE PURPOSE OF THE DRYLAND ACCESS IS TO PROVIDE THE ABILITY FOR ACCESS TO A HABITABLE BUILDING DURING A FLOOD CONDITION. THE SITE IS LOCATED AT THE END OF A PRIVATE ROAD, THEREFORE THERE IS A REASONABLE POINT ON THE PROPERTY WHEN THE FLOOD CONDITIONS PRESENT THE DRYLAND ACCESS IS USED.

DRAINAGE NOTES:
To prevent the occurrence of flooding, the property owner should:

1. Use Existing Swale at Property Line.
2. Use Existing Swale at Property Line.
3. Create a new swale at the property line.

LANDOWNER ACCESS:
The property owner has the right to access the property for maintenance and improvement purposes. The property owner should:

1. Use Existing Swale at Property Line.
2. Use Existing Swale at Property Line.
3. Create a new swale at the property line.

BUILDING DESCRIPTION:
The building is a single-story structure with a peaked roof. The roof is made of shingles and the walls are made of concrete block. The building is approximately 1,200 square feet.

BUFFER FENCE DETAIL:
The buffer fence consists of a metal fence with barbed wire. The fence is located at the property line and is approximately 6 feet high.

SECTION 8-7: BUFFER REQUIREMENTS OF 15' PER SIDE WHERE POSSIBLE.

VINCITIA MAP:
The property is located within the Vincitia Map District and is subject to flood zone regulations.

ZONING REQUEST:
The property is zoned as a "R-1" Residential District. The zoning request is for a "R-8" Residential District.

NOTES FOR USE OF DRYLAND FENCE:
1. Use Existing Swale at Property Line.
2. Use Existing Swale at Property Line.
3. Create a new swale at the property line.

LASH ENGINEERING
Consulting Civil Engineers
1901 Main Street
Charleston, SC 29401
Phone: (843) 720-8300
Fax: (843) 720-8301

KODIAK CONSTRUCTIONS INC.
Dr. Jim Johnson
2009 Sagebrush Street
Charleston, SC 29420

E FEB 1 2030
2030-030

1 of 1
REQUEST

Current Zoning:  R-17MF (multi-family residential)
Proposed Zoning:  UR-2(CD) (urban residential, conditional)

LOCATION

Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place. (Council District 6 - Smith)

SUMMARY OF PETITION

The petition proposes to allow the redevelopment of an existing apartment complex with 265 new multi-family dwelling units in up to four buildings for a density of 29.23 units per acre.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The proposed land use is consistent with the Park Woodlawn Area Plan but the proposed density is inconsistent with the Plan. However, the proposal is compatible with the neighboring single family residential use based on compliance with the recommended residential design principals in the plan such as moving the buildings toward the center of the site, away from adjoining single family residential and providing considerable open space.

PROPERTY OWNER

Abbey Apartments, LLC

PETITIONER

Spectrum Properties Residential, Inc

AGENT/REPRESENTATIVE

Jeff Brown/ Keith MacVean

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 22

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows the demolition of the existing 128 apartment units.
  - Allows the construction of 265 multi-family residential units in up to four buildings.
  - Limits the building height to four stories or 65 feet.
  - Restricts surface parking between buildings and Abbey Place.
  - Improves Abbey Place with sidewalks and on-street parking.
  - Provides sidewalk along one side of Abbey Place from the eastern edge of the property to connect with the sidewalk along Park Road.
  - Provides midblock crosswalks with CDOT approval.
  - Specifies building materials and prohibits the use of vinyl and aluminum except for soffits, windows and handrails.
  - Provides building elevations depicting the architectural style and quality of the proposed buildings.
  - Provides amenity courtyards improved with seating, walkways, lighting and/or landscaping. Additional features may also be provided such as water features, art work and/or a swimming pool.
  - Provides buffers with opaque fencing between the site and single family homes.
  - Commits to providing windows and doors for at least 30 percent of the total façade area along Abbey Place with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
  - Commits to a combination of fenestration, clear glass, prominent entrances, stoops, porches, changes in materials, building step backs, art work and landscaping along Abbey Place.
  - Commits to facades over 75 feet in length incorporating wall projections or recesses a minimum three feet in depth with a combined length of recesses and projections constituting at least 20 percent of the total façade length.
  - End fronting facades shall be articulated and designed to create visual interest.
  - Facades above the first story shall incorporate windows, arches, balconies or other architectural details.
  - Commits to screening retaining walls with landscaping if walls are required due to topography along Abbey Place.
• Limits lighting to full cut-off type fixtures, excluding lower, decorative lighting along drives, sidewalks, parking areas and courtyards.
• Limits detached lighting to 15 feet in height.

**Existing Zoning and Land Use**
• The proposed site is currently zoned R-17MF (multi-family residential) and is developed with 128 multi-family dwelling units.

**Rezoning History in Area**
• Petition 2014-028 rezoned property located at the southeast corner at the intersection of Abbey Place and Hedgemore Drive from O-1 (office) to MUDD(CD) (mixed use development, conditional) to allow a multi-family residential building.
• Petition 2012-095 rezoned property located at the northwest corner at the intersection of Mockingbird Lane and Park Road from O-2 (office) to MUDD-O (mixed use development, optional) to allow all used permitted in the mixed used development district.
• Petition 2012-056 rezoning property located at the southwest corner at the intersection of Park Road and Drexel Place from MUDD(CD) (mixed use development, conditional) to MUDD-O (mixed use development, optional) to allow a mixed use building with residential and commercial space.

**Public Plans and Policies**
• The Park Woodlawn Area Plan (2013) recommends multi-family residential use up to 17 dwelling units per acre.
• The petition is consistent with the Park Woodlawn Area Plan recommended land use, but inconsistent with the recommended density.
• The plan recommends any new development be at a scale compatible with the neighboring single family residential.
• The increase in density is appropriate due to compliance with the following residential design principals included in the plan:
  1. Avoids blank walls along pedestrian circulation and public right-of-ways.
  2. Orient buildings towards Abbey Place and common courtyard space.
  3. Provides an internal pedestrian network and pedestrian access to the street.
  4. Sets buildings back at least 60-feet from abutting residential property lines and positions the buildings close to Abbey Place and the eastern edge of the site, providing a height plane more compatible with the single family homes than allowed under the current zoning.
  5. Provides meaningful amount of usable open space and preserves existing stands of trees.
  6. Provides a sidewalk connection to existing sidewalk network along Park Road.
  7. Maintains a residential street type and provides recessed on-street parking along both sides of Abbey Place and multiple vehicular entry points.

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

• **Charlotte Area Transit System:** No issues.
• **Charlotte Department of Neighborhood & Business Services:** No issues.
• **Transportation:**
  1. Amend transportation Note 3.c. to remove “and the necessary grading and clearing for the construction of the sidewalk can also be accommodated within the existing right-of-way.”
  2. Remove or amend transportation Note 3.d. to read “CDOT will determine during the construction permitting process if marked mid-block crosswalks are necessary for crossing Abbey Place.”
  3. Remove the three designated marked mid-block crosswalks on the site plan sheet RZ-2.
• **Vehicle Trip Generation:**
  Current Zoning: 1,020 trips per day.
  Proposed Zoning: 1,760 trips per day.
• **Connectivity:** No issues.
• **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 17 students, while the development allowed under the proposed zoning will produce 29 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 students.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design**: The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by providing a sidewalk connection from the site out to the existing sidewalk along Park Road.
  - Minimizes impacts to the natural environment by redeveloping an infill site.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address CDOT issues.
  2. Amend Note 5. a. to reflect a required setback of 16-feet and to match the eight-foot sidewalk and eight-foot planting strip provided on each side of Abbey Place.
  3. Amend Note 4. b. to change the word “building” to “buildings” when referencing the buildings that may be constructed on the site and actual buildings constructed on the site.
  4. Provide a note specifying that the area depicted as Possible Open Space/Stormwater BMP is not to be used for parking or building area.
  5. Commit to a minimum square footage in each development area that will be included the Open Space/Stormwater BMP area.
  6. Detail how end fronting facades shall be articulated and designed to create visual interest.
  7. Specify the design of the first floor similar to 6.f.

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

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

**Planner**: John Kinley  (704) 336-8311
Acreage & Location: Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.
Petition #: 2014-116
Petitioner: Spectrum Properties Residential, Inc.

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

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

Acreage & Location: Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.

Map Produced by the Charlotte-Mecklenburg Planning Department, 9-26-2014.
REQUEST

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION

Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes the development of a maximum of 65,000 square feet of commercial floor area space for retail, personal services and eating/drinking/entertainment establishments, and structured parking.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the South District Plan.

PROPERTY OWNER
Silver Family, LLC

PETITIONER
Cotswold Partners, LLC

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

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 62

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Maximum 65,000 square feet of floor area for retail, personal services (as defined on the plan), and eating/drinking/entertainment establishments.
  - Maximum of two principal buildings with two levels of structured parking and ground floor retail.
  - Building height limited to three stories.
  - A 15-foot setback along Randolph Road that includes an eight-foot planting strip and 7.5-foot sidewalk.
  - A 13-foot setback along Colwick Road that includes a seven-foot planting strip and six-foot sidewalk.
  - Roof top mechanical equipment will be screened from public view at grade.
  - Ground floor elevations along Randolph Road shall be treated with a combination of fenestration, clear glass, prominent entrances, changes in materials, building step backs, and landscaping.
  - A note that blank walls cannot be addressed with landscaping elements only.
  - Parking will be provided at 1 space per 300 gross square feet.
  - Screen wall along Colwick Road to screen loading docks.
  - Detached lighting limited to 20 feet.
  - Transportation improvements include:
    - Proposed private street to connect Randolph and Colwick Road that will include a six-foot sidewalk and six-foot planting strip along the private street will transition to a seven-foot sidewalk abutting the curb.
    - Pedestrian refuge in the middle of Randolph Road.
    - Medians along Randolph Road and the proposed private street.
    - Westbound right-turn lane on Greenwich Road at Randolph Road, with 125 feet of storage.
    - Extension of the existing southbound left-turn lane storage on Randolph Road at Greenwich Road from 190 feet to 250 feet.
    - Modification of existing curb radius at the intersection of Greenwich Road and Colwick Road.
  - Optional provisions include:
    - Vehicular maneuvering, loading docks, and a service area between the proposed building and Colwick Road.
    - A detached sign along Randolph Road, up to five feet in height and 40 square feet in area.
    - Wall signs up to 200 square feet per wall or 10 percent of the wall area to which they are attached, whichever is less.
    - A screen wall along Colwick Road that does not meet the MUDD (mixed use development)
street wall requirements. Proposed wall will use changes in pattern, building materials, decorative grills, display windows, and landscaping to create an interesting pedestrian experience.

- Reduction in the setback along Colwick Road to 13 feet.
- Allow the existing building, parking and uses to remain under this plan.

- **Existing Zoning and Land Use**
  - The subject property is currently developed with an office building. The surrounding properties are zoned O-2 (office), B-1 (neighborhood business), CC (commercial center) and developed with residential, office and commercial uses.

- **Rezoning History in Area**
  - Petition 2009-054 rezoned property located near the intersection of North Sharon Amity Road and Colwick Road from O-2 (office) to MUDD-O (mixed use development, optional) to allow the existing building to be reused for retail, restaurant, and office uses.

- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends retail for the subject parcel.
  - This petition is consistent with the *South District Plan*.

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

- **Charlotte Area Transit System:** Should provide a concrete bus pad near the location of the proposed pedestrian refuge.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** The petitioner has addressed previous comments. However, CDOT is working with the petitioner and area residents on possible additional improvements that might become part of the conditional site plan.
  - **Vehicle Trip Generation:**
    - Current Zoning: 4,090 trips per day.
    - Proposed Zoning: 4,540 trips per day.
  - **Connectivity:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Minimizes impacts to the natural environment by building on an infill lot that scores high on GDP for accessibility and connectivity.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Provide four-sided elevations of the proposed building.
  2. Remove the optional request for increased ground mounted signage.
  3. Show and label where the two principal buildings may be placed.
  4. Remove optional request “F”.
  5. Provide a detail of the loading dock screen wall along Colwick Road.
  6. Provide a detail of the street wall.
7. Remove the request to allow all existing building, parking and uses to remain under this plan.
8. Add a note that windows and doors shall be provided for at least 70% of the total facade area along Randolph Road. The maximum contiguous area without windows or doors on the ground floor shall not exceed 10 feet in height or 20 feet in length.
9. Confirm whether the maximum allowed square footage includes the parking structure.
10. Address CATS’s comment.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.
Petition #: 2014-118
Petitioner: Cotswold Partners, LLC
Zoning Classification (Existing): B-1
(Neighborhood Businesss)
Zoning Classification (Requested): MUDD-O
(Mixed Use Development District, Optional)
Acreage & Location: Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.
REQUEST
Current Zoning: O-6(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 2.6 acres located on the west side of Statesville Avenue
south of Oliver Street and east of Spratt Street.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes an interior expansion to an existing institutional
use to allow a maximum building area of 45,252 square feet.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of
outstanding issues. The proposed expansion of the existing homeless
shelter, childcare center, and accessory support services is consistent
with the Central District Plan, which recognizes the existing
institutional use.

PROPERTY OWNER
The Salvation Army, A Georgia Corporation

PETITIONER
The Salvation Army, A Georgia Corporation

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 4

PLANNING STAFF REVIEW

Background
- The subject property was rezoned via Petition 1990-50 to O-6(CD) (office, conditional) to allow
  a “group home” for up to 180 residents, a childcare center for up to 75 children, and
  administrative offices, with a maximum building area of 38,000 square feet. In 1990, the
  Zoning Ordinance definition of a “group home” included homeless shelters. Since that time, the
  ordinance has been amendment and “homeless shelters” are listed as a separate use.

Proposed Request Details
The site plan accompanying this petition contains the following provisions:
- Interior expansion of existing building to allow a maximum 45,252 square feet of building area.
- Continued use of the building as a homeless shelter with accessory support services.
- Existing building and site layout to remain.
- Maximum building height of 64 feet.
- Existing playground area.
- Optional requests:
  - Allow existing vegetation, four-foot sidewalk along Oliver and Spratt Street, five-foot
    sidewalk along Statesville Avenue and planting strips to remain instead of the required
    eight-foot planting strips, and six-foot sidewalks.
  - All current parking on Spratt Street to remain.
  - Allow a ten percent reduction from the required 75 parking spaces to the existing count of
    69 spaces.

Existing Zoning and Land Use
- The subject property is currently zoned O-6(CD) (office, conditional) and developed with a
  homeless shelter (formerly called a group home) administered by the Salvation Army.
  Properties to the north and west of the subject site are currently zoned R-5 (single family
  residential) and R-17MF (multi-family residential) and developed with residential structures.
  Properties south of the site are zoned MUDD (CD) (mixed-use development, conditional) and
  I-1(CD) (light industrial, conditional) and developed with industrial, institutional and office
  structures, or are vacant. Sites to the east are zoned I-2 (general industrial) and are developed
  with various industrial structures.

Rezoning History in Area
- A public hearing was held for Petition 2014-068 in November 2014 and the decision is pending.
  The petition seeks to rezone 5.6 acres bounded by Statesville Avenue, Dalton Avenue, North
  Graham Street and Armour Drive to MUDD-O (mixed use development, optional) to allow all
uses permitted in the MUDD (mixed use development) district, with the intended use of the building to be constructed in Phase 1 as a government service facility and the building constructed in Phase 2 as any use permitted in the proposed district.

- Petition 2013-96 rezoned 15 acres located on the west side of North Graham Street and Spratt Street to I-1(CD) (light industrial, conditional) and I-1 (CD) SPA (light industrial, conditional, site plan amendment) to accommodate an expansion of the Second Harvest Food Bank of Metrolina, resulting in a maximum of 207,000 square feet on the site. Permitted uses include office, warehouse, and distribution uses, in addition to any related accessory uses permitted in the I-1 (light industrial) district.
- Petition 2012-43 located on the north side of NC Music Factory Boulevard to MUDD (CD) (mixed use development, conditional) to allow up to 250 residential dwelling units at a density of 69 units per acre.

- **Public Plans and Policies**
  - The *Central District Plan* (1993) recognizes the existing institutional land use.
  - The petition is consistent with the *Central District Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 300 trips per day.
    - Proposed Zoning: 340 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Clarify uses and list the proposed uses as a homeless shelter, daycare, and administrative offices.
  2. Specify existing and proposed building square footage. Consider increasing maximum square footage to 50,000, to allow flexibility.
  3. Add note specifying that expansion area is interior to the existing building.
  4. Correct the amount of open space to be provided, and label open space areas.
  5. Amend Note 2 under Optional Provisions to allow the existing 69 parking spaces provided on site and along the project frontage on Spratt Street to satisfy the parking requirement.
Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 2.61 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street.
Petition #: 2015-010
Petitioner: The Salvation Army, A Georgia Corp.

Zoning Classification (Existing): O-6(CD) (Office, Conditional)

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

Acreage & Location: Approximately 2.61 acres located on the south side of Oliver Street between Spratt Street and Statesville Avenue.
Development Data Table

Site Sovereign: Salvation Army Center of Hope

The時点 is 2014;

Existing Changes:

Existing and Proposed Uses: Homeless Shelter and Support Services

Existing Zoning: O-6 CD

Proposed Zoning: MUDD-O

Existing and Proposed Uses: Homeless Shelter and Support Services

Residential Square Footage: 45,252 SF

Floor Area Ratio: 45,252/113,300 or .4

Building Height: 64'

Parking Required: 1/600 SF or 75 spaces

Parking Provided: 69 spaces

Amount of Open Space Required: 1 SF per 100 SF or 1,133 SF

Optional Provisions:

The site and occupant are existing. No changes to the site are proposed. Everything shown on this plan is existing.

The following optional provisions are requested:

1. All existing vegetation, sidewalks, and planting strips remain with the building as constructed.

2. Allow current parking on Spratt Street to remain and allow a 10% reduction in required parking to the existing count of 69 because the facility is a homeless shelter with a large population of children and it is adjacent to a city bus stop, providing access to public transportation.

Rezoning Site Plan

Issue Date: 08.05.13 SD

Issue Date: 10.31.14 Rezoning

Rezoning Site Plan

1" = 20'

Development Data Table

Site Sovereign: Salvation Army Center of Hope

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Rezoning Site Plan

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Existing Zoning: O-6 CD

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The following optional provisions are requested:

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2. Allow current parking on Spratt Street to remain and allow a 10% reduction in required parking to the existing count of 69 because the facility is a homeless shelter with a large population of children and it is adjacent to a city bus stop, providing access to public transportation.
Previously Approved Site Plan
REQUEST
Text amendment to Section 9.1105(1) of the Zoning Ordinance

SUMMARY OF PETITION
The petition proposes to increase the floor area ratio (FAR) in the industrial zoning districts for a warehousing use that is fully enclosed within a building, when the building is multi-story.

STAFF RECOMMENDATION
Staff recommends approval of this petition. This petition is consistent with the Centers, Corridors and Wedges Growth Framework goals to ensure a diverse, growing and adaptable economy, and to revitalize economically challenged business areas.

PETITIONER
Stor-All Storage
AGENT/REPRESENTATIVE
Walter Fields, III, Walter Fields Group

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW

• Background
  • The industrial districts currently permit warehousing within an enclosed building in the I-1 (light industrial) and I-2 (general industrial) zoning districts as a use by-right.
  • The maximum floor area ratio (FAR) for all uses in the I-1 (light industrial) district is 0.8 and the maximum floor area ratio in the I-2 (general industrial) district is 1.0.
  • Floor area ratio (FAR) is defined as the total floor area of the building(s) on a lot divided by the gross area of the lot.
  • This text amendment provides greater flexibility by increasing the floor area ratio over the current limits allowed in the industrial districts for multi-story warehousing.

• Proposed Request Details
  The text amendment contains the following provisions:
  • Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from 0.8 to 2.0 and from 1.0 to 2.0 in the I-2 (general industrial) district, for a warehousing use conducted within an enclosed building when the building has multiple stories.

• Public Plans and Policies
  • This petition is consistent with the Centers, Corridors and Wedges Growth Framework goals to ensure a diverse, growing and adaptable economy, and to revitalize economically challenged business areas.

DEPARTMENT COMMENTS (see full department reports online)

• Charlotte Area Transit System: No comments received.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: No issues.
  • Vehicle Trip Generation: Not applicable.
  • Connectivity: Not applicable.
• Charlotte-Mecklenburg Schools: Not applicable.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte-Mecklenburg Utilities: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery (704) 336-5722
**TEXT AMENDMENT SUMMARY:**  Floor Area Ratio for Warehousing in Multi-Story Buildings 11-25-14

**Purpose/Background:** The purpose of this text amendment is to add a footnote amending the maximum floor area ratio in the I-1 (light industrial) district and I-2 (general industrial) zoning districts for a warehousing use conducted within an enclosed building, when the building has multiple stories.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Warehousing within an enclosed building is allowed in the I-1 and I-2 zoning districts by right.</td>
<td>• Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from .8 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories.</td>
<td>• Adds flexibility for warehouses that are multi-story</td>
</tr>
<tr>
<td>• The maximum floor area ratio for all uses:</td>
<td>• Adds a footnote amending the maximum floor area ratio in the I-2 (general industrial) zoning district from 1.0 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories.</td>
<td>• Allows adaptable reuse of older industrial buildings.</td>
</tr>
<tr>
<td>• I-1: FAR of .8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• I-2: FAR of 1.0</td>
<td></td>
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</tbody>
</table>
AN ORDINANCE AMENDING
APPENDIX A OF THE
ORDINANCE NO. __________
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:

Add a new note to the “Notes To Chart” end of Section 9.1105.(1) as follows:

(3) The maximum FAR for “Warehousing, within an enclosed building” may be increased to 2.0 if the building is multi-story.

Add a note “3” reference to Section 9.1105(1)(a) as follows:

(a) Maximum Floor Area Ratio 1, 3

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__.