DINNER MEETING AGENDA  
Monday, February 16, 2015

1. Agenda Review – Tammie Keplinger

DEFERRAL / WITHDRAWAL REQUESTS

<table>
<thead>
<tr>
<th>Item #</th>
<th>Petition #</th>
<th>Petitioner/Description</th>
<th>Update</th>
</tr>
</thead>
</table>
| 6      | 2014-110    | Unique Southern Estates, LLC – southeast corner of the intersection of The Plaza and Belvedere Avenue | Decision –  
- Defer to April  
- Protest Petition sufficient       |
| 7      | 2014-113    | Dona Patterson – east side of West Sugar Creek Road between Penny Way and North Tryon Street | Decision – Defer to April                  |
| 11     | 2014-101    | LGI Homes NC, LLC – east side of Reames Road between Bella Vista Court and Lawnmeadow Drive | Hearing – Defer to March  
(Community meeting report not submitted by deadline) |
| 12     | 2014-109    | Midtown Area Partners II, LLC – northeast corner of Baxter Street and South Kings Drive | Hearing –  
- Defer to March  
- Protest Petition sufficient       |
| 13     | 2014-115    | Satwinder Singh – south side of Parker Drive between Remount Road and Berryhill Road | Hearing – Defer to March  
(Community meeting report not submitted by deadline) |

MISCELLANIOUS REQUESTS AND INFORMATION

<table>
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<tbody>
<tr>
<td>2</td>
<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>
</tbody>
</table>
| 3      | 2014-092    | Pavilion Development Company - northeast corner at the intersection of Nations Ford Road and Tyvola Road | Decision –  
- Council will have to vote whether or not to send back to Zoning Committee due to the change referenced under Item 3  
- Protest Petition insufficient       |
| 4      | 2014-100    | Charlotte-Mecklenburg Planning Department – southeast corner of West 30th Street and Chick Godley Road | New Public Hearing – To allow the petition to be converted from conventional to conditional |
| 5      | 2014-103    | Weekley Homes, LP - north side of Endhaven Lane between North Community House Road and Misty Ridge Lane | New Public Hearing –  
- Staff recommends a new public hearing be held on March 16, 2015 due to the significant changes since the Zoning Committee vote.       |
| 9      | 2015-005    | SIM USA – south side of Choate Circle at Moss Road and Choate Circle | Decision – Protest Petition insufficient |
| 10     | 2014-078    | Park Selwyn, LLC – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue | Hearing – Protest Petition sufficient       |
| 19     | 2015-013    | Meeting Street Homes and Communities - west side of Kenilworth Avenue between Buchanan Street and East Boulevard | Hearing – Protest Petition TBD |
| 22     | 2015-018    | Laurel Street Residential, LLC - west side of Baxter Street across from Avant Street | Hearing – Protest Petition TBD |
2. Follow-Up Report – Tammie Keplinger

3. Rezoning Cases of Special Interest – Tammie Keplinger

City Council Follow-Up Report
From the January 20, 2015 Zoning Meeting

2014-074  What was the City’s purchase price of the Ballantyne markers located on the northeast corner of North Community House Road and Bryant Farms Road? How many markers were purchased? Will the Ballantyne Business Association be purchasing some or all of the markers?

Staff Response: Two Ballantyne markers were purchased with the land as part of the right-of-way acquisition. The price of the markers was not itemized. The Ballantyne Business Association will pay for the relocation of the markers, but not be charged for the markers. If the markers are not removed, the City will have to pay the contractor of the project to remove the markers.

2015-002  Clarify the changes proposed for the text amendment sponsored by the Charlotte Montessori School related to the street frontage and primary access requirements for childcare centers.

Staff Response: Currently, large childcare centers (80 or more children) in non-residential zoning districts do not have any street frontage and access requirements. However, smaller childcare centers (13 to 79 children) located in non-residential zoning districts must have frontage along a collector or thoroughfare and access is allow from a local residential street but only if it directly intersects a collector or thoroughfare. For example, a childcare center in a business district with 100 children could have frontage and access from a local street, while a childcare center in the same zoning district, but with only 13 children, would have to front a collector or thoroughfare and would have access limitations.

This text amendment will make the frontage and access requirements for childcare centers (13 to 79 children) and large childcare centers (80 or more children) the same, by eliminating the requirement that a childcare center (13 to 79 children) with non-residential zoning has frontage on a collector or thoroughfare and access limitations.
<table>
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<tr>
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<tbody>
<tr>
<td>2014-049</td>
<td>SBBH, LLC</td>
<td>6 – Smith</td>
<td>South side of Morrison Boulevard between South Park Drive and Sharon Road.</td>
<td>Rezoning from CC (commercial center) to MUDD-O (mixed use development district, optional) for the development of up to 190,000 square feet of gross floor area of office uses and up to 12,500 square feet of gross floor area of retail and restaurant uses. Optional provisions pertain to building height, signage, and building frontage on a public street.</td>
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<tr>
<td>2014-101</td>
<td>LGI Homes</td>
<td>2 - Austin</td>
<td>East side of Reames Road between Bella Vista Court and Lawnmeadow Drive.</td>
<td>Rezoning from UR-1(CD) (urban residential, conditional) to R-5(CD) (single family residential, conditional) to allow up to 71 single family residential lots at a density of 4.97 units per acre (new public hearing).</td>
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<tr>
<td>2014-117</td>
<td>Fairview Plaza JLC, LLC</td>
<td>6 - Smith</td>
<td>East side of Park South Drive near the intersection of Fairview Road and Park South Drive, also abutting Piedmont Row Drive South.</td>
<td>Rezoning from O-3(CD) (office, conditional) to MUDD-O (mixed use development district, optional) for the development of up to 400 multifamily units; up to 300 hotel rooms; up to 75,000 square feet of gross floor area devoted to retail uses and eating, drinking and entertainment establishments; and, up to 125,000 square feet of gross floor area devoted to professional business and general offices. Optional provisions pertain to building height and location of parking.</td>
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<tr>
<td>2015-001</td>
<td>Southern Apartment Group</td>
<td>1 - Kinsey</td>
<td>East side of North Davidson Street and bounded by East 27th Street, and North Davidson Street.</td>
<td>Rezoning from MUDD-O (mixed use development district, optional) to TOD-M(O) (transit oriented development mixed use, optional) for the development of up to 250 residential dwelling units, up to 7,500 square feet of gross floor area of non-residential uses as permitted in the TOD-M (transit oriented development, mixed use) district in Development Area A, and to allow residential and nonresidential uses as permitted in TOD-M (transit oriented development, mixed use) district in Development Area B. Optional provisions pertain to building height, parking, setbacks, streetscape, and active uses at the street level.</td>
<td></td>
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<tr>
<td>2015-006</td>
<td>Sam's Investments IV, LLC</td>
<td>2 - Austin</td>
<td>West side of Northlake Centre Parkway between Point O'Woods and Madison Square Place.</td>
<td>Rezoning from R-3 (single family residential) to NS (neighborhood services) for the development of up to 3,600 square feet of retail including a convenience store with gasoline sales.</td>
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<tr>
<td>2015-020</td>
<td>Carolina States Regional Center, LLC</td>
<td>4 - Phipps</td>
<td>Southwest corner at the intersection of US 29 By-Pass Highway and North Tryon Street</td>
<td>Rezoning from B-2 (general business) to UR-2 (CD) (urban residential, conditional) for the development of a multi-family complex.</td>
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# Rezoning Cases of Special Interest

## March Hearings cont’d (25 scheduled)

<table>
<thead>
<tr>
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<tr>
<td>2015-023</td>
<td>Weldegebriel Ucbeab</td>
<td>Outside City Limits</td>
<td>Northeast corner at the intersection of Harrisburg Rd and Camp Stewart Road.</td>
<td>Rezoning from R-3 (single family residential) to NS (neighborhood services) to allow the redevelopment and expansion of an existing non-conforming convenience store with gasoline sales.</td>
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<tr>
<td>2015-025</td>
<td>Circle K Stores</td>
<td>5 – Autry</td>
<td>Northwest corner at the intersection of Idlewild Road and East W. T. Harris Boulevard.</td>
<td>Rezoning from INST (CD) (institutional, conditional), R-4 (single family residential) and B-1 (neighborhood business) to B-1 (CD) (neighborhood business, conditional) to allow the redevelopment and expansion of the existing convenience store with gasoline sales.</td>
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</tr>
<tr>
<td>2015-033</td>
<td>Averitt Express, Inc.</td>
<td>3 – Mayfield</td>
<td>North side of Ed Brown Road between Westinghouse Boulevard and Steele Creek Road.</td>
<td>Rezoning from I-1 (light industrial, conditional) to I-2(CD) (general industrial, conditional) for the development of a warehouse for storage of inventory and a maintenance facility to clean and service trucks, and areas to park trucks and trailers.</td>
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## March Decisions (18 scheduled)

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<tr>
<td>2014-078</td>
<td>Park Selwyn, LLC</td>
<td>6 – Smith</td>
<td>North side of East Woodlawn Road between Brandywine Road and Selwyn Avenue</td>
<td>Rezoning from UR-2(CD) (urban residential, conditional) to UR-2(CD) SPA (urban residential, conditional, site plan amendment) for an additional eight multi-family residential dwelling units to a site on which 16 multi-family units currently exist, for a total of 24 units.</td>
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</tr>
<tr>
<td>2015-013</td>
<td>Meeting Street Homes and Communities</td>
<td>1 - Kinsey</td>
<td>West side of Kenilworth Avenue between Buchanan Street and East Boulevard.</td>
<td>Rezoning from R-22MF (residential multifamily) and B-1 (neighborhood business) to MUDD(CD) (mixed use development, conditional) to allow nine attached single family residential units at a density of 21.48 dwelling units per acre.</td>
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<tr>
<td>2015-018</td>
<td>Laurel Street Residential, LLC</td>
<td>1 – Kinsey</td>
<td>South side of Baxter Street, west of Queens Road, east of Welker Street.</td>
<td>Rezoning from R-6 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 30 multifamily residential dwelling units along with accessory uses at a density of 16.04 units per acre.</td>
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</tr>
<tr>
<td>2015-027 through 2015-030 and 2015-032</td>
<td>Charlotte Housing Authority</td>
<td>1 – Kinsey</td>
<td>Various locations within the Cherry Neighborhood.</td>
<td>Rezonings from R-8 (single family residential), R-12MF (multi-family residential) and R-22MF (multi-family residential) to R-22MF(CD) (multi-family residential, conditional) and UR-C(CD) (urban residential, commercial, conditional) for the development of multi-family residential housing.</td>
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## Rezoning Cases of Special Interest

### April Hearings (15 scheduled)

<table>
<thead>
<tr>
<th>Petition</th>
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<tbody>
<tr>
<td>2014-119</td>
<td>City of Charlotte</td>
<td>1 – Kinsey</td>
<td>South side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard.</td>
<td>Rezoning from R-22MF (residential multi-family) and B-2 (general business) to MUDD-O (mixed use development, optional) and B-2(CD) (general business, conditional) to allow up to 260,000 square feet of uses permitted in the MUDD (mixed use development) district including, but not limited to: eating, drinking, and entertainment establishments, retail, indoor recreation, hotel, office and personal service uses. Proposed maximum building height will be 120 feet. Optional provisions pertain to signage, vehicular maneuvering and parking, and street walls.</td>
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<tr>
<td>2015-026</td>
<td>Bobby Drakeford</td>
<td>1 – Kinsey</td>
<td>North and south sides of McClintock Road near the intersection of St. Julien Street and McClintock Road.</td>
<td>Rezoning from R-5 (single family residential) to MUDD (CD) (mixed use development, conditional) to allow the development of up to 30 townhome units.</td>
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<tr>
<td>2015-042</td>
<td>Jim Donaldson</td>
<td>1 – Kinsey</td>
<td>Northeast corner at the intersection of Statesville Avenue and Woodward Avenue.</td>
<td>Rezoning from NS (neighborhood services) and I-1 (light industrial) to NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment) to allow the construction of a new Mecklenburg County Park and Recreation pool facility.</td>
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<tr>
<td>2015-044</td>
<td>David Willis</td>
<td>7 – Driggs</td>
<td>East side of Providence Road across from Springs Farm Lane.</td>
<td>Rezoning from R-3 (single family residential) to UR-C(CD) (urban residential, commercial, conditional) to allow the development of a maximum 12,000 square foot building for a child care center that may serve a up to 200 children.</td>
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<tr>
<td>2015-045</td>
<td>TWO Capital partners, LLC</td>
<td>3 – Mayfield</td>
<td>Southwest corner at the intersection of Brown-Grier Road, West Arrowood Road, and Sandy Porter Road.</td>
<td>Rezoning from R-3 (single family residential), INST(CD) (institutional, conditional), and R-8MF(CD) (multi-family residential, conditional) to UR-Z(CD) (urban residential, conditional) will allow up to 291 multi-family dwelling units along with accessory uses.</td>
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<tr>
<td>2015-046</td>
<td>Mallard Creek Associates #1, LLC</td>
<td>6 – Smith</td>
<td>Northwest corner at the intersection of Providence Road, Fairview Road, and Sardis Road.</td>
<td>Rezoning from R-12MF (multi-family residential) and B-1 (neighborhood business) to MUDD-O (mixed use development, optional) will allow up to 100,000 square feet of gross floor area devoted to retail, eating, drinking, entertainment establishments, general and medical office uses and personal service uses; and 225 residential dwelling units. Buildings with residential uses will not exceed 75 feet in height, or five (5) stories. Non-residential buildings will not exceed 45 feet, or two (2) stories.</td>
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CITY COUNCIL ZONING AGENDA
Monday, February 16, 2015

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
### Zoning District Acronyms

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

### Zoning Overlay District Acronyms

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

### Miscellaneous Zoning Acronyms

- **CD** – conditional
- **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. 2014-042** (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).

   The Zoning Committee found the proposed office building to be consistent with the *Steele Creek Area Plan* and the proposed retail/automobile services use to be inconsistent with the *Steele Creek Area Plan*, based on information from the staff analysis and the public hearing, and because:

   - The plan recommends office uses for the subject property.

   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 retail use is less intense than office from a traffic perspective and the applicant has worked to develop a plan that addresses building elevations, site design, and relationship to the neighborhood.

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

   1. A Development Data Table has been provided that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum).
   2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road.
   3. CATS, CDOT, Engineering and Property Management, and Storm Water Services comments have been addressed as per the following:
      a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements.
      b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting.
      c. In response to Engineering and Property Management’s request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.
      d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.
   4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaries, and will be limited to a maximum 25 feet in height.

   Staff disagrees with the recommendation of the Zoning Committee, as the retail portion of the rezoning request is inconsistent with the *Steele Creek Area Plan*, which recommends office uses. In addition, the subject property is adjacent to single family residential and there are other opportunities for this type of use on South Tryon Street.

   **Attachment 1**

2. **Petition No. 2014-043** (Council District 4 - Phipps) by Mark Patterson for a change in zoning for approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane from R-3 (single family residential) to INST(CD) (institutional, conditional).

   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:

- 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 agrees with the recommendation of the Zoning Committee.

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<thead>
<tr>
<th>Council will have to vote whether or not to send back to the Zoning Committee.</th>
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<tr>
<td><strong>3.</strong> 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).</td>
</tr>
<tr>
<td>Note: The City Council must determine by a ¾ vote if the following changes to the site plan after the Zoning Committee vote are substantial and if the petition should be referred back to the Zoning Committee for review.</td>
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The petitioner:

1. Filed 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 has been filed and will be finalized if the rezoning is approved by Council.
2. Amended Note B, Parcel 4A to remove “automobile service stations” and "Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use.”
3. Amended Note F to make the word “parcel” at the end of the first sentence plural.
4. Deleted the proposed sign location and label.
5. Increased the width of the sidewalks on the right and left side of the building from five feet to seven feet to allow for “shy zone” next to the building.
6. Increased the width of the sidewalk in front of the building from six feet to eight feet to allow for a “shy zone” and parked cars. Curb stops will be used in front of the building.
7. Swapped the labels of the left and right elevations to correctly match the images.

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

- The Plan recommends retail uses with the exception of automobile service stations.

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:

- This plan and the recommended uses were approved a long time ago. Given the context of area today, this is a reasonable land use for this particular site; and
- The petitioner has agreed to address site plan issues 2 through 8.
The Zoning Committee voted 7-0 to APPROVE this petition with the following modifications and with the petitioner’s commitment to address outstanding issues 2 through 8 prior to the City Council decision on this case:

1. CDOT withdrew their opposition to the left-in only access off the right-in driveway and no longer has any outstanding issues with the petition.
2. Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
3. Revised 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).
4. Removed the "Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant" from the Site Data.
5. Removed the "+/−" in proposed building height for Parcel 4A.
6. Revised 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.
7. Removed Note B in its entirety and replaced 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.”
8. Deleted Note C in its entirety and replaced 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.”
9. Revised the second paragraph under Note E. as follows: "Landscape strips and islands shall be created to break the visual impact of the parking areas.”
10. Revised the labels for the 35-foot setback to refer to the setback line.
11. Provided the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.
12. Revised 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.”
13. Provided 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.
14. Amended 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.
15. Revised 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.
16. Added 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.”
17. Amended Note G to remove the following: "per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”
18. Eliminated the language, under Note H, referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.
19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015.

Staff disagrees with the recommendation of the Zoning Committee. The petition is inconsistent with the Southwest District Plan, as amended by rezoning petition 1997-015. There have not been significant changes in development patterns in this area since petition
| New Public Hearing (TBD) | 4. **Petition No. 2014-100** *(Council District 1 – Kinsey)* by *Charlotte-Mecklenburg Planning Department* for a change in zoning for approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road from UR-3(CD) (urban residential, conditional) to TOD-M (transit oriented development – mixed-use).

The Zoning Committee voted 7-0 to recommend that this petition be returned to City Council for a new hearing to convert this conventional request to a conditional request. |
| --- | --- |

| New Public Hearing (March) | 5. **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).

**Note:** Staff recommends a new public hearing be held on March 16, 2015 due to the significant changes since the Zoning Committee vote.

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 agrees with the recommendation of the majority of the Zoning Committee. |
| --- | --- |

| Deferral (to April) | 6. **Petition No. 2014-110** *(Council District 1 – Kinsey)* by *Unique Southern Estates, LLC* for a change in zoning for approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue from R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay) to MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay).

The Zoning Committee voted 7-0 to **DEFER** this petition to the March 25, 2015 Zoning Committee meeting. |
| --- | --- |

| Deferral (to April) | 7. **Petition No. 2014-113** *(Council District 4 – Phipps)* by *Dona M. Patterson* for a change in zoning for approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street from R-12MF (multi-family residential) to O-1(CD) (office, conditional).

**Note:** Staff recommends a deferral on the decision for this petition until
April 20, 2015 to allow the Zoning Board of Adjustment to rule on the proposed variance.

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 multi-family uses for the 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, because:

- It allows the reuse of the existing residential structure for an office, retains the residential character of the structure, and serves as a transition between the cemetery and the residential land uses.

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

1. Note 5 has been removed from the plan.
2. Note 1 has been removed from the plan.
3. The current use has been updated to reflect a single family home.
4. The five-foot sidewalk from the existing structure to the public sidewalk system has been shown.
5. The possible dumpster location has been shown.
6. The proposed driveway has been shown with one-way access.
7. A note has been added that the existing structure shall remain and any reference to a new structure has been removed.
8. A note has been added that attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.

Staff agrees with the recommendation of the Zoning Committee.

Attachment 7

8. **Petition No. 2015-002**, by Charlotte Montessori School for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the street frontage and primary access requirements for child care centers.

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

- It meets the plan goal to ensure a diverse, growing, and adaptable economy.

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 text amendment:

- Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts; and
- Clarifies the street frontage and primary access requirements for childcare centers located in residential zoning districts; and
- Corrects the list of zoning districts in which childcare centers are currently permitted.

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

Staff agrees with the recommendation of the Zoning Committee.

Attachment 8
9. **Petition No. 2015-005** (Council District 4 – Phipps) by SIM USA for a change in zoning for approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).

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

- The Plan recommends institutional uses for the subject property, and communication towers are a permitted use in the institutional zoning district.

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 communication tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street.

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

1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes" and replaced with the following: "...upon future development of said Tracts (excluding the communications tower installation)."

2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch, and Steele Creek on this property for future greenway development.

3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that the sidewalk and planting strip would be constructed within six months of the approval of this rezoning.

4. Amended Transportation Note 4. to remove the words "contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council" and replaced with language requiring construction plans for the sidewalk and planting strip to be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.

5. Removed all references to Tract II. Grayed the area of Tract II and labeled "Not included in rezoning." Amended the application and site plan data to reflect the reduced acreage.

6. Provided a note that prohibits all buffers from being reduced.

7. Amended Note 2 under Permitted Development within the Site by replacing "a 200-foot monopole communications tower" with "up to a 210-foot monopole communications tower."

8. Amended the definition of the term "Petitioners" to reflect a singular petitioner.

Staff agrees with the recommendation of the Zoning Committee.
<table>
<thead>
<tr>
<th>Protest Petition (Sufficient)</th>
<th>10. <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). Staff recommends approval of this petition upon resolution of outstanding issues. <strong>Attachment 10</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deferral (to March)</td>
<td>11. <strong>Petition No. 2014-101</strong> (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(CD) (single family residential, conditional). <strong>Attachment 11</strong></td>
</tr>
<tr>
<td>Deferral (to March)</td>
<td>12. <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). <strong>Attachment 12</strong></td>
</tr>
<tr>
<td>Deferral (to March)</td>
<td>13. <strong>Petition No. 2014-115</strong> (Council District 3 – Mayfield) by Satwinder Singh for a change in zoning for approximately 1.13 acres located on the south side of Parker Drive between Remount Road and Berryhill Road from I-1 (light industrial) to I-2(CD) (general industrial, conditional). <strong>Attachment 13</strong></td>
</tr>
<tr>
<td></td>
<td>14. <strong>Petition No. 2015-003</strong> (Council District 3 – Mayfield) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place from B-2 (general business) to TOD-M (transit oriented development - mixed-use). Staff recommends approval of this petition. <strong>Attachment 14</strong></td>
</tr>
<tr>
<td></td>
<td>15. <strong>Petition No. 2015-004</strong> (Council District 1 – Kinsey) by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 0.177 acres located on the east side of North Davidson Street between East 32nd Street and East 33rd Street from R-5 (single family residential) to TOD-MO (transit oriented development - mixed-use, optional). Staff recommends approval of this petition upon resolution of outstanding issues. <strong>Attachment 15</strong></td>
</tr>
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<td></td>
<td>16. <strong>Petition No. 2015-007</strong> (Council District 7 – Driggs) by Village at Robinson Farm, LLC for a change in zoning for approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment). Staff recommends approval of this petition upon resolution of outstanding issues. <strong>Attachment 16</strong></td>
</tr>
<tr>
<td>Petition No.</td>
<td>Council District</td>
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<td>2015-008</td>
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<td>2015-016</td>
<td>7 - Driggs</td>
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<td>2015-018</td>
<td>1 - Kinsey</td>
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<td>2015-021</td>
<td>2 - Austin</td>
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</tbody>
</table>
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.

PROPERTY OWNER
Moss Road Development Partners

PETITIONER
Moss Road Development Partners

AGENT/REPRESENTATIVE
Walter Fields

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1

STATEMENT OF CONSISTENCY
The proposed office building is found to be consistent with the Steele Creek Area Plan and the proposed retail/automobile services use is found to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends office uses for the subject property.
- However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:
  - The proposed retail use is less intense than office from a traffic perspective and the applicant has worked to develop a plan that addresses building elevations, site design and relationship to the neighborhood;

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

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

1. A Development Data Table has been provided that includes proposed use(s) (general office, medical office, automotive services), and maximum building height (40 feet to top of highest ridge, 30 foot maximum).
2. Labelling on the site plan has been corrected to reflect proposed six-foot sidewalk and eight-foot planting strip along Moss Road.
3. CATS, CDOT, Engineering and Property Management, and Storm Water Services comments have been addressed as per the following:
   a. Added note stating petitioner will work with CATS on the location and timing of the installation of a future bus shelter pad on the site if location meets all of CATS and NCDOT requirements.
   b. Provided language and detail on site plan as provided in CDOT memorandum regarding extension of the existing eastbound right-turn lane on South Tryon Street. The exact configuration of the curb, sidewalk, and ramps will be determined during permitting.
   c. In response to Engineering and Property Management’s request, language has been provided under Environmental Features pertaining to tree protection and submittal of a tree survey.
d. The petitioner has added language provided by Storm Water Services under the heading Environmental Features pertaining to compliance with the Charlotte City Council approved and adopted Post Construction Ordinance.

4. The petitioner has noted that freestanding lighting on the site will utilize full cut-off luminaries, and will be limited to a maximum 25 feet in height.

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

ZONING COMMITTEE DISCUSSION
Planning staff reviewed the request with the Committee, noting that all outstanding issues were addressed by the petitioner except for the inconsistency of the proposed retail use with the adopted plan. A Commissioner requested clarification regarding the sale of parts, and the Committee suspended the rules to allow the agent to speak.

Mr. Walter Fields clarified that parts would be sold only to customers having vehicles serviced at the proposed facility and is not a place to go to buy a case of oil or tires. Committee members then discussed transportation related items, including the angled intersection and trip generation for retail versus office.

Another Commissioner questioned staff’s rational for recommending denial when it is based on the existing conditional site plan which simply reflects what was previously approved. Staff noted that prior to the 2007 rezoning the site was zoned R-3 (single family residential) and that staff did not support the rezoning of the site to NS (neighborhood services).

STAFF OPINION
Staff disagrees with the recommendation of the Zoning Committee, as the retail portion of the rezoning request is inconsistent with the Steele Creek Area Plan, which recommends office uses. In addition, the subject property is adjacent to single family residential and there are other opportunities for this type of use on South Tryon Street.

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

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

**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**
1. The retail component of the proposed request is inconsistent with the adopted plan recommendation from office uses.
2. Limit uses to personal services and eliminate retail uses.

**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 Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- 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.
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.
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
Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.
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.
REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE

3231 PROSPERITY CHURCH RD

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: 02328101
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)
PER 10 CHILDREN (UP TO 60 CHILDREN)

2. GENERAL PROVISIONS

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

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

4. PERMITTED USES

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

5. TRANSPORTATION

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

PROPOSED SITE ENTRANCE IS RIGHT-IN MOVEMENT ONLY.

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

6. ARCHITECTURAL STANDARDS

EXISTING STRUCTURE TO REMAIN.

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

7. STREETSCAPE AND LANDSCAPING

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

8. ENVIRONMENTAL FEATURES

MALLARD CREEK WATERSHED

11. SIGNAGE

ALL SIGNAGE IS PERMITTED THROUGH THE ORDINANCE

12. LIGHTING

ALL READING 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 LOCATION OUTSIDE THE REQUIRED SETBACK AND SIDE YARDS.
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

STATEMENT OF CONSISTENCY

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

- The Plan recommends retail uses with the exception of automobile service stations.

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:

- This plan and the recommended uses were approved a long time ago. Given the context of area today, this is a reasonable land use for this particular site; and
- The petitioner has agreed to address site plan issues 2 through 8;

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

ZONING COMMITTEE ACTION

The Zoning Committee voted 7-0 to APPROVE this petition with the following modifications and with the petitioner's commitment to address outstanding issues 2 through 8 prior to the City Council decision on this case:

1. CDOT withdrew their opposition to the left-in only access off the right-in driveway and no longer has any outstanding issues with the petition.
2. Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.
3. Revised 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).
4. Removed the “Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant” from the Site Data.
5. Removed the “+/-” in proposed building height for Parcel 4A.
6. Revised 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.
7. Removed Note B in its entirety and replaced 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.”

8. Deleted Note C in its entirety and replaced 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.”

9. Revised the second paragraph under Note E as follows: “Landscape strips and islands shall be created to break the visual impact of the parking areas.”

10. Revised the labels for the 35-foot setback to refer to the setback line.

11. Provided the 35-foot wide landscaped buffer with berm between Nations Ford Road and parking areas and dumpster enclosure north and south of the building.

12. Revised 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.”

13. Provided 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.

14. Amended 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.

15. Revised 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.

16. Added 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.”

17. Amended Note G to remove the following: “per Note 6 of the special conditions of the overall rezoning plan, petition #97-15.”

18. Eliminated the language, under Note H, referring to Note 4 of the overall rezoning plan, petition #97-15 and references to the “shopping center” signs.

19. Added a note under General Provisions stating that the petitioner will be required to file an administrative amendment to Petition 1997-015.

VOTE

Motion/Second: Nelson/Sullivan
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 inconsistent with the Southwest District Plan. The petitioner addressed a number of outstanding issues and verbally agreed to address 2 through 8 of the remaining issues. One commissioner noted a desire for mechanical equipment to be move from the façade facing the public street. There was no further discussion.
STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee. The petition is inconsistent with the Southwest District Plan, as amended by rezoning petition 1997-015. There have not been significant changes in development patterns in this area since petition 1997-015 was approved.

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 from Petition 1997-015. Parcel 4 is located 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 19 feet, excluding the architectural roof feature, 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 the 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.
  - Provides four sided building elevations, elevations of the dumpster enclosure and pump islands.
  - States that 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 the right-in access driveway off of Tyvola Road on at least 50% of the length of the first floor frontage facing the street and 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, palladian windows, or 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**: 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**
- 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. 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.
  3. Amend Note B, Parcel 4A to remove “automobile service stations” and “Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use.”
  4. Amend Note F. to make the word “parcel” at the end of the first sentence plural.
  5. Delete the proposed sign location and label.
  6. Increased the width of the sidewalks on the right and left side of the building from five feet to six feet to allow for “shy zone” next to the building.
  7. Increase the width of the sidewalk in front of the building from six feet to eight feet to allow for the “shy zone” and parked cars, curb stops should be used in front of the building.
  8. Swap the labels of the left and right elevations to correct match the images.
Attachments Online at [www.rezoning.org](http://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.

CHARLOTTE CITY LIMITS

OUTSIDE CHARLOTTE
CITY LIMITS

October 2, 2014
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.
REZONING PLAN

1" = 40'

SECTION THRU LANDSCAPED BUFFER

NEW 8' SIDEWALK

THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. THE PROPERTY WILL COMPLY WITH ALL SIGNAGE REQUIREMENTS.

PETITION #: 2014-92

STORMWATER MANAGEMENT

BERM 3-4' HT.

ALL SIGNAGE SHALL MEET APPLICABLE REGULATIONS. AS A MINIMUM IN EFFECT AT TIME OF PERMITTING, GROUND MOUNTED SIGNAGE FOR THE ENTRANCE, MAXIMUM 100 SQUARE FEET. ONE SIGN SHALL BE PERMITTED ALONG NATIONS FORD ROAD FRONTAGE, MAXIMUM 25 SQUARE FEET.

SIGNAGE

H.

ALL SITE LIGHTING SHALL BE INWARDLY DIRECTED SO AS NOT TO REFLECT OR BEAM TOWARD ADJACENT PROPERTY. LIMIT HEIGHT OF FREE STANDING LIGHTING TO 25 FEET.

ARCHITECTURAL STANDARDS

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE A DEVELOPMENT TRACT OF LAND AT THE INTERSECTION OF NATIONS FORD ROAD AS SEEN ON THE SITE PLAN. A SUBDIVISION OF SAID PARCEL IS PROPOSED AND WAS PRELIMINARILY APPROVED BY PLANNING STAFF.

PERMITTED USES

THE FOLLOWING STATES REQUIRE NOTIFICATION BY 811 DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.

SCREENING AND LANDSCAPED AREAS

THE PURPOSE OF THIS REZONING APPLICATION IS TO PROVIDE A DEVELOPMENT TRACT OF LAND AT THE INTERSECTION OF NATIONS FORD ROAD AS SEEN ON THE SITE PLAN. A SUBDIVISION OF SAID PARCEL IS PROPOSED AND WAS PRELIMINARILY APPROVED BY PLANNING STAFF.

MAXIMUM DEVELOPMENT STANDARDS AND DEVELOPMENT LIMITATIONS

THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. THE PROPERTY WILL COMPLY WITH ALL SIGNAGE REQUIREMENTS.

REZONING PLANNING:

PAGE 179

REV DATE

ENTERPRISE DEVELOPMENT GROUP

CUSTOM LANDSCAPE ARCHITECTURE

THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED POST CONSTRUCTION CONTROLS ORDINANCE. THE PETITIONER SHALL COMPLY WITH THE CHARLOTTE TREE ORDINANCE. THE PROPERTY WILL COMPLY WITH ALL SIGNAGE REQUIREMENTS.
Rezoning Petition 2014-100
Zoning Committee Recommendation
January 28, 2015

REQUEST

Current Zoning: UR-3(CD) (urban residential, conditional)
Proposed Zoning: TOD-M (transit oriented development – mixed-use)

LOCATION

Approximately 15.50 acres located on the southeast corner at the
intersection of West 30th Street and Chick Godley Road.
(Council District 1 - Kinsey)

SUMMARY OF PETITION

The petition proposes to rezone approximately 15.50 acres to allow all
uses in the TOD-M (transit oriented development – mixed-use) district.

PROPERTY OWNER

First Industrial B & L, LLC

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Tony Kuhn – Flywheel Group, LLC

COMMUNITY MEETING

Meeting is not required.

ZONING COMMITTEE

ACTION

The Zoning Committee voted 7-0 to recommend that this petition be
returned to City Council for a new hearing to convert this conventional
request to a conditional request.

VOTE

Motion/Second: Sullivan/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 the petitioner is in the
process of seeking a conditional rezoning and a new public hearing
would be required. One Commissioner asked if the petitioner was
aware of the process for the new public hearing. Staff responded
stating we have been working with the petitioner and he is aware of
the requirements for the conditional request. There was no further
discussion of this petition.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

• Background
  • In 2008 the subject property was rezoned from I-2 (general industrial) to UR-3(CD) (urban
residential, conditional) for the development of 327 townhomes and flats with an option to add
up to 44,000 square feet of ground floor office and retail (petition 2008-82). The overall density
for the project was 20.45 units per acre.

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

• Public Plans and Policies
  • The Blue Line Extension Station Area Plan – 36th Street Station (2013) recommends transit
supportive land uses for these parcels. A portion of the rezoning site is within 1/2 mile of the
36th Street Station on the LYNX Blue Line Extension.
  • This petition is consistent with the Blue Line Extension Station Area Plans – 36th Street Station.
DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** This property is located in the Central Park Region and is on the Little Sugar Creek Greenway corridor as indicated on the 2008 Greenway Master Plan.
- **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
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

**Planner:** Solomon Fortune   (704) 336-8326
Petition #: 2014-100

Rezoning Petition: 2014-100

Vicinity Map

November 3, 2014

Petition # 2014-100

Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.

Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.
Petition #: 2014-100

Petitioner: Charlotte-Mecklenburg Planning Department

Zoning Classification (Existing): UR-3(CD) (Urban Residential, Conditional)

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

Acreage & Location: Approximately 15.50 acres located on the southeast corner at the intersection of West 30th Street and Chick Godley Road.
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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<tr>
<th>Assessment Criteria</th>
<th>Density Category - &gt;6 up to 8 dua</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
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<tr>
<td>Sewer and Water Availability</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>
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<td>Other Opportunities or Constraints</td>
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<td><strong>Minimum Points Needed: 11</strong></td>
<td><strong>Total Points: 11</strong></td>
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</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.

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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**

• No issues.

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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
• 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.
Rezoning Petition 2014-110
Zoning Committee Recommendation
January 28, 2015

REQUEST
Current Zoning: R-5 (single family residential), R-5(HD-O) (single family residential, historic district overlay) and B-2(CD)(HD-O) (general business, conditional, historic district overlay)

Proposed Zoning: MUDD-O (mixed use development, optional) and MUDD-O(HD-O) (mixed use development, optional, historic district overlay)

LOCATION
Approximately 4.54 acres located at the southeast corner of the intersection of The Plaza and Belvedere Avenue (Vanlandingham Estate).
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow a spa, up to 19 single family attached dwelling units and a private neighborhood pool and swim club, in addition to the existing hotel and event facility.

PROPERTY OWNER
Unique Southern Estates, LLC; Mark A. Maddalon

PETITIONER
Unique Southern Estates, LLC

AGENT/REPRESENTATIVE
John Carmichael

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 33.

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to the March 25, 2015 Zoning Committee meeting.

VOTE
Motion/Second: Ryan/Walker
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)

PLANNING STAFF REVIEW

• Background
  • Petition 1987-050 rezoned the Vanlandingham Estate to B-2(CD) (general business, conditional) to allow functions to include, but not limited to, weddings and wedding receptions, small dinner parties, corporate meetings and social functions, birthday parties and other special events. Conditions on the approved site plan committed to maintenance of the house and grounds in accordance with their designation as a national historic landmark, with no subdivision of the property. Other commitments pertained to adherence with the City’s Noise Control Ordinance, interior and exterior alterations, temporary structures, parking on the grounds, vegetation along the property line adjacent to residential properties, signage, permanent and temporary exterior lighting, occupation of the property by owner or agent, and an agreement with Holy Trinity Church for overflow parking.
  • In 1998, the City Council denied a site plan amendment (1998-030) to add 14 rooms for overnight guests, make additions to the main house and carriage house, and allow up to 15 “special events” per year.
  • In 2000, a site plan amendment (2000-017) was approved to modify the conditional plan governing the Vanlandingham Estate. The approval allowed the operation of a hotel in the style of a bed and breakfast, an addition of a garden room to the main house, a new greenhouse, and a condition that all events except one per year were are limited to a maximum of 325 guests.

• Proposed Request Details
The site plan accompanying this petition contains the following provisions:
• Allows the main house, carriage house porch and grounds to continue to be used for conferences, meetings, private events catered by the owner of the main house, social events sponsored by non-profit and charitable organizations, and neighborhood and community events to which the public is invited and food and beverages (non-alcoholic and alcoholic) may be served.
• Allows the continued use of a hotel with a maximum of nine rooms for overnight lodging of guests (five in the main house and four in the carriage house), including the serving of breakfast, other meals from time to time, and beverages to guests.
• Allows the addition of up to 19 for-sale single family attached dwelling units to be added to the perimeter of the site. The site plan shows two, five-unit buildings along the southern edge of the site that is currently zoned R-5 (single family residential) and occupied by two single family homes. A six-unit and a three-unit building are shown along Thurmond Place to the north and south of the existing carriage house.
• Allows the addition of a spa to be located in the main house.
• Allows the addition of a private neighborhood pool and swim club with associated accessory uses and structures which will be operated on a membership basis.
• Restricts the site from functioning as a public restaurant.
• Prohibits on-site food preparation for off-site sales or consumption including off-site catering.
• Requires amplified music on the site to end by 10:30 p.m. on weekdays and 11:00 p.m. on weekends.
• Specifies standards for the location, setup and dismantling of temporary structures such as stages and event tents.
• Existing driveways into the site will remain. An additional drive will be provided from The Plaza to Nassau Boulevard, along the southern edge of the site to provide access to the residential units and parking. Three additional drives are also proposed along Thurmond Place to provide direct access to the garages of three residential units south of the existing carriage house. The remainder of the residential units along Thurmond Place will be accessed internally.
• Provides a total of 160 parking spaces (88 on-site, 24 on-street along Belvedere Avenue and Thurmond Place, and commits to 48 off-site spaces located within 1,600 feet of the site.)
• Specifies that events with more than 40 guests will have at least one parking attendant, events with more than 75 guests will have at least two attendants, and events with more than 200 guests will have at least one off-duty police officer. The swim club/pool is exempted from these requirements except that when a swim meet is held then at least two parking attendants will be provided.
• Specifies that architectural and design standards will be subject to the review and approval of the Landmarks Commission and the Historic District Commission.
• Provides a four-foot tall hedge between the pool and Belvedere Avenue and ten-foot wide landscape screening between the proposed private drive, the church, and the single family residential property to the south.
• Limits the height of new detached lighting to 20 feet.
• Optional Provisions include the following:
  A. Parking located between the buildings and the adjacent public streets as depicted on the rezoning plan.
  B. The existing sidewalks and planting strips located along the public street frontages to remain.
  C. Existing screening hedges located in portions of the setbacks to remain.

• **Public Plans and Policies**
  • The Central District Plan (1993), as amended by rezoning petition 2000-017, recommends retail for the majority of the site. The purpose of the retail land use designation and zoning was to allow the reuse of the existing historic site for a bed and breakfast style hotel with an events facility while also protecting the surrounding single family neighborhood. The Plan recommends single family uses for the 0.46 acre portion at the southern edge of the site zoned R-5 (single family residential).
  • The General Development Policies (GDP) support residential density over 17 dwelling units per acre. The proposed density of 14 dwelling units per acre, for the portions of the site to be residential use, meets the General Development Policies (GDP) for the density.
### Assessment Criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category Over 17 DUA</th>
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</thead>
<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
</tr>
<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<tr>
<td>Land Use Accessibility</td>
<td>Medium (2)</td>
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<tr>
<td>Connectivity Analysis</td>
<td>High (5)</td>
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<tr>
<td>Road Network Evaluation</td>
<td>0 (No)</td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>4 (Yes)</td>
</tr>
<tr>
<td>Other Opportunities or Constraints</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total Points Needed:</strong> 14</td>
<td><strong>Total Points:</strong> 14</td>
</tr>
</tbody>
</table>

- The proposed neighborhood pool and single family attached dwellings are inconsistent with the *Central District Plan*; however, the density of the single family attached dwellings is supported by the *General Development Policies*.
- The proposed development represents a significant increase in the intensity of the uses on the site. The proposal could be appropriate for consideration provided issues related to site design and parking are addressed.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:**
  1. Revise the site plan so that proposed single family attached lots 11-13 along Thurmond Place are either “rear loaded” and face Thurmond Place or removed from the petition entirely. The current design creates too many driveways along Thurmond Place.
  2. Remove the existing holly hedges to prevent a sight distance obstruction and safety concern for vehicles and pedestrians at driveway locations along Thurmond Place.
  3. Improve any proposed off-site parking to meet the minimum requirements set forth in the Charlotte Land Development Standards Manual.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate one student, while the development allowed under the proposed zoning will produce one student. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

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

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

### OUTSTANDING ISSUES

- The petitioner should:
  1. Address CDOT issues.
  2. Provide a note restricting overlap in swimming pool hours with events at the house and
3. Limit events and swim club use or provide additional parking.
4. Remove the off-site parking details from the site plan and provide a note committing to at least 48 off-site parking spaces that meet the standards of Section 9.8507 Parking Standards (6) in the Zoning Ordinance.
5. Provide rear loaded garages for units at the southern end of Thurmond Avenue or change the building design to reduce the number of driveways and orient the units to the street.
6. Break up the attached units along Thurmond north of the carriage house into multiple buildings. These could be duplexes, triplexes, and/or quadruplexes. Size, scale, and design of these residential structures should be similar to the existing carriage house and buildings should be oriented to the street.
7. Provide pedestrian connections from the proposed residential units to the public sidewalk.
8. Provide the required 10-foot buffer at the rear of the off-site parking lot and provide the required five-foot wide screening to the north and south, and along The Plaza.
9. Eliminate Optional Provisions Note B. to reflect a rear loaded garage condition or amend the note to reflect a change in the design of the building.
10. Amend existing and proposed zoning to include the historic district overlay designation.

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

Planner: John Kinley (704) 336-8311
Petition #: 2014-110

Acreage & Location: Approximately 4.54 acres located on the southeast corner of the intersection between The Plaza and Belvedere Avenue.
Petition #: 2014-110

Petitioner: Unique Southern Estates, LLC

Zoning Classification (Existing): R-5, R-5(HD-O) & B-2(CD)(HD-O)
(Single Family, Residential; Single Family, Residential, Historic District Overlay, and General Business, Conditional Historic District Overlay)

Zoning Classification (Requested): MUDD-O & MUDD-O(HD-O)
(Mixed Use Development District, Optional and Mixed Use Development District, Optional, Historic District Overlay)

Acreage & Location: Approximately 4.54 acres located on the southeast corner of the intersection between The Plaza and Belvedere Avenue.
Note: The decision on this petition should be deferred until April 20, 2015 to allow the Zoning Board of Adjustment to rule on the proposed variance.

REQUEST
Current Zoning: R-12MF (multi-family residential)
Proposed Zoning: O-1(CD) (office, conditional)

LOCATION
Approximately 0.65 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way.
(Council District 4 - Phipps)

SUMMARY OF PETITION
The petition proposes the reuse of a 1,603-square foot existing structure to allow general office uses.

PROPERTY OWNER
Dona M. Patterson

PETITIONER
Dona M. Patterson

AGENT/REPRESENTATIVE
None

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 1.

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 multi-family uses for the 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, because:

- It allows the reuse of the existing residential structure for an office, retains the residential character of the structure, and serves as a transition between the cemetery and the residential land uses;

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 with the following modifications:

1. Note 5 has been removed from the plan.
2. Note 1 has been removed from the plan.
3. The current use has been updated to reflect a single family home.
4. The five-foot sidewalk from the existing structure to the public sidewalk system has been shown.
5. The possible dumpster location has been shown.
6. The proposed driveway has been shown with one-way access.
7. A note has been added that the existing structure shall remain and any reference to a new structure has been removed.
8. A note has been added that attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.

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

ZONING COMMITTEE
Staff reviewed the petition and noted that there were only three
DISCUSSION
outstanding issues from the public hearing. At the hearing on this petition, the petitioner stated that they would resubmit their site plan with the requested changes prior to Council decision on this petition. The revised site plans were submitted a few hours before the Zoning Committee Work Session and staff had not had time to review them. The Zoning Committee waived the rules to allow the petitioner to address the outstanding issues.

The petitioner, Dona Patterson, indicated that the following issues had been addressed on the revised site plan:

- A note was added that the existing structure would remain and remove any reference to a new structure.

Note 10 was modified to read: "Attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet. "Staff noted that a variance is needed for the width of the buffer next to the home and that this petition would not move forward to City Council for a vote until the petitioner had been through the variance process. There was no further discussion of this petition.

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

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

PLANNING STAFF REVIEW

- Background
  - A conventional rezoning request (Petition 2009-075) for office uses was filed for the subject site in 2009. A public hearing was held for the petition and the Zoning Committee made a recommendation of denial, but several members commented that they could support the rezoning if a conditional request was submitted. The petitioner made a request to indefinitely defer the petition to have a conditional site plan developed. The petitioner has requested that petition 2009-075 be withdrawn.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Reuse of a 1,603-square foot existing structure to allow general office uses.
  - The existing single family structure will remain.
  - The maximum building height is 40 feet.
  - A 12-foot Class “C” buffer will be provided abutting residential zoning.
  - Blank walls of more than 15 feet in length are prohibited and will be broken up by using doors and windows.
  - Attached and detached lighting will be downwardly directed and detached lighting will be limited to 15 feet in height.
  - The existing sidewalk along West Sugar Creek Road will remain.

- Public Plans and Policies
  - This petition is inconsistent with Northeast 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: Not applicable.
- Charlotte-Mecklenburg Storm Water Services: No issues.
• **Charlotte Water**: No issues.
• **Engineering and Property Management**: No issues.
• **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
• **Mecklenburg County Parks and Recreation Department**: No issues.
• **Urban Forestry**: No issues.

**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. File a variance and receive approval prior to City Council decision on this petition to allow the encroachment of the existing structure into the required 12’ foot buffer.

**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 Water Review
• Engineering and Property Management Review
• Mecklenburg County Land Use and Environmental Services Agency Review
• Mecklenburg County Parks and Recreation Review
• Urban Forestry Review

**Planner:** Solomon Fortune  (704) 336-8326
Petition #: 2014-113

Acreage & Location: Approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street.
Petition #: 2014-113
Petitioner: Dona M. Patterson

Zoning Classification (Existing): R-12MF
(Multi-Family, Residential)

Zoning Classification (Requested): O-1(CD)
(Office, Conditional)

Acreage & Location: Approximately 0.65 acres located on the east side of West Sugar Creek Road between Penny Way and North Tryon Street.
Rezoning Petition 2015-002
Zoning Committee Recommendation
January 28, 2015

REQUEST
Text Amendment to Section 12.502

SUMMARY OF PETITION
The petition proposes to:
1) modify the street frontage and primary access requirements to only apply to childcare centers located in residential districts, not to those located in non-residential districts; and
2) correct the list of zoning districts in which childcare centers are permitted.

PETITIONER
Charlotte Montessori School

AGENT/REPRESENTATIVE
David Powlen, Little Diversified Architectural Consulting

COMMUNITY MEETING
Meeting is not required.

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework, based on information from the staff analysis and the public hearing, and because:

- It meets the plan goal to ensure a diverse, growing and adaptable economy.

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 text amendment:

- Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts; and
- Clarifies the street frontage and primary access requirements for childcare centers located in residential zoning districts; and
- Corrects the list of zoning districts in which childcare centers are currently permitted;

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

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

VOTE
Motion/Second: Walker/Ryan
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 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
  - Childcare centers for between thirteen (13) and seventy-nine (79) children are permitted, with prescribed conditions, in R-9MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential), UR-2, UR-3, UR-C (urban residential), INST (institutional), RE-1, RE-2, and RE-3 (research), O-1, O-2, O-3 (office), MX-2 and MX-3 (mixed use), B-1 (neighborhood business), B-2 (general business), BD (distributive business), NS (neighborhood services), MUDD (mixed use development), UMUD (uptown mixed use), TOD-R, TOD-E, and TOD-M (transit oriented..."
development), U-I (urban industrial) and I-1 (light industrial) zoning districts.

- One of the prescribed conditions for childcare centers, as a principal use, is that the use is required to have frontage on a collector street or a minor or major thoroughfare. However, primary access may be provided by a local residential street that directly intersects a collector street, minor thoroughfare, or major thoroughfare, or by a collector street, a minor thoroughfare, or a major thoroughfare.

- **Proposed Request Details**
  The text amendment contains the following provisions:
  - Deletes the street frontage and primary access requirements for childcare centers located in non-residential districts.
  - Clarifies that street frontage and primary access requirements for childcare centers only apply when the use is located in a residential district.
  - Corrects the list of zoning districts in which childcare centers are currently permitted.

- **Public Plans and Policies**
  - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to ensure a diverse, growing and adaptable economy.

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

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

**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](http://www.rezoning.org)

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

**Planner:** Sandra Montgomery  (704) 336-5722
**Purpose/Background:** The purpose of this text amendment is to 1) delete the street frontage and primary access requirements for childcare centers located in non-residential districts; 2) clarify that the street frontage and primary access requirements for childcare centers only applies when the use is located in a residential zoning district; and 3) corrects the list of zoning districts in which childcare centers are currently permitted.

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Childcare centers for between thirteen (13) and seventy-nine (79) children, are permitted, with prescribed conditions in R-9MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family), UR-2, UR-3, UR-C (urban residential), INST (institutional), RE-1, RE-2, and RE-3 (research), O-1, O-2, O-3 (office), MX-2 and MX-3 (mixed use), B-1 (neighborhood business), B-2 (general business), BD (distributive business), NS (neighborhood service), MUDD (mixed use development), UMUD (uptown mixed use), TOD-R, TOD-E, and TOD-M (transit oriented development), U-I (urban industrial) and I-I (light industrial) zoning districts.</td>
<td>Corrects the list of permitted districts to match those where the use is currently permitted, with prescribed conditions</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| Street Frontage Requirements | Childcare centers, as a principal use, are required to have frontage on a collector street or a minor or major thoroughfare. | Deletes the frontage requirement for childcare centers located in non-residential zoning districts. | Provides additional flexibility |

| Primary Access to the Site | Primary access may be provided by a collector street, minor thoroughfare, or major thoroughfare, or by a local residential street that directly intersects a collector street, minor thoroughfare, or major thoroughfare. | Deletes the primary access requirement for childcare centers located in non-residential zoning districts. | Provides additional flexibility |
AN ORDINANCE AMENDING APPENDIX A
ORDINANCE NO. __________
OF THE CITY CODE - ZONING ORDINANCE

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

a. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (3) “Childcare centers” by amending the first paragraph to correct the zoning districts in which the use is currently allowed. The revised text shall read as follows:

(3) Childcare centers
Childcare centers for between thirteen (13) and seventy-nine (79) children, licensed by the North Carolina Department of Health and Human Services, may be established in all multi-family districts, UR-2, UR-3, UR-C, INST, all research, all office, NS, B-1 and B-2, BD, MUD, UMUD, MX-1, MX-2, MX-3, TOD-R, TOD-E, and TOD-M, U-I, and I-1 districts, according to the requirements listed below. Childcare centers are also permitted as an accessory to uses permitted in the I-2 district, religious institutions, elementary, junior and senior high schools, and government buildings, and are exempt from the requirements listed below.

b. Amend Section 12.502, “Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers”, subsection (3) “Childcare centers” by amending subparagraph (d). All remaining subparagraphs shall remain unchanged. The new subparagraph shall read as follows:

(d) In residential districts, childcare centers must have frontage on a collector street or a minor or major thoroughfare. Primary access to the center may be provided by way of a local residential street that directly intersects a collector street or a minor or major thoroughfare.

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__.

______________________________

www.charlotteplanning.org
**REQUEST**

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

Proposed Zoning: INST(CD) SPA (institutional, conditional, site plan amendment)

**LOCATION**

Approximately 89.96 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle. (Council District 3 - Mayfield)

**SUMMARY OF PETITION**

The petition proposes a site plan amendment to allow the addition of a cell tower up to 210 feet in height on the site, along with other minor changes.

**PROPERTY OWNER**

SIM USA, Inc.

**PETITIONER**

SIM USA

**AGENT/REPRESENTATIVE**

Jonathan L. Yates

**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 Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because:

- The Plan recommends institutional uses for the subject property, and communication towers are a permitted use in the institutional zoning district.

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 communication tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street;

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

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**ZONING COMMITTEE ACTION**

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

1. Addressed the CDOT issue by amending Note 3 to eliminate "...within a reasonable period of time after the Charlotte Department of Transportation has determined that any such left turn lane is warranted by reason of increased traffic volumes” and replaced with the following: “...upon future development of said Tracts (excluding the communications tower installation).”

2. Addressed the Park and Recreation issue by providing greenway documentation for easements for Polk Ditch, Walker Branch and Steele Creek on this property for future greenway development.

3. Provided a note stating that construction plans for the six-foot sidewalk and eight-foot planting strip along Choate Circle would be submitted prior to issuance of final approvals for the telecommunications tower and that the sidewalk and planting strip would be constructed within six months of the approval of this rezoning.

4. Amended Transportation Note 4. to remove the words “contemporaneously with, and in sequences keyed to, new development taking place on each such Tract (excluding the communications tower installation), but in all events, no later than the fifth anniversary of the date on which this Rezoning Petition is approved by Charlotte City Council” and replaced with language requiring construction plans for the sidewalk and planting strip to
be submitted to the City prior to issuance of the final approvals for the communications tower and that the sidewalk and planting strip be constructed within six months of the approval of the rezoning.

5. Removed all references to Tract II. Grayed the area of Tract II and labeled “Not included in rezoning.” Amended the application and site plan data to reflect the reduced acreage.

6. Provided a note that prohibits all buffers from being reduced.

7. Amended Note 2 under Permitted Development within the Site by replacing “a 200-foot monopole communications tower” with “up to a 210-foot monopole communications tower.”

8. Amended the definition of the term “Petitioners” to reflect a singular petitioner.

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<table>
<thead>
<tr>
<th>VOTE</th>
<th>Motion/Second: Labovitz/Sullivan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yeas:</td>
<td>Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker</td>
</tr>
<tr>
<td>Nays:</td>
<td>None</td>
</tr>
<tr>
<td>Absent:</td>
<td>None</td>
</tr>
<tr>
<td>Recused:</td>
<td>None</td>
</tr>
</tbody>
</table>

**ZONING COMMITTEE DISCUSSION**

Planning staff provided a summary of the rezoning request. Several commissioners asked staff to clarify the distance to the nearest single family homes. Staff responded that the nearest homes along Choate Circle and the neighboring subdivision are 1/3 of a mile or greater from the proposed communications tower location. Other commissioners noted that the site was a good choice for a communications tower because the property is very large, there are no residential uses nearby, and the property is wooded. Planning staff pointed out that at the public hearing the petitioner said the height of the tower would be 199 feet. The Zoning Committee mutually agreed that due to the site and tower location there was not a need to ask the petitioner to reduce the proposed height from 210 feet to 199 feet.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Background**
  - Rezoning petition 1996-027C rezoned the subject property from INST(CD) (institutional, conditional) and R-3 (single family residential) to INST(CD) (institutional, conditional) and INST (CD) SPA (institutional, conditional, site plan amendment) for the Gordon-Conwell Theological Seminary. The property included approximately 108 acres which was divided into two tracts with the following conditions:
    - Uses limited to corporate headquarters, training facilities, service facilities and housing facilities, a seminary and associated accessory uses.
    - Limits nonresidential buildings to 275,000 square feet on Tract I and limits buildings on Tract II to 31,000 square feet.
    - Allows up to 150 independent residential living units in the form of multi-family units as an integral part of the missionary headquarters and not owned by a third party.
    - Specifies transportation commitments related to right-of-way dedication, widening, left-turn lane, and sidewalk and planting strip along Choate Circle.
    - Specifies that buffer areas are to remain as open space, except to accommodate walls, fences, drainage, utilities, pedestrian pathways, and bicycle pathways.
    - Commits to the maintenance of existing natural vegetation within the setback along Choate Circle.
    - Prohibits buildings from being constructed within the floodplain except those depicted on the site plan.
    - Limits lighting to a maximum height of 20 feet.
    - Limits the maximum building height to two stories or 40 feet in height.
• In 2006, Tract II, approximately 19 acres, was subsequently rezoned by petition 2006-142 to increase the maximum building square footage from 31,000 square feet to 121,000 square feet and to prohibit the reduction of buffers on Tract II.

• **Proposed Request Details**
The site plan amendment contains the following changes:
  1. Adds a 210-foot tall monopole communications tower to the allowed uses for Tract I. This use is in addition to the corporate headquarters, training facilities, services facilities and housing facilities.
  2. Specifies that buildings in Tract I may not exceed an aggregate of 275,000 square feet including any proposed equipment shelters in the communications tower compound.
  3. Adds a note specifying that the communication tower will only be illuminated as required by the Federal Communications Commission or other agency of jurisdiction.
  4. Adds a note specifying that the tower will be constructed of painted or unpainted galvanized steel according to the applicable standards of the Federal Aviation Authority or other agencies. No advertising shall be attached to the tower.
  5. Adds a note limiting the maximum height of the tower to 210 feet.
  6. Amends Transportation Note 4 to increase the required sidewalk from four feet to six feet.
  7. Commits to the submission of construction plans for the sidewalk and planting strip along Choate Circle prior to the issuance of final approvals for the communications tower and construction of the planting strip and sidewalk to be completed within six months of the approval of this rezoning petition.
  8. Removes references to Tract II because it was rezoned with another petition.

• **Public Plans and Policies**
  • The Steele Creek Area Plan (2012) recommends institutional uses. Communication towers are a permitted use in the institutional district. The proposed communications tower is located over 1/3 of a mile from the nearest single family homes and approximately 1/3 of a mile from the nearest public street.
  • The petition is consistent with the Steele Creek Area Plan.

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

**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 preserving areas within the floodplain.

**OUTSTANDING ISSUES**
• No issues.
Attachments Online at www.rezoning.org

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle.
Petition #: 2015-005
Petitioner: SIM USA

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

Zoning Classification (Requested): INST(CD) SPA (Institutional, Conditional, Site Plan Amendment)

Acreage & Location: Approximately 108.86 acres located on the south side of Choate Circle and at the southern intersection of Moss Road and Choate Circle.
Site Tabulation

<table>
<thead>
<tr>
<th>Site Access</th>
<th>Property Boundary</th>
<th>Bituminous Lane</th>
<th>Internal Parcel Line</th>
<th>Building Envelope</th>
<th>Parking Area</th>
<th>Internal Access</th>
<th>S-MUA Buffer</th>
<th>Floodplain Fringe</th>
<th>Floodway Encroachment</th>
<th>Buffers/Setback Area</th>
<th>FEMA Floodway Area</th>
</tr>
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</table>

Site Legend:
- Site Access
- Property Boundary
- Bituminous Lane
- Internal Parcel Line
- Building Envelope
- Parking Area
- Internal Access
- S-MUA Buffer
- Floodplain Fringe
- Floodway Encroachment
- Buffers/Setback Area
- FEMA Floodway Area

Development Standards:
- Stormwater runoff from the Site will be managed in accordance with the requirements of the Ordinance.
- Adequate sight triangles must be reserved at the existing/proposed street entrances.
- No building constructed on the Site may exceed 2 stories or 40 feet in height.
- No parking areas may be constructed within buffer areas, setback areas, side yard or front yard.
- No building may be installed within the floodplain fringe areas depicted on the Technical Data Sheet and no filing may take place within floodplain fringe or flood encroachment areas.
- Tract I contains 89.96 acres, more or less, fronts on Choate Circle for a distance of 400 feet.

Amendment to this Rezoning Plan:
- Assigns.

General Provisions:
- Stormwater Management
- Architectural Controls
- Binding Effect of the Rezoning Application

Additional Screening Where Needed:
- The petitioners, however, reserve the right to remove additional screening where needed. The petitioners, however, reserve the right to remove additional screening where needed.

Floodplain Fringe Area:
- Tract I may be used to accommodate development of the corporate headquarters.
- Areas B and C of Tract I may be used for parking purposes only.

Parking Area:
- All non-residential buildings constructed on Tract I may not exceed, in the aggregate, 275,000 square feet, including any proposed equipment shelters in the communications tower compound.
- Tract I may be used to accommodate development of the corporate headquarters.

Additional Screening Where Needed:
- The petitioners, however, reserve the right to remove additional screening where needed.

Floodplain Fringe Area:
- No building may be installed within the floodplain fringe areas depicted on the Technical Data Sheet and no filing may take place within floodplain fringe or flood encroachment areas.
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- Tract I contains 89.96 acres, more or less, fronts on Choate Circle for a distance of 400 feet.

Additional Screening Where Needed:
- The petitioners, however, reserve the right to remove additional screening where needed.

Floodplain Fringe Area:
- No building may be installed within the floodplain fringe areas depicted on the Technical Data Sheet and no filing may take place within floodplain fringe or flood encroachment areas.
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, as amended by a previous rezoning, 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

PETITIONER

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.
    - Provides screening in the form of a six-foot high fence along the rear property line.
    - Specifies that the exterior building finish shall be a combination of brick and siding.
    - Preserves the lower/eastern portion of the site and floodplain as undisturbed open space.
    - Limits height of parking area lighting to ten feet and requires lighting to be designed to direct light away from or shield light from the residential area.
    - Places 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.
    - Requires the lower/eastern portion of the site to be dedicated 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 Road.
    - 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.
• Shows that the lower/eastern portion of the site has been dedicated to Mecklenburg County Parks and Recreation and provides a reference to the Map Book and page on which it is recorded in the Mecklenburg County Register of Deeds.
• 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 a minimum building separation of 14 feet.

**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 (neighborhood business) 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 residential 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 18 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is six students.
• Charlotte-Mecklenburg Storm Water Services: No issues.
• Charlotte Water: No issues.
• Engineering and Property Management: No issues.
• Mecklenburg County Land Use and Environmental Services Agency: No issues.
• Mecklenburg County Parks and Recreation Department: No issues.
• Urban Forestry: No issues.
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. Provide and label a five-foot side yard between the proposed building and the area dedicated to Mecklenburg County Parks and Recreation.
  2. Show and label the temporary and permanent easements associated with the construction and maintenance of the building and the area dedicated to Parks and Recreation.
  3. Provide a note indicating that landscaping in the form of trees and shrubs will be replanted within the five-foot temporary easement and that the landscaping and large maturing trees will be extended, along the rear property line, across the 20 feet of easements.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water
- 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
Petition Number 2014-101

A Community Meeting Report has not been submitted for this petition. Therefore a public hearing may not be held and the petition is automatically deferred to the March 16, 2015 meeting.
Note: The petitioner has requested a deferral of this public hearing until March 16, 2015.

**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 4,600 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 building height, setbacks, streetscapes and residential use for a portion of the R-8 (single family residential) zoned land and density on Cherry Street. Although the land use is generally consistent, the deviations from the adopted Plan recommendations are too significant 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

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**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) (urban residential, conditional) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
  - Petition 2012-050 established PED (pedestrian overlay district) zoning 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, private postal services, 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.
      - Multi-family residential limited to 300 units.
      - Maximum of 225 hotel rooms.
- Requires ground floor uses located in the building to be devoted to non-residential use with primary street level access.
- Prohibits single family attached dwelling units.

Development Area B:
- Allows a 187,450-square foot structured parking facility, and up to 4,600 square feet of ground floor nonresidential uses facing South Kings Drive.
- Maximum building height of 65 feet along South Kings Drive.
- Prohibits residential dwellings, hotels, colleges/universities/commercial and trade schools, and private postal services.

Development Area C:
- Allows up to eight single family attached dwelling units and associated accessory uses.
- Requires the dwelling units to be constructed prior to the issuance of a Certificate of Occupancy for the parking structure.
- 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.
- Specifies that tree grates, seat walls and other pedestrian amenities and features may be provided in the setback along the site’s frontage on South Kings Drive.
- 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) zoning district refers to the adopted streetscape plan which is part of the Midtown Morehead Cherry Area Plan, which recommends on-street parking.
3. Allow a 24-foot setback along South Kings Drive at the first floor and 16-foot setback for all other floors in Development Area A. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 24 feet along South Kings Drive.
4. Allow a 19-foot minimum setback for the structured parking facility along South Kings Drive. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 24 feet along South Kings Drive.
5. Allow the setback, planting strip and sidewalk along the site’s frontage on Luther Street that is depicted on the rezoning plan on sheet RZ1.1. The rezoning plan shows a 16-foot setback near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive and a six-foot sidewalk and eight-foot planting strip with a one foot utility zone near the intersection of Luther Street and Cherry Street that increases in width towards South Kings Drive. The MUDD (mixed use development) district refers to the adopted area plan, which recommends a building setback of 16 feet with an 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. The MUDD (mixed use development) district refers to the adopted area plan which recommends a building setback of 16 feet with an eight-foot planting strip, six-foot sidewalk and two-foot utility zone; however, the Plan also recommends the consideration of the abandonment of Cecil Street if the abandonment it part of a redevelopment proposal that supports the transformation of Kings Drive into a pedestrian-friendly commercial district.
7. Allow the setback along Cherry Street to be reduced to 16 feet. The adopted area plan recommends areas outside of the Pedestrian Overlay follow Zoning Ordinance standards; thus, a 32-foot setback would be required.
8. Allow an eight-foot planting strip and an eight-foot sidewalk along the site’s frontage on Baxter Street rather than an 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 is 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 inconsistent with the adopted plans for the following reasons:
    - The proposed building height is a 58-foot increase above the height recommended by the Plan.
    - The Plan recommends a 24-foot setback along South Kings Drive. The petition is proposing a setback of 24 feet at the ground floor, reduced to 16 feet for upper floors for Development Area A and a 19-foot setback for Development Area B.
    - The Plan recommends recessed on-street parking, an eight-foot curbed planter, and an eight-foot sidewalk along South Kings Drive. The rezoning proposes no on-street parking, an eight-foot planting strip, and a 16-foot sidewalk for Development Area A and an eight-foot planting strip and an 11-foot sidewalk for Development Area B. The sidewalk and planting strip along Kings Drive varies for Development Area B.
    - The Plan recommends an eight-foot planting strip and a six-foot sidewalk with a two-foot utility zone along Baxter Street. The petition proposed an eight-foot planting strip and an eight-foot sidewalk.
    - The Plan recommends setbacks along Cherry Street outside of the pedestrian overlay to comply with the Zoning Ordinance. The Zoning Ordinance requires a setback of 32 feet, which is greater than setbacks of the nearby homes on the street. The petition proposes a setback of 16 feet along Cherry Street.

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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.
  - **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:** Submit a tree survey for all trees 2” or larger located in
the right of way. Tree survey must show species and diameter. Parcel number 12522199 is located in the South Wedge per City Council’s adopted Growth Framework and as a result is required to provide on-site tree save. Show on-site tree save for this parcel on the site plan.

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

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

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
  - Facilitates the use of alternative modes of transportation by preserving an existing CATS bus stop, and providing 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. Address Engineering and Property Management issue.
  2. Specify the width of the sidewalk along S. Kings Drive in front of Development Area B.
  3. Highlight the rezoning site boundary on Sheet RZ1.1.
  4. Label the zoning boundary line on Sheet RZ1.1.
  5. Reduce the font size of the existing and proposed zonings on Sheet RZ1.1.
  6. Provide a note or information in the development data table related to the percentage of open space provided.
  7. 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.
  8. Eliminate note Optional Provisions E.
  9. Specify architectural details for the screen wall along Cecil Street.
  10. Provide an elevation of the residential units fronting Cherry Street.
  11. Amend “View of street-grade pedestrian & retail colonnade” on sheet RZ1.3 to reflect the changes made to the proposed streetscape or remove the image.
  12. Provide a note clarifying the building materials, etc., for the single family attached units.
  13. Specify that the ends of attached dwelling units shall contain a combination of windows, doors or other architectural details on each floor to break up blank walls and provide architectural interest.
  14. Provide more detailed commitments for the treatment of blank walls above the minimum MUDD (mixed use development) requirements.
  15. 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.
  16. File for and complete the abandonment of Cecil Street prior to the rezoning decision.
  17. Reorder the development standards to read top to bottom, left to right.
  18. Increase the setback on South Kings Drive for all floors and the parking structure to 24 feet as specified in the *Midtown Morehead Cherry Area Plan*.
  19. Increase the setback on Cherry Street to be consistent with most other homes on the street to match the context of the neighborhood.
  20. Reduce the proposed height for Development Areas A. The *Midtown Morehead Cherry Area Plan* recommends heights follow the standards of the Pedestrian Overlay District.
  21. Add back all notes under the headings Environmental Features, Signs, Lighting and Binding Effect, which were provided with the previous version of the site plan.

**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-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
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.
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 1.99 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.
Petition Number 2014-115

A Community Meeting Report has not been submitted for this petition. Therefore a public hearing may not be held and the petition is automatically deferred to the March 16, 2015 meeting.
Rezoning Petition 2015-003
Pre-Hearing Staff Analysis
February 16, 2015

REQUEST
Current Zoning:    B-2 (general business)
Proposed Zoning:   TOD-M (transit oriented development - mixed-use)

LOCATION
Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place.
(Council District 3 - Mayfield)

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

STAFF RECOMMENDATION
Staff recommends approval of this petition. The petition is consistent with the Tyvola & Archdale Transit Station Area Plan.

PROPERTY OWNER
De Nguyen

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
N/A

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW

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

- Existing Zoning and Land Use
  - The site is currently occupied with a commercial use and is immediately surrounded by office, retail, and industrial uses on properties zoned B-2 (general business), B-D (CD) (distributive business, conditional), and I-2 (general industrial).

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

- Public Plans and Policies
  - The Tyvola & Archdale Transit Station Area Plan (2008) recommends mixed use transit supportive development for the property.
  - The petition is consistent with the Tyvola & Archdale Transit Station Area Plan.

DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: The developer must comply with the City’s Housing policies if seeking public funding.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: 6,100 trips per day.
    Proposed Zoning: 4,100 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.

**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 affiliated with this conventional rezoning request.

**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner:** Claire Lyte-Graham (704) 336-3782
**Acreage & Location:** Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place.
Petition #: 2015-003
Petitioner: Charlotte-Mecklenburg Planning Department

Zoning Classification (Existing): B-2
(General Business)

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

Acreage & Location: Approximately 2.17 acres located on the west side of South Boulevard across from Seneca Place.
REQUEST
Current Zoning: R-5 (single family residential)
Proposed Zoning: TOD-MO (transit oriented development – mixed-use, optional)

LOCATION
Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes to allow all uses in the TOD (transit oriented development) district except eating, drinking and entertainment establishments, with the existing structure to remain.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. Staff also supports the optional provisions because they support maintaining the existing character of the neighborhood.

PROPERTY OWNER
John Ravelli

PETITIONER
Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE
John Ravelli

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 57

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Proposes retail and office uses allowed in the TOD (transit oriented development) district and excludes eating/drinking/entertainment establishments.
  - Provides four parking spaces.
  - Preserves the existing mill house structure and commits to retaining the residential character including any additions and expansions.
  - Specifies exterior lighting will be residential in character.
  - Specifies that if dumpsters are required by the tenant they will be screened according to the standards of the Ordinance and that garbage pick-up will be after business hours.
  - Optional requests include:
    - Reduce the required 16-foot setback along North Davidson Street to 11.25 feet to accommodate the existing porch.
    - Allow the existing four-foot wide sidewalk and 1.5-foot planting strip along North Davidson Street to remain.
    - Require no streetscape and sidewalk along East 32nd Street.
    - Reduce the required 16-foot setback along East 32nd Street to 6.25 feet to accommodate the existing structure.

- Existing Zoning and Land Use
  - The property is currently a vacant single family home.
  - Properties on the east side of North Davidson Street, north and east of the site, are zoned R-5 (single family residential) with single family uses. Properties to the south, across East 32nd Street, and west, across North Davidson Street, are zoned MUD-O (mixed use development, optional) with a mixture of commercial uses, a brewery and multi-family residential.

- Rezoning History in Area
  - There have been numerous rezonings in the area to accommodate transit supportive uses and the reuse of the existing mill homes along North Davidson for non-residential purposes.

- Public Plans and Policies
  - The Blue Line Extension Transit Station Area Plan (2013) recommends transit supportive land uses, with a height limit of 50 feet.
  - The plan contains recommended design policies for this area in which this site is located, including encouraging the preservation and adaptive reuse of the mill houses and ensuring adequate parking is provided as development occurs.
  - The petition is consistent with the Blue Line Extension Transit Station Area Plan.
DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    - Current Zoning: 15 trips per day.
    - Proposed Zoning: 130 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 Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

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 facilitating the adaptive reuse of the existing structure.

OUTSTANDING ISSUES
- The petitioner should:
  1. Revise the plan to show the existing four-foot wide sidewalk and 1.5-foot wide planting strip along North Davidson Street to remain.
  2. Revise the site plan to show nine required parking spaces in the rear of the site to meet the minimum parking requirements for an eating/drinking/entertainment establishment.
  3. Specify the maximum building height of 50 feet under the development notes.
  4. Delete the optional request 3 to allow the existing streetscape along North Davidson Street to remain as this it is covered through optional provision 2.
  5. Revise the proposed use and Note 5 under General Notes on the site plan to reflect all uses permitted in the TOD-M (transit oriented development – mixed-use) district.
  6. Change Note 2 under General Notes to say, "Existing building will remain and retain the existing mill house character with a porch along North Davidson Street, clear glass windows on all street fronting facades and entry door facing North Davidson Street”.
  7. Amend Note 3 under General Notes limiting the height of detached, freestanding lighting to 15 feet.
  9. Change the label for the fence from "privacy" to "privacy".
  10. Organize conditional notes under the appropriate categories.

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• Charlotte Water
• 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 #: 2015-004

Acreage & Location: Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street.
Petition #: 2015-004
Petitioner: Charlotte-Mecklenburg Planning Department

Zoning Classification (Existing): R-5
(Single Family, Residential)

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

Acreage & Location: Approximately 0.177 acres located on the east side North Davidson Street between East 32nd Street and East 33rd Street.

Map Produced by the Charlotte-Mecklenburg Planning Department, 1-30-2015.
**REQUEST**
Current Zoning: NS (neighborhood services)
Proposed Zoning: NS SPA (neighborhood services, site plan amendment)

**LOCATION**
Approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane.
(Council District 7 - Driggs)

**SUMMARY OF PETITION**
The petition proposes to allow an increase of 2,080 square feet of outdoor dining area.

**STAFF RECOMMENDATION**
Staff recommends approval of this petition upon resolution of outstanding issues. This petition is consistent with the South District Plan.

**PROPERTY OWNER**
Village at Robinson Farm, LLC

**PETITIONER**
Village at Robinson Farm, LLC

**AGENT/REPRESENTATIVE**
Jason Hood

**COMMUNITY MEETING**
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 9

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**PLANNING STAFF REVIEW**

- **Background**
  - Petition 2006-081 approved up to 44,000 square feet of office, retail, and restaurant uses for the subject site with the following provisions:
    - Four commercial structures totaling 43,000 square feet have been constructed.
    - Outdoor dining area limited to 2,720 square feet.
    - 12,550-square foot plaza area.
    - Retention of the existing barn and farmhouse.
    - Pedestrian connections to adjacent residential properties.
    - Transportation improvements along Rea Road and Williams Pond Lane.

- **Proposed Request Details**
The site plan amendment contains the following changes:
  - Add 2,080 square feet of outdoor dining area for an overall total outdoor dining area of 4,800 square feet.
  - Allow rooftop dining area to be included in the 2,080 square feet.
  - Added language stating that all conditions from the 2006-081 rezoning plan will be met, and that the only requested change is to allow the additional square footage for the outdoor dining area.

- **Existing Zoning and Land Use**
  - The subject property is zoned NS (neighborhood services) and developed with several commercial structures. The surrounding properties are zoned R-3 (single family residential), R-5(CD) (single family residential, conditional), R-12MF (CD) (multi-family residential, conditional), INST (institutional), O-1(CD) (office, conditional), B-1(CD) (neighborhood business, conditional) and NS (neighborhood services) and developed with residential and commercial structures.

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

- **Public Plans and Policies**
  - The South District Plan (1993), as amended by petition 2006-081, recommends retail for the subject parcel.
  - This petition is consistent with the South District Plan.
DEPARTMENT COMMENTS (see full department reports online)

- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
  - Vehicle Trip Generation:
    - Current Zoning: 3,500 trips per day.
    - Proposed Zoning: 3,800 trips per day.
  - Connectivity: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Non-residential petitions do not impact the number of students attending local schools.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte Water: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No issues.
- Mecklenburg County Parks and Recreation Department: No issues.

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

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

Planner: Solomon Fortune (704) 336-8326
Acreage & Location: Approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane.
Petition #: 2015-007
Petitioner: Village at Robinson Farm, LLC

Zoning Classification (Existing): NS (Neighborhood Services)
Zoning Classification (Requested): NS (SPA) (Neighborhood Services, Site Plan Amendment)

Acreage & Location: Approximately 5.69 acres located on the southwest corner at the intersection of Rea Road and Williams Pond Lane.
1. **PAVEMENT MARKINGS**

- Not to scale

2. **PROJECT IDENTIFICATION**

   - Gooseneck Sconce Lighting
   - Materials and Colors to match Architectural Palate
   - Maximum Height is 7" (max)
   - Maximum Signage area is 50 sf per side (front / back)
   - Stone Base

3. **PROJECT DIRECTIONAL SIGNAGE**

   - Materials and Colors to match Architectural Palate
   - Maximum Height is 30″
   - In Sight Triangle Areas
   - Sign Message

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All conditions from the 2006-081 approved site plan will be met and the only requested change is to allow the increase in allowed outdoor dining square footage.
Previously Approved Site Plan
NOTES:
1. All symbols and striping to be painted with white paint, unless otherwise specified.
2. 2" striping, unless striping width is specified.
3. Drainage ditches to be painted with 2" striping into pavement
4. A.25" Site Plan for location of symbols and striping

1. PAVEMENT MARKINGS

2. PROJECT IDENTIFICATION

2-3 ELEVATION

1/32 = 1'-0"

Material and Colors to match Architectural Palate.
- Gooseneck Sconce Lighting
- Maximum Height is 7'
- Maximum Signage area is 50 sf per side (front / back)
- Stone Base

NOTE: Project signage examples are preliminary in nature and subject to change. All signage will meet or exceed the city of Charlotte zoning ordinance requirements.

3. PROJECT DIRECTIONAL SIGNAGE

2-4 ELEVATION

1/32 = 1'-0"

Material and Colors to match Architectural Palate.
- Maximum Height is 30" in Sight Triangle Areas
- Sign Message
Rezoning Petition 2015-008  
Pre-Hearing Staff Analysis  
February 16, 2015

### REQUEST
- **Current Zoning:** NS (neighborhood services)  
- **Proposed Zoning:** NS SPA (neighborhood services, site plan amendment)

### LOCATION
- Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive.  
  (Council District 5 - Autry)

### SUMMARY OF PETITION
The petition proposes a site plan amendment to allow a minor increase in building square footage, to amend development standards regarding the number, placement, and type of eating/drinking/entertainment establishments and associated drive-through windows allowed on the site, and allow an automotive service station without gasoline sales.

### STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the *Eastside Strategy Plan*, as amended by a previous petition.

### PROPERTY OWNER
- **Mintworth DEI, LLC**

### PETITIONER
- Mintworth DEI, 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: 10

### PLANNING STAFF REVIEW

- **Background**
  - Rezoning petition 2003-044 rezoned the subject property as part of 46.6 acres consisting of Parcels A and B, from R-4 (single family residential), R-17MF (multi-family residential) and B-1 (neighborhood business) to R-8(CD) (single family residential, conditional) and NS (neighborhood services) to allow 90,000 square feet of retail or restaurant uses, 30,000 square feet of office space and 135 single family detached dwelling units. Two detached single story retail buildings are shown along Idlewild Road. The approved rezoning permitted three freestanding buildings with drive-through facilities, one of which may be a bank, one may be a Chick-Fil-A restaurant, and one may be any other retail or office use. Prohibited uses include convenience stores, car washes, automobile service stations, and restaurants with drive-through facilities, with the exception of a Chick-Fil-A restaurant.
  - Rezoning Petition 2004-038 rezoned 22.02 acres consisting of Parcels A and C, from B-1 (neighborhood business) and NS (neighborhood services) to NS (neighborhood services) and NS SPA (neighborhood services, site plan amendment), to allow a total of 92,550 square feet of retail or restaurant uses, and 30,000 square feet of office uses. Two detached single story retail buildings are shown along Idlewild Road at 3,000 and 4,000 square feet respectively. Parcel C allowed the existing buildings and uses to remain as grandfathered, along with an expansion of up to 432 square feet. Permitted and prohibited uses and freestanding drive-through building limitations were carried over from the previous rezoning.

- **Proposed Request Details**
  - The site plan amendment contains the following changes:
    - Replaces the term “restaurant” with “eating, drinking and entertainment establishments, Type 1 and 2.”
    - Identifies an area of the site on which the “Idlewild Road Freestanding Buildings” will be located, referred to as “Idlewild Road Building Envelope.”
    - Amends permitted uses to include personal services and eating/drinking/entertainment establishments Type 1 and 2, and automotive service station (without gasoline sales) including minor adjustments, repairs, and lubrication.
    - Removes automobile service stations as a prohibited use.
    - Specifies that two uses on the site may have accessory drive-through windows, and both uses may be eating/drinking/entertainment establishments Type 1 and 2.
- Removes the restriction that a drive-through restaurant must be a Chick-Fil-A.
- Specifies that accessory drive-through windows may only be located within the “Idlewild Road Building Envelope,” that both uses may be an eating/drinking/entertainment establishment (Type 1 or 2), or may be associated with a bank or financial institution.
- Specifies that an automotive service station (without gasoline sales), including minor adjustments, repairs, and lubrication, may only be located within the “Idlewild Road Building Envelope.”
- Amends the maximum development area allowed on the site to 80,300 square feet of gross floor area.
- Excludes areas devoted to surface parking from being counted toward the maximum allowed gross floor area.
- Increases the allowed square footage within the “Idlewild Road Building Envelope” from 7,000 to 10,580 square feet. The maximum size of an eating/drinking/entertainment establishment located within the “Idlewild Road Building Envelope” is 4,000 square feet. However, if both buildings located within the “Idlewild Road Building Envelope” are devoted to an eating/drinking/entertainment establishment, the combined maximum size of the two buildings shall be 7,500 square feet. The maximum size of a building devoted to a bank or financial institution is 5,500 square feet. The maximum size of a building devoted to an automotive service station is 6,580 square feet.
- Adds a note that any drive-through window located within the "Idlewild Road Building Envelope" shall not be located on the side of the building that directly fronts Idlewild Road.
- Adds a note that service areas associated with buildings located within the "Idlewild Road Building Envelope" shall not directly front Idlewild Road.
- Notes that internal sidewalks, pedestrian connections, and sidewalk connections to the adjoining public streets shall be provided as generally depicted on the site plan.
- Notes that the existing sidewalks and planting strips along Margaret Wallace Road, Idlewild Road, Wyalong Drive, and Mintworth Avenue will remain in place except that a portion of the sidewalk along Idlewild Road shall be relocated, in coordination with the City of Charlotte Urban Forestry staff.
- Adds a note that the streetscape treatment along Margaret Wallace Road and Idlewild Road will include large maturing trees and supplemental shrubbery, which may be located within the right-of-way and/or within easements.
- Outdoor dining and courtyard areas may be located within the established setback along Margaret Wallace Road and Idlewild Road.
- Vehicular drives may be located between the Idlewild Road freestanding buildings and Idlewild Road.
- Adds Note C under “Binding Effect of the Rezoning Documents and Definition” as follows: “Any reference to the ordinance herein shall be deemed to refer to the requirements of the ordinance in effect as of the date this rezoning petition is approved.”

**Existing Zoning and Land Use**
- The subject property is currently developed with a retail shopping center. Surrounding properties are developed with single family and multi-family residential dwellings, manufactured housing, retail and office uses in R-8(CD) (single family residential, conditional), R-17MF (multi-family residential), and NS (neighborhood services) zoning districts. To the north and east are scattered residential, office, retail uses, and undeveloped acreage in the Towns of Matthews and Mint Hill.

**Rezoning History in Area**
- Petition 2011-16 rezoned 0.26 acres located on the west side of Margaret Wallace Road near the intersection with Idlewild Road from B-1 (neighborhood business) to NS (neighborhood services) to allow the construction of a convenience store without gasoline sales.

**Public Plans and Policies**
- The request 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.
• **Vehicle Trip Generation:**
  Current Zoning: 3,200 trips per day.
  Proposed Zoning: 4,800 trips per day.
• **Connectivity:** No issues.

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

• **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.

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

• **Charlotte Water:** No issues.

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

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

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

• **Urban Forestry:** No comments received.

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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.

**OUTSTANDING ISSUES**

• The petitioner should:
  1. Define personal services as referenced in Note 1 under Permitted Uses.
  2. Add a note under General Provisions that prior to the Council’s decision on this rezoning petition, the petitioner shall file with the Planning Department a request for an administrative amendment to the approved rezoning plan relating to Petition 2004-038 to amend the remaining development rights. Specify the maximum gross floor area allowed on the remaining portion of the 2004 rezoning site, parking standards, and the maximum number of drive-through service windows allowed on the site.
  3. Identify back of house or service areas for the drive-through uses.
  4. Provide elevations to depict primary building orientation, pedestrian access, and how service areas will be designed.
  5. Amend Note 1 under Architectural Standards to add the following: “Buildings constructed along Margaret Wallace Road and Idlewild Road will contain clear glass windows facing the street. All sides of the buildings shall avoid expanses of blank wall 20 feet or greater. All elevations shall be treated with some combination of fenestration, building articulation, landscaping and specially designed architectural elements.”
  6. Amend Note 2 under Architectural Standards to add the following: “Dumpster and recycling areas will be enclosed on all four sides by an opaque wall that is constructed of materials complementary to the primary use.”
  7. Amend Note A1 under Development Limitations to delete surface parking from the second sentence.
  8. Delete Note C under Binding Effect of the Rezoning Documents and Definition. Conditional petitions automatically adhere to the Zoning Ordinance in effect at the time of approval but the site must comply with current regulations for other codes and ordinances.
  9. Amend Parking Calculations on Sheet RZ-100 for required parking to reflect one space per 600 square feet, and change the calculations accordingly.

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

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

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

Acreage & Location: Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive.

Rezoning Petition: 2015-008

January 6, 2015
Petition #: 2015-008
Petitioner: Mintworth DEI, LLC
Zoning Classification (Existing): NS
(Neighborhood Services)
Zoning Classification (Requested): NS (SPA)
(Neighborhood Services, Site Plan Amendment)
Acreage & Location: Approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive.
PETITIONER: MINTWORTH DEI, LLC.
1531 ORMSBY STATION COURT
LOUISVILLE, KY 40223

PROPERTY OWNER: MINTWORTH DEI, LLC.
1531 ORMSBY STATION COURT
LOUISVILLE, KY 40223

REZONING SITE AREA: TOTAL 10.007 AC
TAX PARCEL #: 193-043-68
EXISTING ZONING: NS-SPA PER PETITION NUMBER 2004-038
PROPOSED ZONING: NS-SPA
EXISTING USE: COMMERCIAL CENTER
VACANT
PROPOSED USE: COMMERCIAL CENTER

MINIMUM SETBACK: 14' FROM RIGHTS-OF-WAY OF MARGARET WALLACE
AND IDLEWILD ROADS
MINIMUM SIDE YARD: 14' FROM BACK OF CURB (ALONG BACK OF SIDEWALK)
OR AT RIGHT-OF-WAY LINE, WHICHEVER IS GREATER,
FOR SIDES ALONG MINTWORTH AVE AND WYALONG DRIVE
MINIMUM REAR YARD: 25' FROM REAR PROPERTY LINE OF LOTS ON
MARGARET WALLACE AT IDLEWILD ROAD

ALL SETBACK PER APPROVED REZONING PETITION 2004-038

CODE REQUIRED PARKING (SHOPPING CENTERS, GREAT THAN 50,000 SF):
1 SPACE PER 250 SF

PARKING PROVIDED = 376 (EXISTING) + 64 (PROPOSED) = 440 SPACES PROVIDED
PARKING PROVIDED = 376 (EXISTING) + 56 (PROPOSED) = 432 SPACES PROVIDED
PARKING PROVIDED = 376 (EXISTING) + 54 (PROPOSED) = 430 SPACES PROVIDED
PARKING PROVIDED = 376 (EXISTING) + 64 (PROPOSED) = 440 SPACES PROVIDED
**DEVELOPMENT LIMITATIONS**

1. **General Provisions**
   - Any use and development shall be subject to the terms and conditions of the 2004 Rezoning Plan as amended by this Rezoning Petition.
   - All uses and development shall be subject to the terms and conditions of the City of Charlotte Zoning Ordinance, including all applicable amendments, as well as any other applicable laws and regulations.

2. **Accessibility**
   - The Site shall be accessible to the public and shall comply with all applicable federal, state, and local accessibility standards.

3. **Off-street Parking**
   - Off-street parking shall meet the minimum requirements of the City of Charlotte Zoning Ordinance.

4. **Use of Buildings**
   - The maximum size of a building devoted to a bank or financial institution shall be 5,500 square feet of gross floor area.
   - The maximum size of a building devoted to an eating, drinking and entertainment establishment (Type 1 or Type 2) shall be 4,000 square feet of gross floor area.

5. **Service Areas**
   - The maximum size of an automotive service station (without gasoline sales), including minor adjustments, repairs and lubrication, shall be 6,580 square feet of gross floor area.

6. **Service Area Dissolution**
   - If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of a building, then the side wall or rear wall shall be changed to consist of a hinged opaque gate.

7. **Lighting**
   - All new exterior lighting shall be decorative, lighting that may be installed along the driveways, sidewalks and parking areas shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

8. **Fences and Walls**
   - No fence or wall shall exceed 4 feet in height and shall be constructed of a material that is visually transparent from the street.

9. **Signs**
   - No sign shall exceed 40 square feet in area and shall not be placed in a manner that obscures any required window or door opening.

10. **Slope and Erosion Control**
    - All grading and erosion control measures shall comply with the applicable provisions of the City of Charlotte Zoning Ordinance.

11. **Stormwater Management**
    - Stormwater management systems shall be designed and constructed in accordance with the applicable provisions of the City of Charlotte Zoning Ordinance.

**SITE PLAN AMENDMENT**

- The requested site plan amendment applies only to the Site and not to any other portions of the Original Rezoning Site.

**DEVELOPMENT STANDARDS**

- All uses and development shall be subject to the terms and conditions of the City of Charlotte Zoning Ordinance, including all applicable amendments, as well as any other applicable laws and regulations.

**ARCHITECTURAL AND SITE PLANNING**

1. **Architectural**
   - The design of all buildings shall be consistent with the surrounding context and shall be in compliance with the applicable provisions of the City of Charlotte Zoning Ordinance.

2. **Site Plan**
   - The site plan shall be consistent with the applicable provisions of the City of Charlotte Zoning Ordinance.

**PERMITTED USES**

1. **Retail**
   - Retail uses shall be permitted on the Site.

2. **Office**
   - Office uses shall be permitted on the Site.

3. **Restaurant**
   - Restaurant uses shall be permitted on the Site.

4. **Other**
   - Other uses shall be permitted on the Site as permitted by the applicable provisions of the City of Charlotte Zoning Ordinance.

**NOTICE AND OBJECTIONS**

- Any person or entity that objects to the proposed development shall file a written objection with the City of Charlotte, Planning Department, 230 E. Fourth Street, Charlotte, NC 28202, and any objections shall be filed within 30 days of the publication of this notice.
Previously Approved Site Plan
MINTWORTH COMMONS
CONCEPTUAL MASTER PLAN
19 APRIL 2004
SCALE: 1" = 20'-0"
REQUEST

Current Zoning:  R-4 (LWPA) (single family residential, Lake Wylie Protected Area)
Proposed Zoning:  INST(CD) (LWPA) (institutional, conditional, Lake Wylie Protected Area)

LOCATION

Approximately 0.504 acres located on the east side of Valleydale Road across from Mellwood Drive.
(Council District 2 - Austin)

SUMMARY OF PETITION

The petition proposes to allow the construction of a child care facility, for up to 40 children.

STAFF RECOMMENDATION

Staff does not recommend approval of this petition. This petition is inconsistent with the Northwest District Plan, which recommends single family residential uses at a density of up to four dwelling units per acre. In addition, the proposed use is incompatible with the residential context in which it is located. The proposed child care building is located within close proximity to the adjoining single family homes, the parking is proposed along Valleydale Road in what is considered the front yard for residential properties and does not provide a drop off area, and there are no design commitments to ensure that the building will be designed to maintain the residential character of the area.

PROPERTY OWNER

Phyllis Hough

PETITIONER

Phyllis Hough

AGENT/REPRESENTATIVE

Harold J. Jordan

COMMUNITY MEETING

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

PLANNING STAFF REVIEW

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows for the construction of a child care facility for up to 40 children within a new 2,900-square foot building, along with playground area behind the building.
  - Limits building height to 40 feet and one story.
  - Provides 11 parking spaces, including one space for every 10 children and one space for every teacher.
  - All freestanding lighting and all exterior lighting on buildings will be full cut-off type fixtures and shielded in such a way that the light source shall not cast light directly on adjacent residentially used/zoned property. Maximum height of any freestanding lighting shall not exceed 15 feet.
  - Front building elevations with siding of residential style and color to be selected by owner.
  - A 12-foot wide Class "C" buffer abutting residential zoning and/or use, with a six to eight-foot tall wood fence.
  - Detail of proposed wood fence for inclusion as part of required Class "C" buffer.
  - A six-foot sidewalk extending from the building to the public sidewalk along Valleydale Road.
  - A six-foot sidewalk and eight-foot planting strip along the project frontage on Valleydale Road.

- Existing Zoning and Land Use
  - The rezoning site is currently undeveloped and immediately surrounded to the north, east, and south by single family residential homes on properties zoned R-3 and R-4(LWPA) (single family residential, Lake Wylie Protected Area). Directly to the east (to the rear of the subject property) is a child day care facility affiliated with a church on property zoned R-4 (LWPA) (single family residential, Lake Wylie Protected Area).

- Rezoning History in Area
  - Rezoning petition 2011-074 rezoned approximately 18.60 acres located on the south side of Bellhaven Boulevard and across from Oakridge Drive and Westbourne Drive and immediately to the rear of the subject property from R-8MF(CD) (LWPA) (multi-family residential, conditional,
Lake Wylie Protected Area) to R-4 (LWPA) (single family residential, Lake Wylie Protected Area), in order to allow all uses permitted in the R-4 (single family residential) zoning district. The property has not redeveloped.

- **Public Plans and Policies**
  - The *Northwest District Plan* (1990) recommends single family residential uses at a density of up to four dwelling units per acre. Area plans do not typically provide recommendations for institutional uses, and these uses are considered on a case-by-case basis.
  - The petition is inconsistent 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:** CDOT states that, after reviewing the subject site, the proposed trip generation, and CDOT’s experience with drop-off and pick-up operations for day care facilities, CDOT does not believe the site is large enough to accommodate the necessary traffic circulation for the proposed land use.
  - **Vehicle Trip Generation:**
    - Current Zoning: 110 trips per day.
    - Proposed Zoning: 175 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 Water:** No issues.
- **Engineering and Property Management:**
- **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 rezoning request is inconsistent with the *Northwest District Plan*, which recommends single family residential up to four dwelling units per acre.

- If this petition is considered for approval, the petitioner should:
  1. Correct Note 2A under Permitted Uses to accurately reflect the proposed building square footage and number of children, as this language is not consistent with the information provided in the Development Data Table.
  2. Amend information regarding Amount of Open Space under Development Data Table to read “Per Ordinance.”
  3. Remove Architectural Standards Note 4A from the site plan.
  4. Add Architectural Standards language that states there will be no expanse of blank walls greater than 20 feet.
  5. Add Architectural Standards note that states proposed building will be residential in character.
  6. Amend Existing and Proposed Zoning information under Development Data Table to note LWPA, not LWWPA.
7. Label on site plan zoning of abutting properties.
8. Label width of Valleydale Road and Mellwood Drive.
9. Add a note that the required buffers will not be reduced 25% with a wall or a fence.
10. Label height of proposed chain link fence (with plastic coating) to surround playground.
11. Correct misspellings 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 Water
- 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
Rezoning Petition: 2015-011

Petition #: 2015-011

Acreage & Location: Approximately 0.505 acres located on the east side of Valleydale Road across from Mellwood Drive.

Vicinity Map

INSIDE CHARLOTTE CITY LIMITS

February 3, 2015
Petition #: 2015-011
Petitioner: Phyllis Hough

Zoning Classification (Existing): R-4(LWPA)
(Residential, Single Family, Lake Wylie Protected Area)

Zoning Classification (Requested): INST(CD)(LWPA)
(Institutional, Conditional, Lake Wylie Protected Area)

Acreage & Location: Approximately 0.505 acres located on the east side of Valleydale Road across from Mellwood Drive.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-18-2014.
NOT TO SCALE

BUFFER FENCE DETAIL

1. Solid wood fence similar in design to that shown on detail may be used as an alternative in perimeter buffer in lieu of shrubs per zoning, civil section 1.10.2.0.2.
2. Fence panel height shall be a minimum of six feet in height and a maximum of eight feet.
3. The Finish Side of the fence shall face adjacent property.

SITE PLAN

NOTES:

GENERAL NOTES & LEGEND

PETITIONER: 2015-011
### REQUEST

<table>
<thead>
<tr>
<th>Current Zoning:</th>
<th>R-22MF (multi-family residential) and B-1 (neighborhood business)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Zoning:</td>
<td>MUDD(CD) (mixed use development, conditional)</td>
</tr>
</tbody>
</table>

### LOCATION

Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard. (Council District 1 - Kinsey)

### SUMMARY OF PETITION

The petition proposes to allow the development of up to nine single family attached dwelling units for a density of 21.48 units per acre.

### STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the Dilworth Land Use & Streetscape Plan.

### PROPERTY OWNER

Kenilworth Lofts, LLC

### PETITIONER

Meeting Street Homes & Communities

### AGENT/REPRESENTATIVE

Teresa Hawkins

### COMMUNITY MEETING

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

### PLANNING STAFF REVIEW

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Allows up to nine single family attached dwelling units, with private courtyards and a one car garage on the lower level of each unit.
    - Specifies that no non-residential uses shall be permitted.
    - Provides access to the site via a private right-in/right-out driveway onto Kenilworth Avenue constructed of a combination of concrete and decorative paving.
    - Provides a six-foot sidewalk and eight-foot planting strip along Kenilworth Avenue.
    - Dedication of 40 feet of right-of-way along Kenilworth Avenue as measured from the existing centerline of the road.
    - Provides a 28-foot setback from the existing back of curb.
    - Provides four-foot tall masonry walls screening HVAC units and utility transformers and a six-foot tall decorative wood fence with evergreen and small maturing deciduous trees, shrubs and ornamental grasses within an eight-foot wide strip between the driveway and the adjacent single family residential home to the east.
    - Limits the height of detached lighting to 20 feet.
    - Provides a waiting pad for the existing bus stop.
    - Provides a pedestrian crosswalk across Kenilworth Avenue at Fillmore Street.
    - Proposes a pedestrian connection from the internal sidewalk to the adjacent shopping center.
    - Provides 4,135 square feet of tree save area and 2,128 square feet of open space, which includes the private courtyards.
    - Garbage and recycling to be handled with rollout containers for each unit.
    - Limits the building height to 45 feet and not to exceed three stories.
    - Provides four-sided building elevations.
    - Specifies building materials to include brick, cedar siding, precast stone, synthetic stone, cementitious siding and trim, decorative metal panels, decorative block and/or wood.
    - Prohibits vinyl as a building material except for windows, soffits, attic vents and handrails and railings.
    - Specifies that units constructed on the site abutting Kenilworth Avenue will be designed and constructed so that entrance doors on the side of the units are oriented to Kenilworth Avenue and connected by a four-foot minimum sidewalk to the public sidewalk.
    - Provides visitor parking in the internal driveways.
    - Specifies that the majority of the roofing material will be architectural shingles and portions of the roofs may be constructed using metal or cedar shingles.
• **Existing Zoning and Land Use**
  - The subject property is currently undeveloped.
  - Properties to the north and east are zoned R-22MF (multi-family residential) and developed with single family land uses. Properties to the south are zoned MUDD (CD) PED (mixed use development, conditional, pedestrian overlay) with a mixture of multi-family residential and non-residential uses. Property to the west is zoned B-1 PED (neighborhood business, pedestrian overlay) and developed with a commercial shopping center.

• **Rezoning History in Area**
  - Petition 2010-027 rezoned property located at Scott Avenue, East Boulevard, and Floral Avenue from B-1(PED) (neighborhood business, pedestrian overlay) to B-1(PED-O) (neighborhood business, pedestrian overlay, optional) to allow the redevelopment of a portion of a shopping center.

• **Public Plans and Policies**
  - The Dilworth Land Use & Streetscape Plan (2006) recommends residential uses up to 22 dwelling units per acre for the site.
  - The plan includes 13 design recommendations for the plan study area. Below are three applicable design recommendations and explanations on how the petitioner addresses the recommendations with the proposed site plan:
    - **Building Orientation**: Orient buildings toward the street and public space, where provided. The petitioner is accomplishing this recommendation by including doors, windows and a courtyard on the elevation facing the public street and by not locating parking between the building and the street.
    - **Setbacks**: Ensure that building setbacks are consistent with existing neighboring development, are unimpeded by parking areas, and include pedestrian-oriented amenities. The petitioner is accomplishing this recommendation by providing a 28-foot setback from the existing back of curb which provides a transition from the non-residential building to the west, which are setback 14 feet from the back of curb, and the single-family homes to the east, which are setback approximately 50 feet from the back of curb. There is no parking between the building and the street. The end unit has a door facing Kenilworth Avenue with a private courtyard parallel to the street and a sidewalk connection to the public sidewalk.
    - **Street and Streetscape Design**: Preserve Dilworth’s traditional grid street pattern and provide streetscapes that create a safe and enjoyable travel environment for vehicles, pedestrians, bicyclists and transit riders. The petitioner is accomplishing this recommendation by providing sidewalk connections from the units to the public sidewalk, a pedestrian crosswalk across Kenilworth at Fillmore Street, and a waiting pad for the existing bus stop.
    - The petition is consistent with the Dilworth Land Use & Streetscape Plan.

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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**: Provide a note that says “The petitioner shall install two accessible ramps, along with any necessary signage, at the intersection of Kenilworth Avenue and Fillmore Street. The exact configuration and location of this pedestrian crossing is to be determined by CDOT during the construction permitting phase.”

• **Vehicle Trip Generation**:
  - Current Zoning: 200 trips per day.
  - Proposed Zoning: 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 seven students, while the development allowed under the proposed zoning will produce five students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.

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

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • Minimizes impacts to the natural environment by developing on an infill site.
  • Facilitates the use of alternative modes of transportation by providing a CATS bus waiting pad, providing a pedestrian crossing across Kenilworth Avenue at Fillmore Street, and proposing a pedestrian connection between the site and the adjacent shopping center.

OUTSTANDING ISSUES

• The petitioner should:
  1. Address the transportation issue.
  2. Increase the drive aisle width to a minimum of 18 feet to accommodate two-way traffic and check with the Fire Department to determine if additional width would be required.
  3. Increase the width of the common sidewalk serving the units from four feet to five feet.
  4. Amend Note B to say “five (5) foot minimum width sidewalk” rather than four foot.
  5. Cross-hatch the courtyard along Kenilworth Avenue with the same pattern as the courtyards in front of the units.
  6. Remove Transportation Notes D through I as these are standard notes that are addressed during the construction permitting process.

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 Schools Review
• Charlotte-Mecklenburg Storm Water Services Review
• Charlotte Water
• 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 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard.
Petition #: 2015-013
Petitioner: Meeting Street Homes & Communities

Zoning Classification (Existing): R-22MF & B-1
(Residential, Multi-Family and Neighborhood Business)

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

Acreage & Location: Approximately 0.42 acres located on the west side of Kenilworth Avenue between Buchanan Street and East Boulevard.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-1-2014.

INSIDE CHARLOTTE CITY LIMITS

Requested MUDD(CD) from R-22MF
Requested MUDD(CD) from B-1

Existing Building Footprints
FEMA flood plain
Watershed
Lakes and Ponds
Creeks and Streams
Charlotte City Limits
Pedestrian Overlay

Legend

0 75 150 300 450 600
Feet

Zoning Map(s)
REQUEST

Current Zoning:  B-D(CD) (distributive business, conditional) and CC (commercial center)

Proposed Zoning: CC (commercial center) and B-D(CD) (distributive business, conditional)

LOCATION

Approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane.

(Council District 4 - Phipps)

SUMMARY OF PETITION

The petition proposes exchanging existing development rights and zoning for a 130,000-square foot self-storage facility with the development rights and zoning for a 258,000-square foot retail/office component, both of which were included in rezoning Petition 2008-087.

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the Northeast District Plan as amended by the previous petition. However staff feels the petition is appropriate for the following reasons:

- The uses proposed are already allowed on the site, only in a different configuration.
- The proposed location of the storage facility allows the office and retail uses to be focused near Berkley Place Drive, the private streets and the existing office and retail uses.

PROPERTY OWNER

Meck-Pinnacle LLC

PETITIONER

J.R. Davis, LLC

AGENT/REPRESENTATIVE

Walter Fields

COMMUNITY MEETING

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

Number of people attending the Community Meeting: 8

PLANNING STAFF REVIEW

- **Background**
  - Petition 1999-67(c) rezoned approximately 116.7 acres, including the subject property, to R-12MF (multi-family residential) and CC (commercial center) to allow 75,000 square feet of retail uses and 225,000 square feet of office uses, with 915 multi-family residential units.
  - Petition 2002-127 rezoned 33 acres, including the subject property, to CC (commercial center) and CC SPA (commercial center, site plan amendment) to allow the expansion of the maximum office square footage from 225,000 to 255,000 square feet.
  - Petition 2008-087 rezoned 27.2 acres, including the subject property, to B-D (CD) (business distributive, conditional) and CC (commercial center) to allow for 58,000 square feet of retail, 200,000 square feet of office and a 130,000-square foot climate controlled self-storage facility.

- **Proposed Request Details**
  - Exchanges a portion of the zoning and permitted land uses between the northern portion of the site and the southern portion. The existing approved plan from 2008 allows a 130,000-square foot climate controlled self-storage facility in the 2.81 acre southern portion currently zoned B-D(CD) (business distributive, conditional) and office/retail uses in the 6.41 acre northern portion currently zoned CC (commercial center)
  - Changes the self-storage facility from a single climate controlled building to a facility with both climate controlled and unconditioned space.
  - Provides access via a private drive in the Pinnacle Point development from Berkley Place Drive.
  - Specifies that architectural compatibility of buildings within the development shall be assured by an architectural review committee with jurisdiction over the acceptable materials and details.
  - Reserves the right to apply for a variance for the requirement that buildings are connected via sidewalks to the public street.
  - Commits to providing documentation during construction permitting phase confirming storm...
water easements and that the pond has been designed and constructed to manage storm water runoff for all parcels served in the development.

- Limits the height of detached lighting to 20 feet.
- Commits to submitting an administrative amendment that will adjust the site plan for Petition 2008-087 to account for the existing development of the property and adjust the development rights based on this rezoning. The administrative amendment will be filed and ready for approval pending the approval of this rezoning.
- Provides a 56.25-foot Class “B” buffer reduced with a fence or berm along the northern edge of the site adjacent to single family zoning.
- Stipulates that the area to be rezoned from B-D (CD) (business distributive, conditional) to CC (commercial center) will be subject to the development standards approved with 2008-087.

**Existing Zoning and Land Use**
- The subject property is currently undeveloped.
- Properties to the north are zoned R-3 (single family residential) and R-43MF (multi-family residential) and developed with single family uses. Property to the east and south is zoned CC (commercial center) and developed with non-residential and institutional uses. Property to the west is zoned R-12MF (CD) (multi-family residential, conditional) and developed with multi-family residential.

**Rezoning History in Area**
- Recent rezonings approved in the area include:
  - Petition 2014-065, north of the site, rezoned property located on the east side of Interstate 85 along John Adams Road near the intersection of Galloway Road and John Adams Road from RE-3 (research) to RE-3 SPA (research, site plan amendment) to allow a banquet hall facility and existing communications tower.

**Public Plans and Policies**
- The Northeast District Plan (1996), as amended by Petition 2008-087, recommends retail, office and industrial/warehouse/distribution uses for the southern portion of the site and office and retail uses for the northern portion.
- The petition is inconsistent with the Northeast 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.
  - **Vehicle Trip Generation:**
    Current Zoning: 325 trips per day.
    Proposed Zoning: Trip generation not available.
  - **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:** Provide the following note under the heading Environmental Features: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.”
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.
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. Address the Charlotte-Mecklenburg Storm Water Services issue.
  2. Remove the note under streetscapes and landscaping as self-storage facilities are exempt from the sidewalk connection requirements.

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2015-015

Acreage & Location: Approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane.
Petition #: 2015-015
Petitioner: J.R. Davis, LLC

Zoning Classification (Existing): BD(CD) & CC
(Distributive Business, Conditional and Commercial Center)

Zoning Classification (Requested): CC & BD(CD)
(Commercial Center and Distributive Business, Conditional)

Acreage & Location: Approximately 18.03 acres located on the north side of Berkeley Place Drive between Pinnacle Drive and Revenna Lane.
Previously Approved Site Plan
REQUEST
Current Zoning:  B-1(CD) (neighborhood business, conditional)
Proposed Zoning:  NS (neighborhood services)

LOCATION
Approximately 10.24 acres located on the northwest corner at the
intersection of Bevington Place and Carswell Lane.
(Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes to redevelop an existing shopping center by
retaining 18,000 square feet of retail uses and allowing a new
89,000-square foot office building.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of
outstanding issues. The retail component of the petition is consistent
with the South District Plan, which reflects the existing retail use. The
office component is inconsistent with the adopted plan. However, the
proposed uses are allowed and appropriate in a commercial
environment, and will be less traffic intensive than the current
development.

PROPERTY OWNER
Touchstone Village, LLC

PETITIONER
Touchstone Village, LLC

AGENT/REPRESENTATIVE
Walter Fields, Walter Fields Group

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

PLANNING STAFF REVIEW

• Background
  • The subject property was rezoned as part of a larger 12.8-acre rezoning via Petition 1990-13,
    which allowed 64,140 square feet of retail uses and a 3,000-square foot community building.
    The community building, which is now a day care, is not included in the subject rezoning.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • A maximum 89,000-square foot, three-story office building.
  • Retaining 18,000 square feet of the existing retail building for retail uses.
  • Enhanced internal pedestrian network and new sidewalk from new building to Baybrook Lane.
  • Installation of painted crosswalks at all adjoining public intersections and at all driveway
    connections from the site to public streets to enhance pedestrian safety in the community.
  • Option to add on-street parking on the north side of the existing private driveway between
    Bevington Place and Carswell Lane. At such time as parking is added along the driveway, the
    petitioner shall install a sidewalk on the north side of the private driveway from Carswell Lane to
    Baybrook Lane.
  • Converting driveway that intersects with Carswell Lane to a full movement driveway, with no
    left-turn restrictions.
  • Construction traffic and employees of the building will be required to arrive from and depart
directly to NC 51.
  • Use of articulated facades to avoid large expanses of building wall exceeding 20 feet in length.
  • Building elevations.
  • Allowance for existing buffer on the north side of the property abutting the elementary school to
    be reduced to accommodate additional parking and a sidewalk that may be installed on the
    north side of the private drive.
  • Retention of existing buffers along the site’s frontage on Baybrook Lane, Bevington Plan, and
    Carswell Lane.
  • Replacement trees provided along Bevington Lane to replace existing trees that are dead.
  • Establishment of a maintenance program for buffer areas that will be repeated at least once
    annually.
  • Detached lighting will utilize full cut-off luminaries and be limited to 25 feet in height, and will
    use designs and fixtures that minimize light from any freestanding lighting installed in the new
parking area from leaving the site.

- **Existing Zoning and Land Use**
  - The subject property is currently developed with 51,314 square feet of retail uses in a strip shopping center. Adjacent properties are zoned R-15(CD) (single family residential, conditional), R-20MF (multi-family residential), R-9(CD) (single family residential, conditional), and R-3 (single family residential) and developed with an elementary school, single family housing and multi-family residential dwellings.

- **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) recognizes the existing retail use.
  - The retail component is consistent with the *South District Plan* but the office component is inconsistent with the *South District Plan*.

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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:**
  1. Amend Note C to state “Conversion of existing Carswell Lane driveway to a full-movement access point will be subject to review and approval by CDOT during the construction permitting phase.”
  2. Establish a pedestrian connection within the parking lot between the proposed sidewalk on the north side of the proposed three-story office building and the existing sidewalk on the north side of the child care facility.
- **Vehicle Trip Generation:**
  - Current Zoning: 5,400 trips per day.
  - Proposed Zoning: 3,300 trips per day.
- **Connectivity:** See comments 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:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** Comments about wells and monitoring wells have been passed on to the petitioner.
- **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 reusing an existing building and redeveloping on an infill lot.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend Note G under Transportation to specify which building is referenced.
  2. Indicate if there is a parking/cross access agreement with the existing day care. Indicate the required parking for the day care and its location.
  3. Amend wording of Notes F and G under Transportation, as the site does not have frontage on or
direct access to Highway 51.

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

Planner: Sonja Sanders  (704) 336-8327
Petition #: 2015-016

Acreage & Location: Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane.
Petition #: 2015-016
Petitioner: Touchstone Village, LLC

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

Zoning Classification (Requested): NS
( Neighborhood Services)

Acreage & Location: Approximately 10.24 acres located on the northwest corner at the intersection of Bevington Place and Carswell Lane.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-1-2014.

Requested NS from B-1(CD)
Previously Approved Site Plan
REQUEST
Current Zoning: R-6 (single family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 1.87 acres located on the west side of Baxter Street across from Avant Street.
(Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes 30 multi-family residential units in three structures, at a density of 16.04 units per acre.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. The petition inconsistent with the Midtown Morehead Cherry Area Plan, which recommends residential housing up to six dwelling units per acre. However, the petition is consistent with the neighborhood form and character proposed in the plan including:
- Building form along Baxter Street that is consistent with the heights, setbacks, massing, and building orientation of the existing homes within the immediate area.
- Multi-family buildings located to the rear of the site.
- Buffers and landscaping adjacent to single family properties.
- Limited height of multi-family buildings.

PROPERTY OWNER
City of Charlotte

PETITIONER
Laurel Street Residential, 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: 51

PLANNING STAFF REVIEW

- Background
  - The subject property was rezoned from R-22MF (multi-family) to R-6 (single family) via Petition 1993-79B as recommended per the Central District Plan.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Construct up to three structures containing up to 30 multi-family dwelling units.
  - Front building elevations for Buildings A, B and C.
  - A 19-foot front setback along Baxter Street.
  - Eight-foot planting strip and six-foot sidewalk along the frontage on Baxter Street.
  - Proposed amenity areas with possible active and passive open space.
  - Proposed building materials to be a combination or portions of the following: brick, stone, precast concrete, synthetic stone, cementious fiber board, stucco, EIFS, decorative block, and/or wood. Vinyl or aluminum as a building material may only be used on windows, soffits and on handrails/railings.
  - Each building elevation will contain a minimum of 15 percent of brick, stone, precast stone, precast concrete, or synthetic stone per building elevation, with an average percentage on all principal buildings of not less than 20 percent.
  - Maximum building height of 40 feet. Buildings A and B not to exceed two stories and Building C to have a three-story central element and two-story ends.
  - Internal sidewalk and crosswalk network, with a minimum sidewalk width of five feet.
  - Detached lighting limited to 15 feet in height.
  - A 16-foot buffer with a decorative aluminum fence along the northwest edge of the site.
  - Five-foot buffer along the northern edge adjacent to the existing single family zoned properties fronting Baxter Street.
  - Proposed tree save at the rear of the site.
  - Additional landscaping to be planted along the rear property line.
  - Three amenity areas, two of which will be either active or active open space areas.
  - A portion of Woodard Street (also known as Avant Street) located within the site, and a portion
of Eli Street to be requested for abandonment.

- **Existing Zoning and Land Use**
  - The subject site is currently vacant and surrounded by single family homes, commercial structures, and vacant land which is all zoned R-6 (single family residential) and UR-2(CD) (urban residential, conditional).

- **Rezoning History in Area**
  - Rezoning petitions 2015-027 through 2015-030 and 2015-032 are generally located between Cherry Street, East 3rd Street and Baxter Street and propose residential developments of different housing types at varying densities. These petitions are scheduled to be heard at the February 23, 2015 City Council rezoning meeting.
  - Rezoning petition 2014-109 consists of 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. The proposed rezoning from UR-C(CD) (PED) (urban residential - commercial, conditional, pedestrian overlay), B-1 (PED) (neighborhood business, pedestrian overlay), and R-8 (single family residential) to MUDD-O (mixed use development, optional) and MUDD-O (PED) (mixed use development, optional, pedestrian overlay), with five-year vested rights, is requesting development rights to allow a mixed use development with office, retail, hotel, residential uses, and a structured parking facility within three development areas (A, B, and C). This petition is pending.
  - Rezoning petition 2014-024 rezoned approximately 5.71 acres located on the west side of Luther Street generally surrounded by Cherry Street, Main Street, Baxter Street and Eli Street to UR-2(CD) SPA (urban residential, conditional, site plan amendment), in order to allow the development of 39 single family detached dwellings and two duplexes.

- **Public Plans and Policies**
  - The *Midtown Morehead Cherry Area Plan* (2012) recommends residential housing up to six dwelling units per acre.
  - The petition is inconsistent with the *Midtown Morehead Cherry Area Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** The developer must comply with the City's Housing policies if seeking public funding.
- **Transportation:** No issues.
  - **Vehicle Trip Generation:**
    - Current Zoning: 120 trips per day.
    - Proposed Zoning: 180 trips per day.
  - **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate seven students, while the development allowed under the proposed zoning will produce 23 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 16 students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
  1. Have an approved right-of-way abandonment prior to City Council decision on the petition.
  2. Clearly label the proposed buffer width adjacent to parcels 125-245-04 and 125-245-03.

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-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water
- 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
Rezoning Petition: 2015-018

Approximately 1.87 acres located on the west side of Baxter Street across from Avant Street.
Petition #: 2015-018
Petitioner: Laurel Street Residential, LLC

Zoning Classification (Existing): R-6
(Single Family, Residential)

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

Acreage & Location: Approximately 1.87 acres located on the west side of Baxter Street across from Avant Street.

Map Produced by the Charlotte Mecklenburg Planning Department, 12-1-2014.
Rezoning Petition 2015-021
Pre-Hearing Staff Analysis
February 16, 2015

REQUEST
Current Zoning: B-D(CD) (PED-O) (distributive business, conditional, pedestrian overlay, optional)
Proposed Zoning: O-1 (PED) (office, pedestrian overlay)

LOCATION
Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77. (Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes to allow all uses permitted in B-1 (PED) (neighborhood business, pedestrian overlay).

STAFF RECOMMENDATION
Staff recommends approval of this petition. The petition is consistent with the West Morehead Land Use and Pedscape Plan as amended by a previous rezoning.

PROPERTY OWNER
Ark Ventures, Inc.

PETITIONER
CitiSculpt

AGENT/REPRESENTATIVE
Jeff Brown and Keith MacVean

COMMUNITY MEETING
Meeting is not required.

PLANNING STAFF REVIEW
• Background
  • The subject site was part of approximately 1.88 acres rezoned in 2007 (rezoning petition 2007-113) in order to allow the construction of 210,000 square feet of office and storage uses. The approved maximum building height was 75 feet, not to exceed six (6) stories. The optional provision allowed off-street parking at the rate of .25 spaces per 1,000 square feet of area devoted to self-storage use.

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

• Existing Zoning and Land Use
  • The site is developed with a 17,722-square foot office/industrial building constructed in 1947 and is surrounded by a mix of office, retail, and industrial uses zoned various zoning districts. A portion of the rezoning site is located adjacent to Irwin Creek and Interstate 77.

• Rezoning History in Area
  • Rezoning petition 2012-038 rezoned approximately 17.91 acres located on the south side of West Morehead Street near the intersection of Interstate 77 and Interstate 277 from M UDD (mixed use development) to M UDD-O (mixed use development, optional) and I-2(CD) (general industrial, conditional) to reestablish industrial zoning to allow limited industrial uses associated with the abutting Charlotte Pipe and Foundry facility, and to maintain mixed use development zoning on acreage fronting West Morehead Street.

• Public Plans and Policies
  • The West Morehead Land Use and Pedscape Plan (2004), as amended by petition 2007-113, recommends office and indoor storage facility uses.
  • The petition is consistent with of the West Morehead Land Use and Pedscape Plan.

DEPARTMENT COMMENTS (see full department reports online)
• Charlotte Area Transit System: No issues.
• Charlotte Department of Neighborhood & Business Services: No issues.
• Transportation: CDOT requests that the current petition be changed from conventional to a conditional site plan to ensure consistency and participation in the Transportation Action Plan (TAP).
• Vehicle Trip Generation:
  Current Zoning: 900 trips per day.
  Proposed Zoning: Given the proposed zoning and the absence of a conditional rezoning plan, it
is not possible to determine the approximate number of trips per day the site will generate.

- **Connectivity:** See comments above.

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

- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.

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

- **Charlotte Water:** No comments received.

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

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

- **Mecklenburg County Parks and Recreation Department:** The rezoning site is adjacent to Irwin Creek which is a future greenway corridor indicated on the 2008 Mecklenburg County Greenway Master Plan. The Mecklenburg County Park and Recreation Department requests that the petitioner dedicate and convey the 100-foot SWIM buffer portion of the property or an easement to Mecklenburg County for the future Irwin Creek Greenway.

- **Urban Forestry:** No comments received.

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

**Planner:** Claire Lyte-Graham (704) 336-3782
Petition #: 2015-021

Acreage & Location: Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77.
Petition #: 2015-021
Petitioner: CitiSculpt

Zoning Classification (Existing): BD(CD)(PED-O)
(Distributive Business, Conditional, Pedestrian Overlay District, Optional)

Zoning Classification (Requested): O-1(PED)
(Office, Pedestrian Overlay District)

Acreage & Location: Approximately 1.38 acres located on the south side of West Morehead Street between South Summit Street and Interstate 77.