CITY COUNCIL ZONING AGENDA
Tuesday, January 20, 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
DINNER MEETING AGENDA  
Tuesday, January 20, 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>
<tbody>
<tr>
<td>1</td>
<td>2009-075</td>
<td>Dona Patterson – east side of West Sugar Creek Road close it N. Tryon Street</td>
<td>Withdrawal</td>
</tr>
<tr>
<td>2</td>
<td>2014-021</td>
<td>Charlotte-Mecklenburg Planning Department for a Text Amendment related to mobile farmer’s markets</td>
<td>Decision – Defer to April</td>
</tr>
<tr>
<td>3</td>
<td>2014-031</td>
<td>Wilkison Partners, LLC - southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive</td>
<td>Decision – Defer to March Protest Sufficient</td>
</tr>
<tr>
<td>4</td>
<td>2014-042</td>
<td>Moss Road Development Partners, LLC – southwest corner of South Tryon Street and Moss Road</td>
<td>Decision – Defer to February</td>
</tr>
<tr>
<td>6</td>
<td>2014-068</td>
<td>City of Charlotte – Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive</td>
<td>Decision – Defer to April</td>
</tr>
<tr>
<td>7</td>
<td>2014-071</td>
<td>Charlotte-Mecklenburg Planning Department for a Text Amendment related to animal care and fostering</td>
<td>Decision – Defer Indefinitely</td>
</tr>
<tr>
<td>23</td>
<td>2014-115</td>
<td>Satwinder Singh – Parker Drive between Remount Road and Berryhill Road</td>
<td>Hearing – Defer to February (Community meeting report not submitted)</td>
</tr>
<tr>
<td>27</td>
<td>2015-007</td>
<td>Village at Robinson Farm, LLC – Southwest corner of Rea Road and Williams Pond Lane</td>
<td>Hearing – Defer to February (Community meeting report not submitted)</td>
</tr>
<tr>
<td>28</td>
<td>2015-010</td>
<td>Mintworth DEI, LLC – Southwest corner of Idlewild Road and Wyalong Drive</td>
<td>Hearing – Defer to February</td>
</tr>
</tbody>
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MISCELLANEOUS REQUESTS AND INFORMATION

<table>
<thead>
<tr>
<th>Item #</th>
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<tbody>
<tr>
<td>5</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>
<tr>
<td>8</td>
<td>2014-074</td>
<td>Terwilger Pappas Multifamily Partners, LLC – northeast corner of the intersection of North Community House Road and Bryant Farms Road</td>
<td>Decision – Proceed</td>
</tr>
</tbody>
</table>
| 9      | 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 9.  
  - Protest Insufficient |
<p>| 11     | 2014-101   | LGI Homes NC, LLC – east side of Reames Road between Bella Vista Court and Lawnmeadow Drive | New public hearing (February 16, 2015) to allow conversion to a conditional request. |
| 18     | 2014-078   | Park Selwyn, LL – north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue. | Hearing - Protest sufficient                     |</p>
<table>
<thead>
<tr>
<th></th>
<th>Year</th>
<th>Case Number</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
</table>
| 19 | 2014-100 | **Charlotte-Mecklenburg Planning Department** – Southeast corner of West 30th Street and Chick Godley Road | **Hearing**  
- Public hearing continued from December  
- Conversion to a conditional petition |
| 20 | 2014-109 | **Midtown Area Partners II, LLC** - northeast corner of Baxter Street and South Kings Drive | **Hearing** - Protest Petition - sufficient |
| 21 | 2014-110 | **Unique Southern Estates, LLC** | **Hearing** - Protest TBD |
| 26 | 2015-005 | **SIM USA** – Southside of Choate Circle at Moss Road and Choate Circle | **Hearing** - Protest TBD |

2. **Follow-Up Report – Tammie Keplinger**  
3. **Rezoning Cases of Special Interest – Tammie Keplinger**  
4. **Area Plan Status and Text Amendment Update – Ed McKinney**
### ACRONYMS

#### Zoning District Acronyms

- **B-1** – neighborhood business
- **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
- **LNWCA** – Lake Norman watershed – overlay, critical area
- **LNWPA** – Lake Norman watershed – overlay, protected area
- **LLWW** – Lower Lake Wylie watershed overlay
- **LLWWCA** – Lower Lake Wylie watershed – overlay, critical area
- **LLWWPA** – Lower Lake Wylie watershed – overlay, protected area
- **MILW** – Mountain Island Lake watershed overlay
- **MILWCA** – Mountain Island Lake watershed – overlay, critical area
- **MILWPA** – Mountain Island Lake watershed – overlay, protected area
- **MH** – manufactured home overlay
- **PED** – pedestrian overlay district
- **TS** – transit supportive overlay district

#### Miscellaneous Zoning Acronyms

- **CD** – conditional
- **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
# ZONING DECISIONS

## Withdrawal

1. **Petition No. 2009-075** (Council District 4 – Phipps) **by Dona Patterson** for a change in zoning for approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF (residential, multi-family) to O-1 (office).

The petitioner is requesting a withdrawal of this petition.

**Attachment 1**

## Deferral (to April)

2. **Petition No. 2014-021** by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to: 1) create a new definition for mobile farmer’s market; 2) allow mobile farmer’s markets in all zoning districts; and 3) create new prescribed conditions for mobile farmer’s markets.

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

**Attachment 2**

## Deferral (to March)

3. **Petition No. 2014-031** (outside city limits) **by Wilkison Partners, LLC** for a change in zoning for approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive from MX-3(LLWCA) (mixed use, Lower Lake Wylie critical area) to MX-3 SPA(LLWCA) (mixed use, site plan amendment, Lower Lake Wylie critical area).

The Zoning Committee voted 7-0 to **DEFER** this petition to their February 25, 2015 meeting.

**Attachment 3**

## Deferral (to February)

4. **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 voted 7-0 to **DEFER** this petition to their January 28, 2015 meeting.

**Attachment 4**

## Protest Sufficient

5. **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 finds 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 at up to four dwelling units per acre.

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:

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

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

1. Reduced the length of the new internal walkway by eliminating the portion that runs along the inside of the driveway and instead locating it along the guest parking area...
to connect to the sidewalk along Prosperity Church Road. This walkway may meander to preserve any existing trees.

2. Removed the sign from the site plan.
3. Added the heading “Signage” and a note stating that signage is permitted per the ordinance.

Staff recommends approval of this petition.

**Attachment 5**

### Deferral (to April)

6. **Petition No. 2014-068** (Council District 2 - Austin) by City of Charlotte for a change in zoning for approximately 5.59 acres generally bounded by Statesville Avenue, Dalton Avenue, North Graham Street and Armour Drive from I-2 (general industrial) to MUDD-O (mixed use development, optional).

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

**Attachment 6**

### Deferral (Indefinitely)

7. **Petition No. 2014-071** by Charlotte-Mecklenburg Planning Department & Charlotte-Mecklenburg Police Department for a Text Amendment to the City of Charlotte Zoning Ordinance related to animal care and fostering.

The Zoning Committee voted 7-0 to DEFER this petition indefinitely.

**Attachment 7**

### Protest Sufficient

8. **Petition No. 2014-074** (Council District 7 – Driggs) by Terwilliger Pappas Multifamily Partners, LLC for a change in zoning for approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road from B-1(CD) (neighborhood business, conditional) to NS (neighborhood services).

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

- The plan recommends retail uses for the subject properties.

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 site plan moves the retail component to the corner of two major thoroughfares; and
- The proposed site plan integrates the residential component which provides a transition to the adjacent single family properties; and
- The addition of the residential component results in a multi-use development, which is consistent with the intent of the NS (neighborhood services) district.

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

**Development Area A:**

1. A note has been added to prohibit the following uses from the site plan: gasoline sales, with or without convenience stores, and automotive uses.
2. A note has been added stating that solid waste/recycling areas will not be allowed to abut Community House Road or Bryant Farms Road unless such areas are enclosed by a wall treatment similar to the architecture of the building.
3. A note has been added that a five-foot sidewalk will be provided to create pedestrian connections between the multi-family component and the non-residential uses.

**Development Area B:**

4. Dumpster locations for Area B have been shown on the plan.
5. A note has been added that buildings in Area B will be 25 percent masonry material on each side.
6. The dog walk area referenced in Note 2.D has been labeled on the plan.
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>7.</td>
<td>The possible additional garages have been shown on the plan located along the rear property line.</td>
</tr>
<tr>
<td>8.</td>
<td>Detail of the required plantings for the 25-foot landscape buffer has been shown for Area B.</td>
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<tr>
<td>9.</td>
<td>Note 5.C has been removed.</td>
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<tr>
<td>10.</td>
<td>A note has been added that the site will comply with the Post Construction Control Ordinance.</td>
</tr>
<tr>
<td>11.</td>
<td><strong>Multi-Family Design Guidelines for Development Area B:</strong></td>
</tr>
<tr>
<td></td>
<td>a. Building facades shall front on and address the external and internal streets to reinforce the streetscape.</td>
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<tr>
<td></td>
<td>b. Building footprint shall be arranged to enclose and define a variety of public and private spaces, courtyards, open space and green space.</td>
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<td></td>
<td>c. Provided an ADA accessible path that is connected to the street sidewalk system to provide wheelchair access to the residential building.</td>
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<td>d. Architectural façade treatment shall be similar on all sides of the apartment buildings.</td>
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<td>e. Facades along external and internal streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.</td>
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<td>f. The principal building entrances shall be articulated to identify them as a primary entry point.</td>
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<td>g. Exterior elevations shall incorporate a variety of architectural features such as balconies, patios, windows, doors, columns, common building doorways, covered entrances, pitched roofs and parapets at flat roof areas to provide architectural scale and detail.</td>
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<td>h. Windows and doors shall account for at least 25% of the total facade area along the external and internal streets, with each floor calculated independently from floor to ceiling.</td>
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<td>i. Windows shall have a vertical orientation with their height greater than their width.</td>
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<td>j. For street facades, the maximum length without a window or door on any floor shall not exceed 25 feet.</td>
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<td>k. Street facades shall incorporate projections and/or indentations so that the maximum length without such an offset in the façade is 100 feet. The minimum depth of such required offsets shall be 12 inches from frame wall to the frame wall. For street facades over 100 feet, at least 15% of the total façade length shall be offset from the primary façade plane.</td>
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<td></td>
<td>l. Exterior materials of buildings along the external and internal streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, fiber cement siding or panels, glass, or granite. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, exposed plywood, and exposed pressboard are prohibited. However, vinyl as a building material may be used on windows, soffits, and on handrails/railings.</td>
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<td></td>
<td>m. Exterior walls of a single building shall utilize a maximum of five primary building materials (textures, colors, etc.). This requirement shall not include secondary materials such as windows, doors, porches, balconies, foundations, awnings or architectural details.</td>
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<tr>
<td></td>
<td>n. Materials may be combined horizontally or vertically. A visually heavier material (such as brick or stone) shall be used below a lighter material (such as siding or stucco).</td>
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<td>o. Accessory structures, such as garages, shall be consistent with the principal building in material, texture, and color, but may have simplified architectural detailing and features.</td>
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<td>p. Concrete foundations, if more than 8” is exposed above grade, shall be coated or faced in stucco, brick, synthetic stone, or natural stone.</td>
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<td>q. Pitched roofs shall have a minimum slope of 4:12. Pitched roof materials may include slate, wood shingles, standing seam pre-finished metal, architectural composition or asphalt shingles.</td>
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<td>r. Vents, stacks, and roof fans in pitched roof shall be painted to blend with the roof color to minimize their visibility from external streets.</td>
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<td>s. Flat roofs shall be screened from view from external and internal streets by a parapet.</td>
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<td>t. Roof top condensing units and other equipment shall be screened from the external and internal streets by a parapet or other architectural feature such as...</td>
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</table>
12. A clarification and addition to the required buffer planting along the existing single family development.

  a. A modified 40-foot Class “C” Buffer will be provided where Development Area B abuts existing single family homes as generally depicted on the Rezoning Plan and such buffer shall be installed prior to the issuance of the first certificate of occupancy for the first principle building on Development Area B. The outer 25 feet of this Buffer will be an undisturbed Buffer, and existing vegetation preserved within this portion of the Buffer may be used to meet minimum Buffer planting requirements. To create an effective and enhanced Buffer treatment that is unique and responsive to the existing conditions around the perimeter of the Site, the proposed Buffer will be enhanced in three different ways (Otterdale Court Buffer, Buffton Court Buffer and Moss Mill Lane Buffer) as described below:

    i. The portion of the Buffer known as Otterdale Court Buffer will be improved with: (i) small maturing evergreen trees eight (8) feet on center, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); and (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and the small maturing evergreen trees will be located between the fence and the adjoining property line; the evergreen trees will be arranged as generally depicted on the rezoning plan;

    ii. The portion of the Buffer known as Buffton Court will be improved with: (i) ten (10) small maturing evergreen trees per 100 linear feet, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); (ii) no less than three (3) one-story garages will be placed at the edge of the buffer to create a solid wall; (iii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and between the proposed garages of the Buffer; the small maturing evergreen trees will be located between the fence and the adjoining property line. The small maturing evergreen trees will be arranged within the buffer to maximize the screening of the Site from the adjoining single-family homes; and

    iii. The portion of the Buffer known as Moss Mill Lane Buffer will be improved with: (i) small maturing evergreen trees (the number of small evergreen trees to be planted will be calculated at the rate one (1) tree every eight (8) feet along the length of the Buffer), the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer; the small maturing evergreen trees will be located in the undisturbed portion of the buffer and arranged to maximize their effectiveness at screening the Site from the adjoining single-family homes; (iii) no less than one (1) one story garages will be placed at the edge of the buffer to create a solid wall; and (iv) a row of evergreen shrubs will be placed between the proposed parking spaces and the decorative aluminum fence as generally depicted on the rezoning plan.

  b. Utilities may cross the Buffer at angles of 75 degrees or greater. Retaining walls may be located in the Buffer but not in the undisturbed portion of the buffer.

Staff recommends that the outstanding issues be addressed prior to City Council approval.

Attachment 8
<table>
<thead>
<tr>
<th>9.</th>
<th><strong>Petition No. 2014-092</strong> (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).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note:</td>
<td>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>
</tr>
<tr>
<td>The petitioner:</td>
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<tr>
<td>1.</td>
<td>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.</td>
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<tr>
<td>2.</td>
<td>Amended Note B, Parcel 4A to remove &quot;automobile service stations&quot; and &quot;Petitioner is currently showing unsupported use and proposed revision to special conditions for automobile service station use.”</td>
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<tr>
<td>3.</td>
<td>Amended Note F. to make the word “parcel” at the end of the first sentence plural.</td>
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<tr>
<td>4.</td>
<td>Deleted the proposed sign location and label.</td>
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<tr>
<td>5.</td>
<td>Increased the width of the sidewalks on the right and left side of the building from five feet to seven feet to allow for &quot;shy zone&quot; next to the building.</td>
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<tr>
<td>6.</td>
<td>Increased the width of the sidewalk in front of the building from six feet to eight feet to allow for the &quot;shy zone&quot; and parked cars. Curb stops will be used in front of the building.</td>
</tr>
<tr>
<td>7.</td>
<td>Swapped the labels of the left and right elevations to correctly match the images.</td>
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<tr>
<td>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:</td>
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<tr>
<td>•</td>
<td>The Plan recommends retail uses with the exception of automobile service stations.</td>
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<tr>
<td>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:</td>
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<tr>
<td>•</td>
<td>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</td>
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<tr>
<td>•</td>
<td>The petitioner has agreed to address site plan issues 2 through 8.</td>
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<tr>
<td>The Zoning Committee voted 7-0 to recommend APPROVAL of 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:</td>
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<tr>
<td>1.</td>
<td>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.</td>
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<tr>
<td>2.</td>
<td>Provided building, dumpster enclosure and pump island elevations for all sides as part of the rezoning plans.</td>
</tr>
<tr>
<td>3.</td>
<td>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).</td>
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<tr>
<td>4.</td>
<td>Removed the “Max SF allowed: 16,000 SF. Office, 10,500 SF. Retail, 24,000 SF. Restaurant” from the Site Data.</td>
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<tr>
<td>5.</td>
<td>Removed the “+/-” in proposed building height for Parcel 4A.</td>
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<tr>
<td>6.</td>
<td>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.</td>
</tr>
<tr>
<td>7.</td>
<td>Removed Note B in its entirety and replaced with the following: First paragraph - &quot;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.”</td>
</tr>
</tbody>
</table>
| 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 "Lanscaping 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 recommends denial of this petition. 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.

**Attachment 9**

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

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

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

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

- The site is a remnant parcel of Ardrey Kell Road right-of-way; and
- The site is located outside a retail center and adjacent to residential; and
- The proposed small office development with limited retail uses is sensitive in form to the surrounding residential properties and provides a buffer and transition to the major thoroughfare; and
- A wireless phone service provider is the only allowed retail use on the site.
The Zoning Committee voted 7-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Limited permitted uses to personal services, uses allowed in the office district that are also allowed in the NS district, and wireless phone service providers, which is the only retail use allowed on the site.

2. Committed building design to be residential in character by amending Note 4b to reduce the required amount of fenestration for building facades facing Ardrey Kell Road from 40 percent to 20 percent. Also added note to building elevations to state "the architectural design may differ from building to building but will be compatible in scale and material types with complementary color pallets, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements.” Deleted signage from the building elevations.

3. Amended Note 7b as follows: “The allowed wall signage constructed on the site will utilize similar and/or complementary colors so as to create a cohesive appearance.”

4. Amended Prohibited or Limited Uses to specify eating/drinking/entertainment establishments Type 1 and 2 as a prohibited use.

5. Amended Sheet RZ-002a to reflect relocated area for the trash and recycling enclosure, location of a proposed chain link security fence, location of an existing berm that is to remain, and fence elevations.

6. Amended Note 1d to reduce the total number of principal buildings from four to three.

7. Amended Note 2a to list wireless phone service providers as a permitted use.

8. Amended Note 2b to specify a minimum of 50 percent of the allowed square footage must be occupied by uses allowed in the Office zoning district that are also allowed in the NS zoning district. The other 50 percent of the uses may be a combination of personal service uses (as defined in the site plan), (ii) a wireless phone service provider; and uses allowed in the office zoning district that are also allowed in the NS district.

9. Added Note 5d as follows: “The petitioner will install a five foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site’s western property boundary.”

10. Amended Note 5h to add the following: “The proposed dumpster and recycling area will be located along the western property boundary as generally depicted on the rezoning plan.”

11. Added Note 6b as follows: “The petitioner was granted a variance to reduce the PCCO buffer required along the western property boundary to a 100 foot buffer. The variance was granted by SWAC on October 16, 2014.”

12. Added Note 6d as follows: “The petitioner will clear the obstructions (silt and debris) from the creek channel(s) that extends into the site from the Blakeney Heath Neighborhood and between the rear of the homes on Fieldcroft Drive and Autumn Applause Drive. This clearing will take place subject to and contingent upon the adjoining property owners granting the petitioner the right, and releasing the petitioner from any liability, while performing the work and subject to the issuance of any required City and/or State permits. The petitioner will clear the obstructions in the creek channel(s) as part of the site development work and prior to the issuance of the first certificate of occupancy for the first building constructed on the site.”

Staff recommends denial of this petition. The proposed retail use is inconsistent with the recommended land use set forth in the adopted area plan.

**Attachment 10**

**New Public Hearing (February 16, 2015)**

11. **Petition No. 2014-101** (Council District 2 - Austin) by LGI Homes NC, LLC for a change in zoning for approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive from UR-1(CD) (urban residential, conditional) to R-5 (single-family residential).
Note: The petitioner has indicated a desire to convert this conventional petition to a conditional petition. A new public hearing is required and will be scheduled for February 16, 2015.

The Zoning Committee voted 7-0 to send this petition to City Council for a new public hearing.

**Attachment 11**

12. **Petition No. 2014-108** (Council District 5 – Autry) by **U-Haul Company of Charlotte** for a change in zoning for 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane from B-2 (general business) to B-D(CD) (distributive business, conditional).

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

- The plan recommends retail for this area.

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 use will be within an existing building; and
- The proposed change supports reinvestment in the Albemarle Road corridor.

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

1. Removed the commitment to dedicate land to Mecklenburg County Park and Recreation for greenway, since this area is not located on the property to be rezoned.
2. Removed the commitment for the screening fence, as it is not located on the property to be rezoned.
3. Note 2 under Architectural Standards has been removed from the site plan.

Staff recommends approval of this petition.

**Attachment 12**

13. **Petition No. 2014-112** (Council District 6 – Smith) by **Mohammad R. Bolouri** for a change in zoning for approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive from INST(CD) (institutional, conditional) to INST(CD) SPA (institutional, conditional, site plan amendment).

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

- The plan recommends an adult day care facility as an institutional use.

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 addition of medical office/research uses will have a negligible impact; and
- The proposed uses are an extension of the existing adult day care facility with no exterior changes to the existing structure.

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

1. Noted on site plan the acreage of the parcel.
2. Noted the proposed zoning on the site plan: INST (CD) SPA.
3. Amended Survey Note 8 to indicate that the required minimum lot size in the institutional district is 15,000 square feet.
4. The parking tabulation provided on the site plan has been adjusted to reflect required parking for medical offices at one space per 200 square feet, and adult care centers at one space per employee plus one space per six adults.
5. Modified the site plan to note that the facility will have a minimum 1,500 square feet of adult day care use, and 3,500 square feet of medical office.
6. Site plan has been amended to specify a minimum 1,500 square feet will be devoted to the adult day care use.
7. Added language provided by Storm Water Services pertaining to the location and size of storm water management systems.

Staff recommends approval of this petition.

Attachment 13

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

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 the text amendment:
- Amends the maximum FAR in the I-1 and I-2 zoning districts for warehousing uses conducted within an enclosed building when the building has multiple stories.

Therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because:
- It meets the goals of ensuring a diverse, growing and adaptable economy and revitalizing economically changed business areas.

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

Staff recommends approval of this petition.

**Attachment 14**

15. **Petition No. 2014-116 (Council District 6 – Smith)** by Spectrum Properties Residential, Inc. for a change in zoning for approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place from R-17MF (multi-family residential) to UR-2(CD) (urban residential, conditional).

The Zoning Committee found the proposed land use to be consistent with the *Park Woodlawn Area Plan*, but found the proposed density to be inconsistent with the *Park Woodlawn Area Plan*, based on information from the staff analysis and the public hearing, and because:
- The plan recommends multi-family residential at up to 17 dwelling units per acre.

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 increase in density is appropriate due to compliance with the residential design principals in the area plan, which includes but are not limited to avoidance of blank walls, orientation of buildings, internal pedestrian network, and increased yards abutting single family residential uses.

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

1. Addressed CDOT issues as follows:
   a. Amended transportation Note 3.c. to remove “and the necessary grading and clearing for the construction of the sidewalk can also be accommodated within the existing right-of-way.” Added the following: “If the construction of this sidewalk cannot be accommodated within the existing right-of-way of Abbey Place the Petitioner will approach the adjoining property owner to secure the
needed easements to construct the sidewalk. If the adjoining property owner is not willing to provide the necessary easements the Petitioner will not be required to construct the sidewalk.”

b. Amended transportation Note 3.d. to read: “The petitioner will request that it be allowed to construct crosswalks on Abbey Place. CDOT will determine during the construction permitting process if marked mid-block crosswalks are necessary for crossing Abbey Place.”

c. Removed the three designated marked mid-block crosswalks on the site plan sheet RZ-2.

2. Amended Note 5. a. to reflect a required setback of 16-feet and to match the eight-foot sidewalk and eight-foot planting strip provided on each side of Abbey Place.

3. Amended Note 4. b. to change the word “building” to “buildings” when referencing the buildings that may be constructed on the site and actual buildings constructed on the site.

4. Provided a note specifying that the area depicted as Possible Open Space/Stormwater BMP is not to be used for parking or building area.

5. Committed to a minimum of 12,000 square feet in each development area that will be included the Open Space/Stormwater BMP area.

6. Deleted the Note 6. e. about end fronting facades and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.

7. Deleted Note 6. f. and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.

8. Added a note stating that "if approved by CDOT and approved by the residents of Halstead Drive/Drexmore Avenue as required by the City's Neighborhood Traffic Management Policies, the Petitioner will replace the existing speed bump located on Halstead Drive near the intersection of Drexmore Avenue with stop signs".

9. Added a note stating the "working in conjunction with CDOT, the petitioner will explore the installation of traffic calming measures at the intersection of Longwood Drive and Bradbury Drive”.

10. Added a note specifying that the petitioner will instruct contractors to access the site from Park Road for construction traffic.

11. Added a note specifying that staging for the development will not be allowed on adjoining single family zoning properties.

12. Removed, through a formatting error, the words “in interest or assigns” from Note 12. a.

13. The petitioner requested the following note be added: “The petitioner will use good faith efforts to direct the general contractor for the Site to not begin outdoor construction activity on the Site on Saturday mornings before 8:30 AM EST. The Petitioner will also use good faith efforts to direct the general contractor for the Site to avoid late night concrete pours.”

Staff recommends approval of this petition.

**Attachment 15**

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

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

- The plan recommends retail uses for the subject property.

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

- The proposed site plan commits to details such as elevations and design standards, as well as transportation improvements; and
- The proposal is for infill redevelopment, which minimizes the impacts to the natural environment.
The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

1. Four-sided elevations of the proposed building have been provided.
2. The optional request for increased ground mounted signage has been removed.
3. A note has been modified to clarify that only one principal building will be on the site.
4. Optional request "F" has been removed from the site plan.
5. A detail of the loading dock screen wall along Colwick Road has been provided with the elevations.
6. A detail of the street wall has been provided within the elevations.
7. The request to allow all existing building, parking and uses to remain under this plan has been removed.
8. A note has been added that the ground floor elevations along Randolph Road will be treated with a combination of fenestration, clear glass, prominent entrances, changes in material, building step backs and landscaping.
9. A note has been added that the maximum allowed square footage includes the building but not the parking structure.
10. A note has been added that a concrete pad will be provided for a future bus pad.

Staff recommends approval of this petition.

**Attachment 16**

17. **Petition No. 2015-010** (Council District 2 – Austin) *by The Salvation Army* for a change in zoning for approximately 2.6 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street from O-6(CD) (office, conditional) to MUDD-O (mixed use development, optional).

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

- The plan recommends institutional uses for the subject property.

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 use will not increase the exterior size of the building; and
- The proposed request will allow the existing institutional use to continue to serve the needs of the community.

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

1. The proposed uses on the site plan have been listed as a homeless shelter, daycare, and administrative offices.
2. The maximum square footage has been modified to 50,000 square feet.
3. A note has been added specifying that the expansion area is interior to the existing building.
4. The amount of open space to be provided has been labelled on the plan.
5. A note has been added that the existing 69 parking spaces provided on site and along the project frontage on Spratt Street will satisfy the parking requirement.

Staff recommends approval of this petition.

**Attachment 17**
# ZONING HEARINGS

<table>
<thead>
<tr>
<th>Protest Sufficient</th>
<th>18. <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).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public hearing continued in November to January</td>
<td>19. <strong>Petition No. 2014-100</strong> (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).</td>
</tr>
<tr>
<td>Protest Sufficient</td>
<td>20. <strong>Petition No. 2014-109</strong> (Council District 1 -Kinsey) by Midtown Area Partners II, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay).</td>
</tr>
<tr>
<td>Protest TBD</td>
<td>21. <strong>Petition No. 2014-110</strong> (Council District 1 – Kinsey) by Unique Southern Estates, LLC for a change in zoning for approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street from R-8 (single family residential), UR-C(CD)(PED) (urban residential – commercial, conditional, pedestrian overlay) and B-1(PED) (neighborhood business, pedestrian overlay) to MUDD-O (mixed use development, optional) and MUDD-O(PED) (mixed use development, optional, pedestrian overlay).</td>
</tr>
<tr>
<td>Deferral (to February)</td>
<td>22. <strong>Petition No. 2014-113</strong> (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).</td>
</tr>
<tr>
<td>Deferral (to February)</td>
<td>23. <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).</td>
</tr>
<tr>
<td>24. <strong>Petition No. 2014-119</strong> (Council District 1 – Kinsey) by City of Charlotte (Neighborhood &amp; Business Services) for a change in zoning for approximately 20.32 acres located on the south side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard from R-22MF (multi-family residential) and B-2 (general business) to B-2(CD) (general business, conditional) &amp; MUDD-O (mixed use development district, optional).</td>
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| Petition Number | Petitioner | Description | Status
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<tbody>
<tr>
<td>25. Petition No. 2015-002</td>
<td>Charlotte Montessori School</td>
<td>for a Text Amendment to the City of Charlotte Zoning Ordinance to modify the street frontage and primary access requirements for child care centers.</td>
<td>Attachment 25</td>
</tr>
<tr>
<td>26. Petition No. 2015-005</td>
<td>SIM USA</td>
<td>(Council District 3 – Mayfield) for a change in zoning for approximately 108.86 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).</td>
<td>Attachment 26</td>
</tr>
<tr>
<td>27. Petition No. 2015-007</td>
<td>Village at Robinson Farm, LLC</td>
<td>(Council District 7 – Driggs) 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).</td>
<td>Attachment 27</td>
</tr>
<tr>
<td>28. Petition No. 2015-008</td>
<td>Mintworth DEI, LLC</td>
<td>(Council District 5 – Autry) for a change in zoning for approximately 10.01 acres located on the southwest corner at the intersection of Idlewild Road and Wyalong Drive from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).</td>
<td>Attachment 28</td>
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</tbody>
</table>
Rezoning Petition  2009-075

ZONING COMMITTEE RECOMMENDATION
January 20, 2015

The petitioner is requesting a withdrawal of this petition.

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

LOCATION
Approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way.

CENTER, CORRIDOR OR WEDGE
Corridor

SUMMARY OF PETITION
This petition proposes to rezone the property to allow all uses permitted in the O-1 district.

Property Owner
Dona M. Patterson

Petitioner
Dona M. Patterson

Agent/Representative
None

Community Meeting
Meeting not required.

ZONING COMMITTEE ACTION
The Zoning Committee voted unanimously to recommend DENIAL of this petition.

VOTE
Motion/Second:  Allen/Griffith
Yeas:  Allen, Dodson, Griffith, Randolph, and Walker
Nays:  N/A
Absent:  Rosenburgh and Simmons
Recused:  N/A

ZONING COMMITTEE DISCUSSION
Staff reviewed the petition, recommending denial of the petition based on the adopted land use plan. A Committee member asked if the character of West Sugar Creek was going to change with transit. Staff responded that the residential recommendation of the area plan would continue even with transit. Several Committee members stated they could not support the petition because it was conventional and they would have liked to see a site plan.

STATEMENT OF CONSISTENCY
This petition is found to be inconsistent with the Northeast District Plan and not reasonable and in the public interest, by a 4-1 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Griffith).  

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

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

PLANNING STAFF REVIEW

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

• Public Plans and Policies
  • The Northeast District Plan (1996) recommends multi-family residential uses for the subject property.
  • This petition is inconsistent with Northeast District Plan.
• **STAFF RECOMMENDATION (Updated)**
  • Staff agrees with the recommendation of the Zoning Committee.

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**PUBLIC INFRASTRUCTURE UPDATES** (see full department reports online)

• **CDOT**: No issues.
• **Charlotte Fire Department**: No issues.
• **CATS**: No issues.
• **Connectivity**: No issues.
• **Neighborhood and Business Services**: No issues.
• **Schools**: There will be an increase in students.
• **Park and Recreation**: No comments received.

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

• **Storm Water**: No issues.
• **LUESA**: No issues.
• **Site Design**: There is no site plan associated with this conventional rezoning request.

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**OUTSTANDING ISSUES**

• No issues.

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

• Application Form
• CATS Review
• CDOT Review
• Charlotte Fire Department Review
• CMS Review
• LUESA Review
• Neighborhood and Business Services Review
• Pre-Hearing Staff Analysis
• Storm Water Review

Planner: Solomon Fortune (704) 336-8326
Petition #: 2009-075

Acreage & Location: Approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way.

Vicinity Map

Rezoning Petition: 2009-075

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

December 4, 2009
Petition #: 2009-075
Petitioner: Dona M. Patterson

Zoning Classification (Existing): R-12MF
(Multi-Family Residential, up to 12 dwelling units per acre)

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

Acreage & Location: Approximately 0.64 acres located on the east side of W Sugar Creek Road between N Tryon Street and Penny Way.

Map Produced by the Charlotte-Mecklenburg Planning Department
09-16-2009
REQUEST


SUMMARY OF PETITION

The petition proposes to:

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

PETITIONER

Charlotte-Mecklenburg Planning Department

AGENT/REPRESENTATIVE

Charlotte-Mecklenburg Planning Department

COMMUNITY MEETING

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

ZONING COMMITTEE ACTION

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

VOTE

Motion/Second: Eschert/Sullivan

Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan and Sullivan and Walker

Nays: None

Absent: None

Recused: None

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

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

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

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

### Proposed Request Details
The text amendment contains the following provisions:

- Adds a definition for mobile farmer’s market: a commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).

- Allows a mobile farmer’s market as a principal use and/or accessory use in all zoning districts under prescribed conditions:
  - A mobile farmer’s market shall be allowed as a principal use or as an accessory use in the following zoning districts, under prescribed conditions: UR-C (urban residential – commercial); RE-3 (research); B-1 (neighborhood business); B-2 (general business); B-D (distributive business); BP (business park); CC (commercial center); NS (neighborhood services); MÜDD (mixed use development); UMUD (uptown mixed use); TOD-E (transit oriented development – employment); TOD-M (transit oriented development – mixed-use); U-I (urban industrial); I-1 (light industrial); and I-2 (general industrial).
  
  - A mobile farmer’s market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the following zoning districts, under prescribed conditions: R-3, R-4, R-5, R-6, and R-8 (single family residential); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential); R-MH (manufactured housing); UR-1, UR-2, and UR-3 (urban residential); MX-1, MX-2, and MX-3 (mixed use); INST (institutional); RE-1 and RE-2 (research); O-1, O-2, and O-3 (office); and TOD-R (transit oriented development – residential).

- Adds new prescribed conditions for mobile farmer’s markets:
  - The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.
  - The operator must receive a zoning use permit and display a placard from Neighborhood & Business Services. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. There is a maximum of three (3) locations that can be listed for each permit.
  - The operator shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer’s market on each property.
  - A mobile farmer’s market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
  - The operator is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
  - The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer’s market shall only be located on the site between these hours. No overnight parking is allowed.
  - The mobile farmer’s market shall provide five off-street parking spaces for customers. Parking spaces may be shared with other uses on the site. The mobile farmer’s market shall not locate in any minimum required parking spaces for other uses on the site.
  - One table and one fabric covered tent (maximum size of 12 feet by 12 feet) for shelter only are permitted in association with the use, if removed daily.
  - No products shall be displayed or stored off the vehicle or trailer.
  - All applicable local and state codes shall be met.
  - A mobile farmer’s market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
  - Signs must be in compliance with Chapter 13. No portable signs are allowed.
• Violations may result in the revocation of the zoning use permit. Violations are subject to the requirements in Section 8.105, “Citations”.
• Adds two extra prescribed conditions for mobile farmer’s markets allowed as an accessory use to a religious institution, school, college, university, hospital or office:
  • If the mobile farmer’s market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
  • In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.
• **Public Plans and Policies**
  • This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.

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**DEPARTMENT COMMENTS** (see full department reports online)
• **Charlotte Area Transit System:** No comments received.
• **Charlotte Department of Neighborhood & Business Services:** No comments received.
• **Transportation:** No issues.
• **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Schools:** Not applicable.
• **Charlotte-Mecklenburg Storm Water Services:** No issues.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
• **Mecklenburg County Parks and Recreation Department:** No comments received.

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

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**OUTSTANDING ISSUES**
• No issues.

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**Attachments Online at** [www.rezoning.org](http://www.rezoning.org)
• Application
• Transportation Review
• Charlotte-Mecklenburg Storm Water Services Review
• Engineering and Property Management Review

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

**6-13-14**

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

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

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

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

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

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

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

All applicable local and state codes shall be met.

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

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

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

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

If the mobile farmer’s market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
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<td></td>
<td>• In the residential districts, only one mobile farmer’s market shall be allowed per location at any one time.</td>
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</tbody>
</table>
REQUEST
Current Zoning: MX-3 (LLWCA) (mixed use, Lower Lake Wylie Critical Area)
Proposed Zoning: MX-3 SPA (LLWCA) (mixed use, site plan amendment, Lower Lake Wylie Critical Area)

LOCATION
Approximately 6.23 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive. (Outside City Limits)

SUMMARY OF PETITION
The petition proposes a site plan amendment to increase the single family density for a portion of the original Palisades rezoning from 3.9 units per acre to 4.815 dwelling units per acre for a total of 30 attached dwelling units. The overall density of the original Palisades rezoning increases from 3.87 to 3.89 dwelling units per acre.

PROPERTY OWNER
Wilkison Partners Palisades, LLC

PETITIONER
Wilkison Partners, LLC

AGENT/REPRESENTATIVE
Michael L. Boston

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 10.

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition until their February 25, 2015 meeting.

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

Proposed Request Details
- The site plan amendment contains the following changes:
  - Maximum of 30 attached single family townhomes for a density of 4.81 units per acre.
  - A 17-foot planting strip and six-foot sidewalk along Shelburne Farms Drive and Youngblood...
Road.
- Eight-foot planting strip and six-foot sidewalk along the internal public streets.
- A four-foot tall berm or wall/fence with tree and/or plantings along the project frontage on Shelburne Farms Drive and Youngblood Road West.
- Proposed public street stub to the adjacent property.
- Building elevations for the proposed structures.
- Building materials consisting of brick, architectural CMU, cultured stone, hardie shake, stucco or other similar durable material. Vinyl, EIFS and Masonite are prohibited as exterior building materials except vinyl may be used for soffit and trim including windows and doors.
- 400 square feet of private open space per unit.
- Proposed 15 spaces for guest parking screened by a buffer and five-foot tall screening shrubs.
- A total of 0.49 acres of proposed tree save areas.
- Pedestrian connection to the existing amenity area south of the subject site.
- A 25.5-foot Class “C” buffer with a fence along the east property edge abutting the existing single family homes in R-3 (single family residential) zoning. The proposed fence detail is provided.
- Freestanding lighting limited to 20 feet in height.
- Innovative provision requests (which are considered for approval by the Zoning Committee) include:
  - Allowing minimum lot area to be 4,000 square feet.
  - Minimum lot width of 40 feet.
  - Lot depth of 100 feet.

**Public Plans and Policies**
- The *Steele Creek Area Plan* (2012) recommends residential at up to four units per acre for the subject site.
- The petition is consistent with the *Steele Creek Area Plan* recommendation of up to four dwelling units per acre. While the density of the property included in the site plan amendment is approximately 4.81 dwelling units per acre, the density of the original rezoning for the overall Palisades development, of which this petition was a part, will remain below four dwelling units per acre at approximately 3.89 dwelling units per acre.

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

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

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

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

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 5.9 acres located on the southeast corner at the intersection of Youngblood Road and Shelburne Farms Drive.
Petition #: 2014-031
Petitioner: Wilkison Partners, LLC

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

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

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

PETITIONER
Moss Road Development Partners, LLC

AGENT/REPRESENTATIVE
Walter Fields

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to DEFER this petition to the January 28, 2015 Zoning Committee Work Session.

VOTE
Motion/Second: Eschert/Sullivan  
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
  The subject site was rezoned in 2007 (rezoning petition 2007-024) from R-3 (single family residential) to NS (neighborhood services), in order to allow up to 34,000 square feet of office uses in two buildings, of which one was a 5,000-square foot bank with a drive-thru window. The approved site plan allows a two-story office building and a financial institution, along with associated parking and service areas. Staff did not support this rezoning request because it was inconsistent with the Southwest District Plan, which recommended single family residential up to three dwelling units per acre.

• Proposed Request Details
  The site plan amendment contains the following changes:
  - Amends permitted uses to allow all uses in the NS (neighborhood services) district.
  - Replaces the 5,000-square foot one story bank building shown on the approved site plan with a 6,000-square foot proposed automotive services center building and slightly shifts the location of the building footprint.
  - Increases the square footage of the previously approved two-story office building from 29,000 square feet to 30,000 square feet.
  - Modifications 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.
• Provides elevations for 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 issues.
• **Charlotte Department of Solid Waste 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.

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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 retail portion of the petition is inconsistent with the *Steele Creek Area Plan* which recommends office land uses for this site.

**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 2.84 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;
- 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

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

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

Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.
Petition #: 2014-043
Petitioner: Mark Patterson

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

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

Acreage & Location: Approximately 2.71 acres located on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane.
SITE PLAN NOTES
(NOTE: BOLD ITEMS REVISED 3/21/14 SUMMITAL)  
(NOTE: UNDERLINED ITEMS REVISED 11/13/14 SUMMITAL)

1. DEVELOPMENT DATA
SITE ACREAGE: 2.71
TAX PARCEL: 00278101
EXISTING ZONING: R3
PROPOSED ZONING: INST (CDZ)
EXISTING USE: RESIDENTIAL
PROPOSED USE: COMMERCIAL DAYCARE
EXISTING GROSS SF: 2,114 SF
FLOOR AREA RATIO: 0.50
NUMBER AND OR RATIO OF PARKING SPACES:
1 PER EMPLOYEE (6 EMPLOYEES)
1 PER TEN CHILDREN (30 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 DISTRICT.

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

6. ARCHITECTURAL STANDARDS
EXISTING STRUCTURE TO REMAIN.

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

8. ENVIRONMENTAL FEATURES
SWALLOWTAIL WATERISH

11. SIGNAGE
ALL SIGNAGE IS PERMITTED THROUGH THE ORDINANCE

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

13. OTHER
PARKING SPACE OUTDOOR PLAY SPACE AND EQUIPMENT MUST BE LOCATED OUTSIDE THE REQUIRED SETBACK AND SIDE YARDS.

REZONING- RESIDENTIAL TO COMMERCIAL DAYCARE
3231 PROSPERITY CHURCH RD

REZONING PETITION 2014-043
REQUEST
Current Zoning: I-2 (general industrial)
Proposed Zoning: MUDD-O (mixed use development, optional)

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

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

PROPERTY OWNER
City of Charlotte

PETITIONER
City of Charlotte

AGENT/REPRESENTATIVE
Jim Metze, Little Diversified Architectural Consulting

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

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

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

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

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

- Specifies that Phase 2 building will be similar in design and architecture as the Phase 1 building.

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

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

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

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

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

**OUTSTANDING ISSUES**

- No issues.

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

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

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

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

Rezoning Petition: 2014-068

Charlotte City Limits

FEMA flood plain
Watershed
Lakes and Ponds
Creeks and Streams
**Petition #:** 2014-068  
**Petitioner:** City of Charlotte  

**Zoning Classification (Existing):**  
<table>
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<th></th>
<th>I-2</th>
<th>(General Industrial)</th>
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</thead>
</table>

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

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

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Map Produced by the Charlotte-Mecklenburg Planning Department, 8-26-2014.

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**Zoning Map(s):** 88

- **Requested MUDD-O from I-2**
- **Existing Building Footprints**
- **Existing Zoning Boundaries**
- **Charlotte City Limits**
- **FEMA flood plain**
- **Watershed**
- **Lakes and Ponds**
- **Creeks and Streams**
- **Pedestrian Overlay**
- **Historic District**
REQUEST
Text amendment to Sections 2.201, 12.408 and 12.410 of the Zoning Ordinance

SUMMARY OF PETITION
The petition proposes to:
1) add new definitions for Animal Care and Control Division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer;
2) modify the definitions for commercial kennel and private kennel;
3) modify the prohibited customary home occupation list; and
4) add cross-references and clarify the prescribed conditions for private kennels.

PETITIONER
Charlotte-Mecklenburg Planning Department and
Charlotte-Mecklenburg Police Department

AGENT/REPRESENTATIVE
Charlotte-Mecklenburg Planning Department and
Charlotte-Mecklenburg Police Department

COMMUNITY MEETING
Meeting is not required.

ZONING COMMITTEE ACTION
The Zoning Committee voted 7-0 to indefinitely DEFER this petition.

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

ZONING COMMITTEE DISCUSSION
Staff requested an indefinite deferral to allow time to consider modifications to the text amendment.

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

PLANNING STAFF REVIEW
- Background
  - Chapter 3, “Animals” in Part II of the City Code of Ordinances regulates animals.
  - The Charlotte-Mecklenburg Police Department, Animal Care and Control Division, has an Animal Care and Control Fostering Program to provide a nurturing environment for dogs and cats before they are adopted. Examples include puppies and kittens that need to mature, and dogs and cats that need rehabilitation or socialization and training.
  - This text amendment adds new definitions for animal rescue group, animal care and control fosterer and animal rescue group fosterer and classifies them as private kennels, which are allowed in single family and multi-family residential districts and non-residential districts.
  - Private kennels are permitted, with prescribed conditions, in R-3, R-4, R-5, R-6, and R-8 (single family); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family); MX-1, MX-2, and MX-3 (mixed use); O-1, O-2, and O-3 (office); B-1 (neighborhood business); B-2 (general business); B-D (business distributive); BP (business park); I-1 (light industrial); and I-2 (general industrial) zoning districts.
  - Commercial kennels are not permitted in single family or multi-family zoning districts.
  - Commercial kennels are permitted, by right or with prescribed conditions, in UR-2 and UR-3 (urban residential); UR-C (urban residential - commercial); MX-2 and MX-3 (mixed use); MUDD (mixed use development); UMUD (uptown mixed use); CC (commercial center); NS (neighborhood services); TOD-E (transit oriented development - employment); TOD-M (transit oriented development - mixed-use); B-1 (neighborhood business); B-2 (general business); I-1
Proposed Request Details
The text amendment contains the following provisions:
- Adds new definitions for the Animal Care and Control Division of the Charlotte-Mecklenburg Police Department, animal care and control fosterer, animal rescue group, and animal rescue group fosterer.
- Modifies the definition of private kennel by classifying animal care and control fosterer, animal rescue group, and animal rescue group fosterer as a private kennel.
- Modifies the definition of commercial kennel by clarifying that animal care and control fosterer, animal rescue group, or animal rescue group fosterer are not classified as a commercial kennel.
- Clarifies that commercial kennels are a prohibited customary home occupation.
- Clarifies the private kennel supplementary standards and adds cross-references to other parts of the City Code that regulate private kennels.

Public Plans and Policies
- The petition is consistent with the Chapter 3 “Animals” of Part II of the Charlotte City Code.

DEPARTMENT COMMENTS (see full department reports online)
- Charlotte Area Transit System: No comments received.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Not applicable.
- Charlotte-Mecklenburg Storm Water Services: No issues.
- Charlotte-Mecklenburg Utilities: No issues.
- Engineering and Property Management: No issues.
- Mecklenburg County Land Use and Environmental Services Agency: No comments received.
- Mecklenburg County Parks and Recreation Department: No issues.

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

OUTSTANDING ISSUES
- No issues.

Attachments Online at www.rezoning.org
- Application
- Pre-Hearing Staff Analysis
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review

Planner: Sandra Montgomery  (704) 336-5722
TEXT AMENDMENT SUMMARY: Animal Fostering
2014-071

Purpose/Background: The purpose of this text amendment is to 1) add new definitions for animal care and control division, animal care and control fosterer, animal rescue group, and animal rescue group fosterer; 2) modify the definitions for commercial kennel and private kennel; 3) modify the prohibited customary home occupation list; and 4) clarify the prescribed conditions for private kennels and add cross-references to other parts of the City Code related to private kennels.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>Definitions</td>
<td><strong>Private kennel</strong>: A structure used by the occupant of the property for outdoor</td>
<td>• Modifies the definition to include animal fosterer’s and rescue groups.</td>
<td>• Refines definitions in accordance with existing practice.</td>
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<td>storage of animals and not operated on a commercial basis.</td>
<td>• Modifies the definition to include both indoor and outdoor areas.</td>
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<td>• Modifies the definition by changing the term “structure” to “property”.</td>
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<td>• Revised definition: “A property where animals are bred or kept indoors or outdoors by the occupant of the property for personal or non-commercial purposes. This definition includes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.”</td>
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<td><strong>Commercial kennel</strong>: A use or structure intended and used for the breeding or</td>
<td>• Modifies the definition to exclude properties used by an animal fosterer or rescue</td>
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<td>storage of animals for sale or for the training or overnight boarding of animals</td>
<td>group.</td>
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<td>for persons other than the occupant of the lot.</td>
<td>• Modifies the definition by changing the term “use or structure” to “property”.</td>
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<td>• Expands the definition to include “letting for hire”.</td>
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<td>• Revised definition: “Any property used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, overnight boarding, storage or training of animals. This definition excludes properties used by an 1) animal care and control fosterer, 2) animal rescue group fosterer, or 3) animal rescue group.”</td>
<td></td>
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<tr>
<td>Definitions</td>
<td><strong>None</strong></td>
<td>• Adds four new definitions:</td>
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<td>• <strong>Animal care and control division</strong>: “The Division within the Charlotte-Mecklenburg Police Department that is responsible for promoting animal welfare in the Charlotte-Mecklenburg Community through the”</td>
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<td>• Adds definitions to alignment with other code definitions.</td>
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</tbody>
</table>
Definitions

- **Animal care and control fosterer:** “An individual approved with animal care and control to which custody, but not ownership, of animals is transferred for the purpose of providing a temporary home for animals that do not thrive in the shelter setting. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”

- **Animal rescue group:** “A humane, 501(c)(3) non-profit organization, that is registered with animal care and control as a rescue partner that transfers animals from animal control into their care as a means of facilitating animal care and control’s goal of eliminating the euthanasia of healthy, adoptable animals.”

- **Animal rescue group fosterer:** “An individual volunteering with an animal rescue group who provides a temporary home for animals that the animal rescue group has available for adoption until they are found a permanent home. After six months of guardianship, the fosterer must register the animal(s) as an owned pet.”

<table>
<thead>
<tr>
<th>Customary Home Occupations</th>
<th>“Kennels” are currently listed as a prohibited customary home occupation in Section 12.408.</th>
<th>Clarifies the prohibited use by changing the term “kennels” to “commercial kennels”.</th>
<th>Clarifies that commercial kennels are a prohibited customary home occupation.</th>
</tr>
</thead>
</table>
| Private Kennels            | Section 12.410 contains supplementary standards for private kennels:  
  - Pens, runs, cages, houses or other facilities for the keeping of dogs, cats and other small animals is permitted as an accessory use in any district EXCEPT institutional (INST), research (RE-1, RE-2), B-D and BP with prescribed conditions:  
  - Any structure for the keeping of animals that is not completely enclosed, except for fences along property lines, shall be located between the principal structure and the rear lot line, shall | Retains all existing regulations.  
  - Adds references to Part II, Chapter 3 of the City Code that regulates private kennels.  
  - Clarifies sentences. | Adds references to Part II, Chapter 3 of the City Code related to private kennels. |
occupy no more than 20% of the rear yard and shall be located no closer than 10’ to any side lot line.
- Extensions of, or additions to, property line fences to confine animals to be part of the property abutting the lot line shall not be permitted.
- No such accessory use shall be operated for commercial purposes.
REQUEST
Current Zoning: B-1(CD) (neighborhood business, conditional)
Proposed Zoning: NS (neighborhood services)

LOCATION
Approximately 10 acres located on the northeast corner at the
intersection of North Community House Road and Bryant Farms Road.
(Council District 7 - Driggs)

SUMMARY OF PETITION
The petition proposes to allow the development of a multi-use
community consisting of up to 15,000 square feet of non-residential
uses and up to 194 residential units.

PROPERTY OWNER
Harris Teeter, LLC, CMH-DWH Ballantyne, LLC, and Terwilliger Pappas
Multifamily Partners, LLC

PETITIONER
Terwilliger Pappas Multifamily Partners, LLC

AGENT/REPRESENTATIVE
Jeff Brown & Keith Mac Vean / Moore Van Allen

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 44

STATEMENT OF CONSISTENCY
The retail portion of this petition is found to be consistent with the
South District Plan; however the residential portion is found to be
inconsistent with the South District Plan, based on information from
the staff analysis and the public hearing, and because:

• The plan recommends retail uses for the subject properties.

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 site plan moves the retail component to the corner
  of two major thoroughfares; and
• The proposed site plan integrates the residential component which
  provides a transition to the adjacent single family properties; and
• The addition of the residential component results in a multi-use
devlopment, which is consistent with the intent of the NS
(neighborhood services) district;

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

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

Development Area A:
1. A note has been added to prohibit the following uses from the site
   plan: gasoline sales, with or without convenience stores, and
   automotive uses.
2. A note has been added stating that solid waste/recycling areas will
   not be allowed to abut Community House Road or Bryant Farms
   Road unless such areas are enclosed by a wall treatment similar to
   the architecture of the building.
3. A note has been added that a five-foot sidewalk will be provided to
   create pedestrian connections between the multi-family
   component and the non-residential uses.

Development Area B:
4. Dumpster locations for Area B have been shown on the plan.
5. A note has been added that buildings in Area B will be 25 percent
   masonry material on each side.
6. The dog walk area referenced in Note 2.D has been labeled on the
   plan.
7. The possible additional garages have been shown on the plan
   located along the rear property line.
8. Detail of the required plantings for the 25-foot landscape buffer has been shown for Area B.
9. Note 5.C has been removed.
10. A note has been added that the site will comply with the Post Construction Control Ordinance.
11. Multi-Family Design Guidelines for Development Area B:
   a. Building facades shall front on and address the external and internal streets to reinforce the streetscape.
   b. Building footprint shall be arranged to enclose and define a variety of public and private spaces, courtyards, open space and green space.
   c. Provided an ADA accessible path that is connected to the street sidewalk system to provide wheelchair access to the residential building.
   d. Architectural façade treatment shall be similar on all sides of the apartment buildings.
   e. Facades along external and internal streets shall incorporate a minimum of 25% masonry materials such as brick, stucco or stone.
   f. The principal building entrances shall be articulated to identify them as a primary entry point.
   g. Exterior elevations shall incorporate a variety of architectural features such as balconies, patios, windows, doors, columns, common building doorways, covered entrances, pitched roofs and parapets at flat roof areas to provide architectural scale and detail.
   h. Windows and doors shall account for at least 25% of the total facade area along the external and internal streets, with each floor calculated independently from floor to ceiling.
   i. Windows shall have a vertical orientation with their height greater than their width.
   j. For street facades, the maximum length without a window or door on any floor shall not exceed 25 feet.
   k. Street facades shall incorporate projections and/or indentations so that the maximum length without such an offset in the façade is 100 feet. The minimum depth of such required offsets shall be 12 inches from frame wall to the frame wall. For street facades over 100 feet, at least 15% of the total façade length shall be offset from the primary façade plane.
   l. Exterior materials of buildings along the external and internal streets shall be limited to brick, stone, pre-cast concrete, wood, stucco, fiber cement siding or panels, glass, or granite. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, exposed plywood, and exposed pressboard are prohibited. However, vinyl as a building material may be used on windows, soffits, and on handrails/railings.
   m. Exterior walls of a single building shall utilize a maximum of five primary building materials (textures, colors, etc.). This requirement shall not include secondary materials such as windows, doors, porches, balconies, foundations, awnings or architectural details.
   n. Materials may be combined horizontally or vertically. A visually heavier material (such as brick or stone) shall be used below a lighter material (such as siding or stucco).
   o. Accessory structures, such as garages, shall be consistent with the principal building in material, texture, and color, but may have simplified architectural detailing and features.
   p. Concrete foundations, if more than 8” is exposed above grade, shall be coated or faced in stucco, brick, synthetic stone, or natural stone.
   q. Pitched roofs shall have a minimum slope of 4:12. Pitched roof materials may include slate, wood shingles, standing seam
pre-finished metal, architectural composition or asphalt shingles.

r. Vents, stacks, and roof fans in pitched roof shall be painted to blend with the roof color to minimize their visibility from external streets.

s. Flat roofs shall be screened from view from external and internal streets by a parapet.

t. Roof top condensing units and other equipment shall be screened from the external and internal streets by a parapet or other architectural feature such as a chimney.

12. A clarification and addition to the required buffer planting along the existing single-family development.

a. A modified 40-foot Class “C” Buffer will be provided where Development Area B abuts existing single family homes as generally depicted on the Rezoning Plan and such buffer shall be installed prior to the issuance of the first certificate of occupancy for the first principle building on Development Area B. The outer 25 feet of this Buffer will be an undisturbed Buffer, and existing vegetation preserved within this portion of the Buffer may be used to meet minimum Buffer planting requirements. To create an effective and enhanced Buffer treatment that is unique and responsive to the existing conditions around the perimeter of the Site, the proposed Buffer will be enhanced in three different ways (Otterdale Court Buffer, Buffton Court Buffer and Moss Mill Lane Buffer) as described below:

i. The portion of the Buffer known as Otterdale Court Buffer will be improved with: (i) small maturing evergreen trees eight (8) feet on center, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); and (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and the small maturing evergreen trees will be located between the fence and the adjoining property line; the evergreen trees will be arranged as generally depicted on the rezoning plan;

ii. The portion of the Buffer known as Buffton Court will be improved with: (i) ten (10) small maturing evergreen trees per 100 linear feet, the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); (ii) no less than three (3) one-story garages will be placed at the edge of the buffer to create a solid wall; (iii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer and between the proposed garages of the Buffer; the small maturing evergreen trees will be located between the fence and the adjoining property line. The small maturing evergreen trees will be arranged within the buffer to maximize the screening of the Site from the adjoining single-family homes; and

iii. The portion of the Buffer known as Moss Mill Lane Buffer will be improved with: (i) small maturing evergreen trees (the number of small evergreen trees to be planted will be calculated at the rate one (1) tree every eight (8) feet along the length of the Buffer), the small maturing evergreen trees must be seven (7) to eight (8) feet tall at installation (this will take the place of the Class “C” Buffer shrub requirement); (ii) a six (6) foot decorative aluminum fence; the fence will be located on the interior edge of the Buffer; the small maturing evergreen trees will be located in the undisturbed portion of the buffer and arranged to maximize their effectiveness at screening
the Site from the adjoining single-family homes; (iii) no less than one (1) one story garages will be placed at the edge of the buffer to create a solid wall; and (iv) a row of evergreen shrubs will be placed between the proposed parking spaces and the decorative aluminum fence as generally depicted on the rezoning plan.

b. Utilities may cross the Buffer at angles of 75 degrees or greater. Retaining walls may be located in the Buffer but not in the undisturbed portion of the buffer.

VOTE

Motion/Second: Ryan/Labovitz
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 staff was recommending a deferral since there was still several outstanding issues that needed to be addressed for Development Area A. One Commissioner asked why the deferral was needed. Staff responded and stated would like to see a higher level of detail for Development Area A. It was also stated that the petitioner has restricted automobile repair and gas stations uses and limited the site to one drive-thru from allowed on Development Area A. Several Commissioners felt that the notes and restrictions are better than what was approved in 1991 and felt there was no need for a deferral. They also acknowledged that Development Area A is not owned by the petitioner who is proposing the development for Development Area B. There was no further discussion of this petition.

STAFF OPINION

Staff disagrees with the recommendation of the Zoning Committee and recommends that the outstanding issues be addressed prior to City Council approval.

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

PLANNING STAFF REVIEW

• Background
  • Petition 1991-037(C) for this site approved up to 70,000 square feet of B-1 uses with the following provisions:
    • A 50-foot landscape buffer along North Community House Road.
    • A 40-foot front setback along Bryant Farms Road.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Allows for 15,000 square feet of non-residential uses and 194 units at a density of 19.4 units per acre within two development areas.
  • Area “A,” which allows non-residential uses:
    • Maximum of two buildings.
    • Non-residential buildings limited to two stories in height.
    • A note limiting the site to one accessory service window.
    • A note that limits access to development Area “A” from the internal drive.
  • Area “B,” which allows for residential development:
    • Residential buildings limited to three stories in height.
    • One-story garages associated with the residential units.
    • Residential building elevations.
    • Maximum of three buildings in development Area “B.”
    • Possible residential building materials that will consist of brick, stone, pre-cast concrete, pre-cast stone, cementitious siding, stucco, EIFS, and decorative block.
    • Detached lighting in Area “B” will be limited to 15 feet in height between the building
and any exterior property line but 20 feet internal to the site.
- A 40-foot landscape buffer, of which 25-feet will be undisturbed, adjacent to the existing single family.
- A minimum of 1.25 parking spaces per residential unit.
- General:
  - A 25-foot landscape buffer along North Community House Road and Bryant Farms Road.
  - Eight-foot planting strip and six-foot sidewalk along all public streets.
  - A public or private street internal to the site.
  - Prohibition of vinyl as a building material except for window trim and soffits.
  - Enhanced landscape buffer/planting note with specific plantings.
  - Attached and detached lighting will be fully screened and will use full cut-off fixtures.
  - Access to the site via North Community House Road and Bryant Farms Road.
- Transportation improvements:
  - Proposed leftover along North Community House Road.
  - Southbound directional crossover on Community House Road.
  - Proposed right-turn lane into the site’s northernmost driveway.
  - Proposed deceleration lane with 50 feet of storage along Bryant Farms Road.

- **Public Plans and Policies**
  - The *South District Plan* (1993) recommends retail for the subject property. The area plan references the residential locational criteria of the *General Development Policies* (2003) to assess density of proposed development.
  - The *General Development Policies* (2003) support residential densities up to six dwelling units per acre for the site.
  - The proposed retail use is consistent with the land use recommendations of the *South District Plan*; however, the proposed residential use is inconsistent with the land use recommendation of the *South District Plan* and the *General Development Policies*.

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

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

**OUTSTANDING ISSUES**
- The petitioner should:
  1. Add a note that commits to placing the building(s) along Community House Road and Bryant Farms Road, with no parking located between the building(s) and the streets.
  2. Provide minimum standards for blank walls visible from Community House Road and Bryant...
Farms Road, with facades greater than 20’ in length and over 5’ in height treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.

3. Add a note that where a drive-through window is allowed, only the drive-through service lane (no parking) may be located between the building and North Community House Road and Bryant Farms Road, and that low walls and accent plantings be provided when maneuvering is located in this area.

4. Commit to not orienting the service side of the building(s) to Community House Road or Bryant Farms Road.

5. Amend Note 5.B and site plan to remove the allowance for parking in the 25-foot setback for Area “A.”

6. Provide detail of the proposed landscape setback for Area “A.”

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
- 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 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.
Petition #: 2014-074
Petitioner: Terwilliger Pappas Multifamily Partners, LLC

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 10 acres located on the northeast corner at the intersection of North Community House Road and Bryant Farms Road.
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 follow:
   First paragraph - “Parcel 4A – All uses in the CC Zoning District except
   automobile service stations, building material sales, dwellings, and
   eating/drinking/entertainment establishments with drive-in service
   windows.” Second paragraph – “Parcel 4B – All uses in the CC
   Zoning District except automobile service stations, building
   material sales, dwellings, and eating/drinking/entertainment
establishments with drive-in service windows. The building layout is conceptual in nature; the petitioner reserves the right to not develop this parcel or to make minor site plan adjustments that match the general intent of the plan as shown on this site plan and in accordance with Section 6.207.”

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: Walker, Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
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 facade 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.

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**FINAL STAFF ANALYSIS**

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

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

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

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

Zoning Classification (Existing): CC
(Commercial Center)

Zoning Classification (Requested): CC (S.P.A.)
(Commercial Center, Site Plan Amendment)

Acreage & Location: Approximately 1.79 acres located on the northeast corner at the intersection of Nations Ford Road and Tyvola Road.

Map Produced by the Charlotte-Mecklenburg Planning Department, 8-1-2014.
**Development Standards**

**General Requirements**

Development of the site will be governed by the Schematic Site Plan, these development standards and the applicable County Zoning Ordinance. The petitioner shall ensure the development conforms to the requirements of the Zoning Ordinance and any site plan amendments as shown on this document. The petitioner reserves the right to alter the development of this site to include additional buildings, structures or site plan modifications as long as such changes are consistent with the general intent of the site plan as shown on this Sketch Plan and in accordance with Section 6.207.

**Proposed Building SF:**

- **Parcel 4A:** ± 3,010 SF
- **Parcel 4B:** ± 2,500 SF

**Building Height:**

- **Parcel 4A:** 19' (not including architectural roof feature)
- **Parcel 4B:** TBD (Buildings may not exceed 2 stories)

**Proposed Floor Area Ratio:**

- **Parcel 4A:** 0.07
- **Parcel 4B:** 0.15

**Parking:**

- **Parcel 4A:** 15 spaces provided.
- **Parcel 4B:** 10 spaces provided. (Parking will be provided per Ordinance Code for Building SF.)

**Purpose**

The purpose of this rezoning application is to provide a development tract of land at the intersection of Nationsford Road, Tyvola Glen Circle, and Tyvola Road as seen on the Site Plan. A Subdivision of said parcel is proposed and was preliminarily approved by Planning Staff.

**Screening and Landscaped Areas**

At a minimum, screening and landscaping shall conform to the standards specified in Section 12.302-12.303 of the Charlotte Tree Ordinance. Landscape strips and islands shall be created to break the visual impact of the parking areas. A continuous landscaped buffer shall be created along Nationsford Road to break up the visual impact of the parking areas. A landscaped strip shall be created along Nationsford Road.

**Petitioner Will Comply with the Charlotte Tree Ordinance**

The subject parcels shall be designed with materials compatible with adjacent residential neighborhoods. In order to achieve architectural cohesion for the entire project, the developer shall endeavor to achieve architectural compatibility with existing buildings and structures. The petitioner reserves the right to alter the development of this site to include additional buildings, structures or site plan modifications as long as such changes are consistent with the general intent of the site plan as shown on this Sketch Plan and in accordance with Section 6.207.

**Architectural Standards**

The architectural design of this development shall be consistent with the architectural standards of the existing neighborhood.

**Signage**

All signs shall meet applicable regulations. An exception is made at the time of permitting, ground mounted signs will be permitted. If the sign shall be permitted, such signs shall be located within 25 feet of the street.

**Storm Water Management**

The petitioner shall comply with the Charlotte City Council-approved and approved post-construction controls. The location, size, and time of storm water management systems are subject to review and approval as part of the development process. The petitioner shall be approved with the appropriate modifications for storm water treatment requirements and natural site resource protection. The petitioner reserves the right to alter the development of this site to include additional buildings, structures or site plan modifications as long as such changes are consistent with the general intent of the site plan as shown on this Sketch Plan and in accordance with Section 6.207.

**General Provisions**

Development of the site will be governed by the Schematic Site Plan, these development standards and the applicable County Zoning Ordinance. The petitioner reserves the right to alter the development of this site to include additional buildings, structures or site plan modifications as long as such changes are consistent with the general intent of the site plan as shown on this Sketch Plan and in accordance with Section 6.207.
REQUEST
Current Zoning:  R-3 (single family residential)  Proposed Zoning:  NS (neighborhood services)

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

SUMMARY OF PETITION
The petition proposes to develop the subject property with up to 30,000 square feet of uses permitted in the office district that are also permitted in the NS (neighborhood services) district, personal services, and wireless phone service provider uses.

PROPERTY OWNER
North Carolina Department of Transportation

PETITIONER
Lenox Development Group, LLC

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

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting:  25

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

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

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

- The site is a remnant parcel of Ardrey Kell Road right-of-way; and
- The site is located outside a retail center and adjacent to residential; and
- The proposed small office development with limited retail uses is sensitive in form to the surrounding residential properties and provides a buffer and transition to the major thoroughfare; and
- A wireless phone service provider is the only allowed retail use on the site.

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

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

1. Limited permitted uses to personal services, uses allowed in the office district that are also allowed in the NS district, and wireless phone service providers, which is the only retail use allowed on the site.

2. Committed building design to be residential in character by amending Note 4b to reduce the required amount of fenestration for building facades facing Ardrey Kell Road from 40 percent to 20 percent. Also added note to building elevations to state "the architectural design may differ from building to building but will be compatible in scale and material types with complementary color pallets, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements.” Deleted signage from the building elevations.
3. Amended Note 7b as follows: “The allowed wall signage constructed on the site will utilize similar and/or complementary colors so as to create a cohesive appearance.”
4. Amended Prohibited or Limited Uses to specify eating/drinking/entertainment establishments Type 1 and 2 as a prohibited use.
5. Amended Sheet RZ-002a to reflect relocated area for the trash and recycling enclosure, location of a proposed chain link security fence, location of an existing berm that is to remain, and fence elevations.
6. Amended Note 1d to reduce the total number of principal buildings from four to three.
7. Amended Note 2a to list wireless phone service providers as a permitted use.
8. Amended Note 2b to specify a minimum of 50 percent of the allowed square footage must be occupied by uses allowed in the Office zoning district that are also allowed in the NS zoning district. The other 50 percent of the uses may be a combination of personal service uses (as defined in the site plan), (ii) a wireless phone service provider; and uses allowed in the office zoning district that are also allowed in the NS district.
9. Added Note 5d as follows: “The petitioner will install a five foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site’s western property boundary.”
10. Amended Note 5h to add the following: “The proposed dumpster and recycling area will be located along the western property boundary as generally depicted on the rezoning plan.”
11. Added Note 6b as follows: “The petitioner was granted a variance to reduce the PCCO buffer required along the western property boundary to a 100 foot buffer. The variance was granted by SWAC on October 16, 2014.”
12. Added Note 6d as follows: “The petitioner will clear the obstructions (silt and debris) from the creek channel(s) that extends into the site from the Blakeney Heath Neighborhood and between the rear of the homes on Fieldcroft Drive and Autumn Applause Drive. This clearing will take place subject to and contingent upon the adjoining property owners granting the petitioner the right, and releasing the petitioner from any liability, while performing the work and subject to the issuance of any required City and/or State permits. The petitioner will clear the obstructions in the creek channel(s) as part of the site development work and prior to the issuance of the first certificate of occupancy for the first building constructed on the site.”

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided an overview of the petition and explained that the Zoning Committee recommended approval of the petition at its meeting in October 2014. The decision was subsequently deferred by the petitioner to allow additional changes to the site plan. In December 2014, the City Council voted to send the petition back to the Zoning Committee. Staff explained that Planning does not recommend approval of this petition because the proposed retail use is inconsistent
with the recommended land use set forth in the adopted area plan.

A committee member asked if the proposed wireless phone service provider use would be the only retail use permitted on the site? Staff confirmed that it would be the only retail use and the petitioner has agreed to list it as a retail use instead of a personal service use.

**STAFF OPINION**

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

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**FINAL STAFF ANALYSIS**

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

**PLANNING STAFF REVIEW**

- **Proposed Request Details**
  The site plan accompanying this petition contains the following provisions:
  - Maximum 30,000 square feet of uses allowed in the office district that are also allowed in the NS district, personal services, and wireless phone service providers. Eating/drinking/entertainment establishments are prohibited. Minimum 50 percent of the allowed square footage must be occupied by uses allowed in the office district that are also allowed in the NS district. The other 50 percent of the uses may be a combination of: (i) personal service uses; and (ii) a wireless phone service provider; and (iii) uses allowed in the office zoning district that are also allowed in the NS district.
  - Prohibited uses include: accessory drive-through service windows, automotive service stations with or without a convenience store including minor adjustments, repairs and lubrication, residential dwellings, animal crematorium, bus and train terminals, civic/social/fraternal facilities, equipment rental and leasing firms including retail sale of products grown on premises, fences and fence material sales within an enclosed building, funeral homes & embalming, gunsmiths, active adult retirement communities, adult care centers, adult care homes, bed and breakfasts, beneficial fill sites, boarding houses, car washes, cemeteries, child care center in a residence/family childcare homes, rooming houses, construction and demolition landfills, dormitories, dwellings mixed use, jails & prisons, land clearing and inert debris landfills offsite, nursing homes/rest homes/homes for the aged, off-street parking as a principal use, open space recreational uses, orphanages/children’s homes and similar nonprofit institutions providing domiciliary care for children, outdoor fresh produce stands, single room occupancy residences, eating/drinking/entertainment establishments Type 1 and 2, drive-in windows as an accessory to the principal use, helistops, land clearing and inert landfill onsite, outdoor storage of any materialsstocks/equipment, and satellite dish farm in conjunction with a telecommunications and data storage facilityradio station/television station.
  - Number of principal buildings not to exceed three.
  - Buildings limited to one story and 30 feet in height except for a 45-foot tall decorative tower element.
  - Surface parking disallowed between the buildings and Ardrey Kell Road.
  - Installation of a left-turn lane and right-turn lane along Ardrey Kell Road to serve the site subject to CDOT and NCDOT requirements.
  - Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious siding, stucco, EIFS, decorative block, architectural metal panels, and/or wood. Vinyl as a building material may only be used on windows, soffits, and handrail/railings.
  - Building elevations reflecting architectural style and quality of the proposed building.
  - Building facades facing Ardrey Kell Road to include a minimum of 20 percent fenestration. Fenestration shall extend higher than three feet from the exterior average grade at the base of the building to at least the height of the door head. Glazing of windows will be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head.
  - Architectural design may differ from building to building but will be compatible in scale and
material types with complementary color pallets, with possible different fenestration sizes and types. Building character will relate to Blakeney nonresidential areas and façade articulation may be in keeping with more general office and medical office fenestration requirements.

- The existing five-foot sidewalk and three-foot planting strip will be preserved along a portion of Ardrey Kell Road, while a six-foot sidewalk and eight-foot planting strip will be provided along the remaining frontage. Site plan specifies the area to be preserved.
- A 44-foot Class “B” buffer with a solid decorative fence six feet in height will be provided abutting any existing single family use and/or zoning. Three different treatments along portions of the 44-foot buffer area are specified, which include the addition of a six-foot wooden fence, existing berm and new vegetation, and existing vegetation supplemented with trees. Buffers may not be reduced.
- The petitioner will install a five-foot black vinyl coated chain link fence across the tree save area at the western edge of the property as generally depicted on the rezoning plan. The black vinyl chain link fence will tie into the decorative wooden fence located within the buffer and extend to the site’s western property boundary.
- Cross-section and elevations provided for the proposed six-foot wooden fence to be provided in a portion of the 44-foot Class “B” buffer.
- Site plan reflects an approved variance for a 100-foot Post Construction Controls Ordinance buffer.
- Detached signage limited to five feet in height and 50 square feet in area.
- Wall signage will utilize similar and/or complementary colors to create a cohesive appearance.
- Dumpster and recycling areas to be located along the western property boundary.
- Detached lighting limited to 15 feet in height.

**Public Plans and Policies**

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

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<tr>
<th>Assessment Criteria</th>
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<tr>
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<td>Sewer and Water Availability</td>
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<td>Other Opportunities or Constraints</td>
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<td><strong>Total Points Needed: 11</strong></td>
<td><strong>Total Points: 11</strong></td>
</tr>
</tbody>
</table>

- The petition is inconsistent with the *South District Plan*.

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

- **Charlotte Area Transit System:** No issues.
- **Transportation:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No comments received.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- **Land Use**
  1. The proposed use is inconsistent with the *South District Plan* recommendation for single family at three units per acre. The petitioner should eliminate wireless phone service providers as a permitted use.

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:** Sonja Sanders  (704) 336-8327
Petition #: 2014-096

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.
Petition #: 2014-096
Petitioner: Lenox Development Group, LLC

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

Zoning Classification (Requested): NS
(Neighborhood Services)

Acreage & Location: Approximately 6.09 acres located on the north side of Ardrey Kell Road and between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue.
Rezoning Petition 2014-101  
Zoning Committee Recommendation  
January 5, 2015

REQUEST  
Current Zoning: UR-1(CD) (urban residential, conditional)  
Proposed Zoning: R-5 (single family residential)

LOCATION  
Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.  
(Council District 2 - Austin)

SUMMARY OF PETITION  
The petition proposes to allow all uses permitted in the R-5 (single family residential) district.

PROPERTY OWNER  
Liberty Oak, Inc.

PETITIONER  
LGI Homes NC, LLC/Seth Yurman

AGENT/REPRESENTATIVE  
N/A

COMMUNITY MEETING  
A community meeting is not required as part of a conventional request. However, a community meeting will be required as the petitioner proposes to convert the conventional request to a conditional request.

ZONING COMMITTEE ACTION  
Staff noted the petitioner is proposing to convert this rezoning request from conventional to conditional. The Zoning Committee voted 7-0 to send this petition to City Council for a new public hearing.

VOTE  
Motion/Second: Eschert/Ryan  
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  
  - Rezoning petition 2007-140 rezoned the site from R-3 (single family residential) to UR-1(CD) (urban residential, conditional) to allow up to 95 for-sale dwelling units (duplexes and single family homes, at a density of 6.64 units per acre).
- Proposed Request Details  
  This is a conventional rezoning petition with no associated site plan.
- Public Plans and Policies  
  - The Northwest District Plan (1990) recommends single family residential up to 6.6 dwelling units per acre, as amended by rezoning petition 2007-140.
  - The petition is consistent with the Northwest District Plan.

DEPARTMENT COMMENTS (see full department reports online)  
- Charlotte Area Transit System: No issues.
- Charlotte Department of Neighborhood & Business Services: No issues.
- Transportation: No issues.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: The development allowed under the existing zoning would
generate 28 students, while the development allowed under the proposed zoning will produce 40 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 12 students.

- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Park and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

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

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

**OUTSTANDING ISSUES**

- The petitioner is proposing to convert this request from conventional to conditional. Therefore, a site plan and a community meeting report will be required as part of this process.

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

**Planner**: Claire Lyte-Graham  (704) 336-3782
Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.
Petition #: 2014-101
Petitioner: LGI Homes NC, LLC

Zoning Classification (Existing): UR-1(CD) (Urban Residential, Conditional)

Zoning Classification (Requested): R-5 (Single Family Residential)

Acreage & Location: Approximately 14.30 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.
REQUEST
Current Zoning: B-2, general business
Proposed Zoning: B-D(CD), distributive business, conditional

LOCATION
Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane. (Council District 5 - Autry)

SUMMARY OF PETITION
The petition proposes the reuse of an existing 42,010-square foot building for a self-storage facility, truck rental facility and accessory office space.

PROPERTY OWNER
U-Haul Real Estate Company

PETITIONER
U-Haul Company of Charlotte

AGENT/REPRESENTATIVE
Peter Tatge / ESP Associates P.A.

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

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

- The plan recommends retail for this area.

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 use will be within existing building; and
- The proposed change supports reinvestment in the Albemarle Road corridor;

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

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

1. Removed the commitment to dedicate land to Mecklenburg County Park and Recreation for greenway, since this area is not located on the property to be rezoned.
2. Removed the commitment for the screening fence, as it is not located on the property to be rezoned.
3. Note 2 under Architectural Standards has been removed from the site plan.

VOTE
Motion/Second: Labovitz/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 all the outstanding issues had been addressed. There was no further discussion on this petition.

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

PLANNING STAFF REVIEW

- Background
  - The subject property is a former United States Post Office warehouse building that is currently used for a truck rental facility. The request will allow the majority of the building to be used for self-storage along with offices and the existing truck rental use.

- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows a maximum of 42,010 square feet for reuse of an existing building as a self-storage and truck rental facility, and related accessory office uses.
  - Vehicular access provided via existing driveways along Farm Pond Lane and Albemarle Road.
  - New façade elevations.
  - 12-foot Class "C" buffer along a portion of the southern property edge.
  - Proposed six-foot high screening fence along a portion of the southern property boundary.
  - Proposed screening fence detail.
  - Rooftop mechanical equipment will be screened from the view of the public right-of-way.
  - Detail of the proposed screening for rooftop mechanical equipment.
  - Maximum building height of 40 feet.
  - Detached lighting will be limited to 25 feet in height. Any new detached or attached lighting will be decorative, capped and downwardly directed.

- Public Plans and Policies
  - The Eastland Area plan 2003 recommends retail and greenway/park/open space for the subject property.
  - This petition is inconsistent with the Eastland Area Plan as the proposed storage facility is considered an industrial use and not a retail use.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

- 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-Douglas International Airport 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 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.
Petition #: 2014-108
Petitioner: U-Haul Company of Charlotte

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

Zoning Classification (Requested): B-D(CD)
(Distributive Business, Conditional)

Acreage & Location: Approximately 1.4 acres generally located at the southwest corner of the intersection between Albemarle Road and Farm Pond Lane.
Development Standards

General Provisions:
- Zoning as outlined in the Final Zoning Map, urban controls, and urban design as outlined in the U-Series Standards. The U-Series Standards are intended to foster a consistent application of the urban design principles and to ensure compatibility of development with the surrounding urban context.
- Property to be rezoned B-0 (CD) or Property to remain Zoned (A) is subject to the requirements of the U-Series Standards.

Inland Water Quality:
- Inlets on the subject property and all adjacent property are subject to the requirements of the U-Series Standards. The U-Series Standards are intended to foster a consistent application of the urban design principles and to ensure compatibility of development with the surrounding urban context.
- Property to be rezoned B-0 (CD) or Property to remain Zoned (A) is subject to the requirements of the U-Series Standards.

Vicinity Map

Legend:
- Property to be Rezoned B-0 (CD)
- Property to remain Zoned as B-2
- Existing U-Haul Facility
- Existing Access

Rezoning Plan Petition

U-Haul Road
Cottle

#2014-108

“For Public Hearing”

Albemarle Road
U-Haul

Zoning Area Detail - A

Not to Scale
Rezoning Petition 2014-112
Zoning Committee Recommendation
January 5, 2015

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

LOCATION
Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.
(Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to add medical office and research center as an allowed use as part of an existing adult day care facility.

PROPERTY OWNER
Mohammad R. Bolouri

PETITIONER
Mohammad R. Bolouri

AGENT/REPRESENTATIVE
N/A

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 inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends an adult day care facility as an institutional use.

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

- The proposed addition of medical office/research uses will have a negligible impact; and
- The proposed uses are an extension of the existing adult day care facility with no exterior changes to the existing structure;

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

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

1. Noted on site plan the acreage of the parcel.
2. Noted the proposed zoning on the site plan: INST (CD) SPA.
3. Amended Survey Note 8 to indicate that the required minimum lot size in the institutional district is 15,000 square feet.
4. The parking tabulation provided on the site plan has been adjusted to reflect required parking for medical offices at one space per 200 square feet, and adult care centers at one space per employee plus one space per six adults.
5. Modified the site plan to note that the facility will have a minimum 1,500 square feet of adult day care use, and 3,500 square feet of medical office.
6. Site plan has been amended to specify a minimum 1,500 square feet will be devoted to the adult day care use.
7. Added language provided by Storm Water Services pertaining to the location and size of storm water management systems.

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

Staff reviewed this petition with the Zoning Committee, noting that all outstanding issues had been addressed by the petitioner. Staff specifically identified modifications pertaining to commitment to a minimum square footage for the adult day care operation, and revisions to parking calculations to accurately reflect the new use. A Committee member requested clarification regarding the square footage of the adult day care, and staff noted the petitioner had committed to a minimum 1,500 square feet. 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
  - Rezoning petition 2009-050 rezoned the subject property from R-3 (single family residential) to INST (CD) (institutional, conditional) in order to allow the establishment of an adult day care center with approximately 80 clients and related personnel. The approved rezoning allowed up to 7,500 square feet of building area on the site, with the first floor building footprint not to exceed 5,000 square feet, and up to 2,500 square feet permitted on the second floor.

- Proposed Request Details
  The site plan amendment contains the following changes:
  - Adds medical office and research center as a permitted use.
  - Commits to a minimum 1,500 square feet for the proposed medical office/research use.
  - Modifies parking calculations to reflect new medical office/research use in addition to existing adult day care facility.

- Public Plans and Policies
  - The South District Plan (1993) recommends institutional, as amended by rezoning petition 2009-050. Prior to this rezoning, the Plan recommended single family residential and greenway on the subject site.
  - The petition is inconsistent with the South District Plan, but the proposed medical office/research use is an extension of the existing adult day care facility and the two uses complement each other.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

- No issues.

Attachments Online at www.rezoning.org

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

Planner: Claire Lyte-Graham (704) 336-3782
Acreage & Location: Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.
Map Produced by the Charlotte-Mecklenburg Planning Department, 9-26-2014.

Approximately 1.23 acres located on the east side of Sardis Road across from Wilby Drive.
REQUEST
Text amendment to Section 9.1105(1) of the Zoning Ordinance

SUMMARY OF PETITION
The petition proposes to increase the floor area ratio (FAR) in the industrial zoning districts for a warehousing use that is fully enclosed within a building, when the building is multi-story.

PETITIONER
Stor-All Storage

AGENT/REPRESENTATIVE
Walter Fields, III, Walter Fields Group

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 the text amendment:

- Amends the maximum FAR in the I-1 and I-2 zoning districts for warehousing uses conducted within an enclosed building when the building has multiple stories.

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

- It meets the goals of ensuring a diverse, growing and adaptable economy and revitalizing economically changed business areas.

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

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

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

ZONING COMMITTEE DISCUSSION
Staff presented a summary of the text amendment. A commissioner asked how the proposed floor area ratio was determined. Staff responded that the petitioner proposed the ratio in order to utilize older buildings with multiple stories that were vacant and available for warehousing, but exceeded the existing floor area ratios in terms of existing space.

There were no further questions.

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

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

PLANNING STAFF REVIEW
- **Background**
  - The industrial districts currently permit warehousing within an enclosed building in the I-1 (light industrial) and I-2 (general industrial) zoning districts as a use by-right.
  - The maximum floor area ratio (FAR) for all uses in the I-1 (light industrial) district is 0.8 and the maximum floor area ratio in the I-2 (general industrial) district is 1.0.
Floor area ratio (FAR) is defined as the total floor area of the building(s) on a lot divided by the gross area of the lot.

This text amendment provides greater flexibility by increasing the floor area ratio over the current limits allowed in the industrial districts for multi-story warehousing.

**Proposed Request Details**

The text amendment contains the following provisions:

- Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from 0.8 to 2.0 and from 1.0 to 2.0 in the I-2 (general industrial) district, for a warehousing use conducted within an enclosed building when the building has multiple stories.

**Public Plans and Policies**

- This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goal to ensure a diverse, growing and adaptable economy, and to revitalize economically challenged business areas.

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

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

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

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

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**OUTSTANDING ISSUES**

- No issues.

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

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

**Planner:** Sandra Montgomery  (704) 336-5722
**TEXT AMENDMENT SUMMARY:**  
**Floor Area Ratio for Warehousing in Multi-Story Buildings**  
**11-25-14**  

**Purpose/Background:** The purpose of this text amendment is to add a footnote amending the maximum floor area ratio in the I-1 (light industrial) district and I-2 (general industrial) zoning districts for a warehousing use conducted within an enclosed building, when the building has multiple stories.

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
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</table>
| • Warehousing within an enclosed building is allowed in the I-1 and I-2 zoning districts by right.  
• The maximum floor area ratio for all uses:  
  • I-1: FAR of .8  
  • I-2: FAR of 1.0 | • Adds a footnote amending the maximum floor area ratio in the I-1 (light industrial) district from .8 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories.  
• Adds a footnote amending the maximum floor area ratio in the I-2 (general industrial) zoning district from 1.0 to 2.0 for a warehouse use conducted within an enclosed building, when the building has multiple stories. | • Adds flexibility for warehouses that are multi-story  
• Allows adaptable reuse of older industrial buildings. |
Petition #: 2014-114

Petitioner: Stor-All Storage

ORDINANCE NO. __________

AN ORDINANCE AMENDING
APPENDIX A OF THE
CITY CODE - ZONING ORDINANCE

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

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

Add a new note to the “Notes To Chart” end of Section 9.1105.(1) as follows:

(3) The maximum FAR for “Warehousing, within an enclosed building” may be increased to 2.0 if the building is multi-story.

Add a note “3” reference to Section 9.1105(1)(a) as follows:

(a) Maximum Floor Area Ratio \(^{1,3}\)

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

______________________________
City Attorney

I, ____________________________, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the ______ day of __________________, 20____, the reference having been made in Minute Book ______, and recorded in full in Ordinance Book ______, Page(s) _________________.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the ______ day of __________________, 20___.

______________________________
REQUEST
Current Zoning: R-17MF (multi-family residential)
Proposed Zoning: UR-2(CD) (urban residential, conditional)

LOCATION
Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place. (Council District 6 - Smith)

SUMMARY OF PETITION
The petition proposes to allow the redevelopment of an existing apartment complex with 265 new multi-family dwelling units in up to four buildings for a density of 29.23 units per acre.

PROPERTY OWNER
Abbey Apartments, LLC

PETITIONER
Spectrum Properties Residential, Inc

AGENT/REPRESENTATIVE
Jeff Brown / Keith MacVean

COMMUNITY MEETING
Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 22

STATEMENT OF CONSISTENCY
The proposed land use requested by this petition is found to be consistent with the Park Woodlawn Area Plan, but the proposed density is found to be inconsistent with the Park Woodlawn Area Plan, based on information from the staff analysis and the public hearing, and because:

- The plan recommends multi-family residential at up to 17 dwelling units per acre.

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

- The increase in density is appropriate due to compliance with the residential design principals in the area plan, which include but are not limited to avoidance of blank walls, orientation of buildings, internal pedestrian network, and increased yards abutting single family residential uses;

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

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

1. Addressed CDOT issues as follows:
   a. Amended transportation Note 3.c. to remove "and the necessary grading and clearing for the construction of the sidewalk can also be accommodated within the existing right-of-way." Added the following: "If the construction of this sidewalk cannot be accommodated within the existing right-of-way of Abbey Place the Petitioner will approach the adjoining property owner to secure the needed easements to construct the sidewalk. If the adjoining property owner is not willing to provide the necessary easements the Petitioner will not be required to construct the sidewalk."
   b. Amended transportation Note 3.d. to read: "The petitioner will request that it be allowed to construct crosswalks on Abbey Place. CDOT will determine during the construction permitting process if marked mid-block crosswalks are necessary for crossing Abbey Place."
   c. Removed the three designated marked mid-block crosswalks on the site plan sheet RZ-2.
2. Amended Note 5.a. to reflect a required setback of 16-feet and to match the eight-foot sidewalk and eight-foot planting strip provided
3. Amended Note 4. b. to change the word “building” to “buildings” when referencing the buildings that may be constructed on the site and actual buildings constructed on the site.

4. Provided a note specifying that the area depicted as Possible Open Space/Stormwater BMP is not to be used for parking or building area.

5. Committed to a minimum of 12,000 square feet in each development area that will be included the Open Space/Stormwater BMP area.

6. Deleted the Note 6. e. about end fronting facades and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.

7. Deleted Note 6. f. and specified in the revised Note 6. e. that all facades shall incorporate windows, arches, balconies, or other architectural details along with varying build materials or roof lines, or building offsets.

8. Added a note stating that “if approved by CDOT and approved by the residents of Halstead Drive/Drexmore Avenue as required by the City’s Neighborhood Traffic Management Policies, the Petitioner will replace the existing speed bump located on Halstead Drive near the intersection of Drexmore Avenue with stop signs”.

9. Added a note stating the “working in conjunction with CDOT, the petitioner will explore the installation of traffic calming measures at the intersection of Longwood Drive and Bradbury Drive”.

10. Added a note specifying that the petitioner will instruct contractors to access the site from Park Road for construction traffic.

11. Added a note specifying that staging for the development will not be allowed on adjoining single family zoning properties.

12. Removed, through a formatting error, the words “in interest or assigns” from Note 12. a.

13. The petitioner requested the following note be added: “The petitioner will use good faith efforts to direct the general contractor for the Site to not begin outdoor construction activity on the Site on Saturday mornings before 8:30 AM EST. The Petitioner will also use good faith efforts to direct the general contractor for the Site to avoid late night concrete pours.”

ZONING COMMITTEE DISCUSSION
Planning staff reviewed the petition. The petitioner addressed all the issues and requested an additional note be added related to construction activity. There was no further discussion.

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

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

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows the demolition of the existing 128 apartment units.
  - Allows the construction of 265 multi-family residential units in up to four buildings.
  - Limits the building height to four stories or 65 feet.
Restricts surface parking between buildings and Abbey Place.
Improves Abbey Place with sidewalks and on-street parking.
Provides sidewalk along one side of Abbey Place from the eastern edge of the property to connect with the sidewalk along Park Road.
Provides midblock crosswalks with CDOT approval.
Specifies building materials and prohibits the use of vinyl and aluminum except for soffits, windows and handrails.
Provides building elevations depicting the architectural style and quality of the proposed buildings.
Provides amenity courtyards improved with seating, walkways, lighting and/or landscaping. Additional features may also be provided such as water features, art work and/or a swimming pool.
Provides a minimum of 12,000 square feet of open space/stormwater BMP in each development area.
Provides buffers with opaque fencing between the site and single family homes.
Commits to providing windows and doors for at least 30 percent of the total façade area along Abbey Place with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
Commits to a combination of fenestration, clear glass, prominent entrances, stoops, porches, changes in materials, building step backs, art work and landscaping on the ground floor along Abbey Place.
Commits to facades over 75 feet in length incorporating wall projections or recesses a minimum three feet in depth with a combined length of recesses and projections constituting at least 20 percent of the total façade length.
Provides a minimum of 12,000 square feet of open space/stormwater BMP in each development area.
Provides buffers with opaque fencing between the site and single family homes.
Commits to providing windows and doors for at least 30 percent of the total façade area along Abbey Place with each floor calculated independently. The maximum contiguous area without windows or doors on any floor shall not exceed 20 feet in length.
Commits to a combination of fenestration, clear glass, prominent entrances, stoops, porches, changes in materials, building step backs, art work and landscaping on the ground floor along Abbey Place.
Commits to facades over 75 feet in length incorporating wall projections or recesses a minimum three feet in depth with a combined length of recesses and projections constituting at least 20 percent of the total façade length.
Provides that all facades shall incorporate windows, arches, balconies or other architectural details.
Commits to screening retaining walls with landscaping if walls are required due to topography along Abbey Place.
Limits lighting to full cut-off type fixtures, excluding lower, decorative lighting along drives, sidewalks, parking areas and courtyards.
Limits detached lighting to 15 feet in height.
Commits to the provision of traffic calming measures and stop signs if approved by CDOT and the neighborhood.
Specifies that the petitioner will instruct contractors to access the site from Park Road for construction traffic.
Specifies that staging for the development will not be allowed on adjoining single family zoning properties.

Public Plans and Policies
The Park Woodlawn Area Plan (2013) recommends multi-family residential use up to 17 dwelling units per acre.
The petition is consistent with the Park Woodlawn Area Plan recommended land use, but inconsistent with the recommended density.
The plan recommends any new development be at a scale compatible with the neighboring single family residential.
The increase in density is appropriate due to compliance with the residential design principals included in the plan.

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

• Site Design: The following explains how the petition addresses the environmentally sensitive site design guidance in the General Development Policies-Environment.
  • Facilitates the use of alternative modes of transportation by providing a sidewalk connection from the site out to the existing sidewalk along Park Road.
  • Minimizes impacts to the natural environment by redeveloping an infill site.

OUTSTANDING ISSUES

• No issues.

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

Planner: John Kinley (704) 336-8311
Acreage & Location: Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.

Rezoning Petition: 2014-116

November 24, 2014
Petition #: 2014-116
Petitioner: Spectrum Properties Residential, Inc.

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

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

Acreage & Location: Approximately 9.07 acres located on the north and south sides of Abbey Place near the intersection of Park Road and Abbey Place.
REQUEST
Current Zoning: B-1 (neighborhood business)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road. (Council District 1 - Kinsey)

SUMMARY OF PETITION
The petition proposes the development of a maximum of 65,000 square feet of commercial floor area space for retail, personal services and eating/drinking/entertainment establishments, and structured parking.

PROPERTY OWNER
Silver Family, LLC

PETITIONER
Cotswold Partners, LLC

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

COMMUNITY MEETING
Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 62

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

- The plan recommends retail uses for the subject property.

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 site plan commits to details such as elevations and design standards, as well as transportation improvements; and
- The proposal is for infill redevelopment, which minimizes the impacts to the natural environment;

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

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

1. Four-sided elevations of the proposed building have been provided.
2. The optional request for increased ground mounted signage has been removed.
3. A note has been modified to clarify that only one principal building will be on the site.
4. Optional request “F” has been removed from the site plan.
5. A detail of the loading dock screen wall along Colwick Road has been provided with the elevations.
6. A detail of the street wall has been provided within the elevations.
7. The request to allow all existing building, parking and uses to remain under this plan has been removed.
8. A note has been added that the ground floor elevations along Randolph road will be treated with a combination of fenestration, clear glass, prominent entrances, changes in material, building step backs and landscaping.
9. A note has been added that the maximum allowed square footage includes the building but not the parking structure.
10. A note has been added that a concrete pad will be provided for a future bus pad.

VOTE
Motion/Second: Ryan/Labovitz
Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker
Staff reviewed the petition and noted that all the outstanding issues have been addressed. Several commissioners had questions about the transportation improvements and school access along Greenwich Road. Staff responded that they met with Charlotte Mecklenburg Schools to work on a long term solution to create separation of school bus traffic and regular vehicular traffic through the possible use of “double stacking.” As part of the petition, the petitioner will provide turn lanes at the intersection of Greenwich Road and Randolph Road. Staff also noted that a choker road would be installed along Chiswick Road. Another Commissioner had a question about the private street and why it did not align with the existing driveway for the shopping center across the street. Staff noted that aligning the private street would have been a hardship on the proposed development. The private street is being setup so that in the future when the adjacent shopping center redevelops a signal and fourth leg of the intersection can be completed. There was no further discussion on this petition.

Staff agrees with the recommendation of the Zoning Committee.

**Final Staff Analysis**

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

**Planning Staff Review**

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Maximum 65,000 square feet of floor area for retail, personal services (as defined on the plan), and eating/drinking/entertainment establishments.
    - One principal building with two levels of structured parking and ground floor retail.
    - Building height limited to three stories.
    - A 15-foot setback along Randolph Road that includes an eight-foot planting strip and 7.5-foot sidewalk.
    - A 13-foot setback along Colwick Road that includes a seven-foot planting strip and six-foot sidewalk.
    - Roof top mechanical equipment will be screened from public view at grade.
    - Ground floor elevations along Randolph Road shall be treated with a combination of fenestration, clear glass, prominent entrances, changes in materials, building step backs, and landscaping.
    - A note stating that blank walls cannot be addressed with landscaping elements only.
    - Parking will be provided at one space per 300 gross square feet.
    - Screen wall along Colwick Road to screen loading docks.
    - Future concrete bus pad.
    - Detached lighting limited to 20 feet.
    - Transportation improvements to include:
      - Proposed private street to connect Randolph Road and Colwick Road that will include a six-foot sidewalk and six-foot planting strip along the private street, with the sidewalk transitioning to a seven-foot width when abutting the curb.
      - Pedestrian refuge to be constructed in the middle of Randolph Road.
      - Medians along Randolph Road and the proposed private street.
      - Possible Choker Road along Chiswick Road.
      - Westbound right-turn lane on Greenwich Road at Randolph Road, with 125 feet of storage.
      - Extension of the existing southbound left-turn lane storage on Randolph Road at Greenwich Road from 190 feet to 250 feet.
      - Modification of the existing curb radius at the intersection of Greenwich Road and Colwick Road.
    - Optional provisions include:
      - Vehicular maneuvering, loading docks, and a service area between the proposed building and Colwick Road.
      - Wall signs up to 200 square feet per wall or 10 percent of the wall area to which they are attached, whichever is less.
- A screen wall along Colwick Road that does not meet the MUDD (mixed use development) street wall requirements. The proposed wall will use changes in pattern, building materials, decorative grills, display windows, and landscaping to create an interesting pedestrian experience.
- Reduction in the setback along Colwick Road to 13 feet.

- **Public Plans and Policies**
  - The *South District Plan* (1993) 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.
- **Charlotte Fire Department**: No comments received.
- **Charlotte-Mecklenburg Schools**: Not applicable.
- **Charlotte-Mecklenburg Storm Water Services**: No issues.
- **Charlotte-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No issues.

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

**OUTSTANDING ISSUES**
- No issues.

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

**Planner:** Solomon Fortune   (704) 336-8326
Acreage & Location: Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.
Petition #: 2014-118
Petitioner: Cotswold Partners, LLC
Zoning Classification (Existing): B-1
  (Neighborhood Business)
Zoning Classification (Requested): MUDD-O
  (Mixed Use Development District, Optional)
Acreage & Location: Approximately 2.21 acres located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road.
REQUEST
Current Zoning: O-6(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional)

LOCATION
Approximately 2.6 acres located on the west side of Statesville Avenue
south of Oliver Street and east of Spratt Street.
(Council District 2 - Austin)

SUMMARY OF PETITION
The petition proposes an interior expansion to an existing institutional
use to allow a maximum building area of 50,000 square feet.

PROPERTY OWNER
The Salvation Army, A Georgia Corporation

PETITIONER
The Salvation Army, A Georgia Corporation

AGENT/REPRESENTATIVE
N/A

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

STATEMENT OF CONSISTENCY
This petition is found to be consistent with the Central District Plan,
based on information from the staff analysis and the public hearing,
and because:
• The plan recommends institutional uses for the subject property.
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 use will not increase the exterior size of the building;
and
• The proposed request will allow the existing institutional use to
continue to serve the needs of the community;

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

ZONING COMMITTEE ACTION
The Zoning Committee voted 6-0 to recommend APPROVAL of this
petition with the following modifications:
1. The proposed uses on the site plan have been listed as a homeless
shelter, daycare, and administrative offices.
2. The maximum square footage has been modified to 50,000 square
feet.
3. A note has been added specifying that the expansion area is interior
to the existing building.
4. The amount of open space to be provided has been labelled on the
plan.
5. A note has been added that the existing 69 parking spaces provided
on site and along the project frontage on Spratt Street will satisfy
the parking requirement.

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

ZONING COMMITTEE DISCUSSION
Staff reviewed the petition and noted that all the outstanding issues
had been addressed. There was no further discussion of this petition.

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

- **Background**
  - The subject property was rezoned via Petition 1990-50 to O-6(CD) (office, conditional) to allow a “group home” for up to 180 residents, a childcare center for up to 75 children, and administrative offices, with a maximum building area of 38,000 square feet. In 1990, the Zoning Ordinance definition of a “group home” included homeless shelters. Since that time, the ordinance has been amendment and “homeless shelters” are listed as a separate use.

- **Proposed Request Details**
  - The site plan accompanying this petition contains the following provisions:
    - Interior expansion of the existing building to allow a maximum 50,000 square feet of building area.
    - Continued use of the building as a homeless shelter with office and accessory support services.
    - Existing building and site layout to remain.
    - Maximum building height of 64 feet.
    - Existing playground area.
    - Optional requests:
      - Allow existing vegetation, four-foot sidewalk along Oliver and Spratt Street, five-foot sidewalk along Statesville Avenue and planting strips to remain instead of the required eight-foot planting strips, and six-foot sidewalks.
      - All current parking on Spratt Street to remain.
      - Allow a ten percent reduction from the required 75 parking spaces to the existing count of 69 spaces.

- **Public Plans and Policies**
  - The *Central District Plan* (1993) recognizes the existing institutional land use.
  - The petition is consistent with the *Central District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

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

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

- No issues.

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

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

Planner: Solomon Fortune  (704) 336-8326
Acreage & Location: Approximately 2.61 acres located on the west side of Statesville Avenue south of Oliver Street and east of Spratt Street.

Rezoning Petition: 2015-010

November 24, 2014
Petition #: 2015-010
Petitioner: The Salvation Army, A Georgia Corp.

Zoning Classification (Existing): O-6(CD) (Office, Conditional)

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

Acreage & Location: Approximately 2.61 acres located on the south side of Oliver Street between Spratt Street and Statesville Avenue.

Map Produced by the Charlotte-Mecklenburg Planning Department, 12-4-2014.
**Development Data Table**

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<td>Existing Zoning</td>
<td>O-6 CD</td>
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<td>Proposed Zoning</td>
<td>MUDD-O</td>
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<td>Existing and Proposed Uses</td>
<td>Homeless Shelter, Care, and Administrative Offices</td>
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<td>Building Height</td>
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<td>Parking Provided</td>
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<td>Amount of Open Space Provided</td>
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**Optional Provisions**

- The site and occupant are existing. No changes to the site are proposed. Everything shown on this plan is existing.
- The following optional provisions are requested:
  1. All existing vegetation, sidewalks, and planting strips remain with the building as constructed.
  2. The existing 69 parking spaces provided on site and along the project frontage on Spratt Street to satisfy the parking requirement.
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 the 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 at 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-Mecklenburg Utilities:** No issues.
• **Engineering and Property Management:** No issues.
• **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
• **Mecklenburg County Parks and Recreation Department:** No issues.
• **Urban Forestry:** No issues.
ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

- The petitioner should:
  1. 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](http://www.rezoning.org)

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2014-078

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.

Rezoning Petition: 2014-078

November 24, 2014
Petition #: 2014-078
Petitioner: Park Selwyn, LLC

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

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

Acreage & Location: Approximately 1.21 acres located on the north side of East Woodlawn Road between Brandywine Road and Selwyn Avenue.
Note: These elevations are provided to reflect the architectural style and quality of the building that may be constructed on the Site (the actual building constructed on the Site may vary from these illustrations as long as the general architectural concepts and intent illustrated is maintained).
Previously Approved Site Plan
REQUEST
Current Zoning: 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.

STAFF RECOMMENDATION
Staff recommends approval of this petition. This petition is consistent with the Blue Line Extension Station Area Plan – 36th Street Station.

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.

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.

- Existing Zoning and Land Use
  - The site is generally surrounded by residential, commercial, and industrial development on properties zoned I-1 (light industrial), I-2 (general industrial), and MUDD(CD) (mixed use development, conditional).

- Rezoning History in Area
  - There have been numerous rezonings in the area to support the Blue Line Extension. The property located immediately to the south of the subject site was rezoned in 2007 to allow up to 340 multi-family residential units at a density of 33.1 dwelling units per acre. This project is currently under construction. The majority of recent rezonings in the area have occurred to the south along North Davidson Street to allow a mix of office, retail, and residential development.

- 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: Based on the Housing Locational Policy, public funds for any residential development will required a waiver.
- Charlotte Department of Solid Waste Services: No comments received.
- Transportation: No issues.
  - Vehicle Trip Generation:
    Current Zoning: 2600 trips per day.
Proposed Zoning: A wide range of trip generation is possible.

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

Acreage & Location: 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: 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) 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

PLANNING STAFF REVIEW

• Background
  • Petition 2005-060 rezoned the portion of the site located between South Kings Drive and Cecil Street from B-1 (neighborhood business) to UR-C(CD) to allow up to 12,000 square feet of retail and restaurant uses and associated surface and structural parking.
  • Petition 2012-050 established the PED (pedestrian overlay district) over a majority of the site excluding the portion facing Cherry Street.

• Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  • Divides the site into three development areas (A, B, and C).
  • Permitted uses, except as noted below, include single family attached dwelling units, multi-family dwellings, eating/drinking/entertainment establishments Type 1 and 2, hotels, art galleries, colleges/universities/commercial and trade schools, business and general offices, retail sales, service uses, 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 an 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 is 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.

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]**

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

**Planner:** John Kinley  (704) 336-8311
Petition #: 2014-109

Acreage & Location: Approximately 1.99 acres located on the northeast corner of the intersection of Baxter Street and South Kings Drive and the south side of Luther Street between Cecil Street and Cherry Street.

Rezoning Petition: 2014-109

Charlotte City Limits

Major Roads

Collector Roads

FEMA flood plain

Watershed

Lakes and Ponds

Creeks and Streams

November 3, 2014
Petition #: 2014-109
Petitioner: Midtown Area Partners II, LLC

Zoning Classification (Existing): R-8, UR-C(CD)(PED), & B-1(PED)
(Single Family, Residential; Urban Residential, Commercial, Conditional, Pedestrian Overlay District; and Neighborhood Business, Pedestrian Overlay District)

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

Acreage & Location: Approximately 1.99 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.
KINGS DRIVE MIXED USE PROJECT

GENERAL PROVISIONS

A. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended.

B. The development of the site will be located so as to be consistent with the Lots are projects of the City of Orange and the County of Orange. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

C. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

D. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

E. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

F. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

TRANSMISSION

A. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

B. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

C. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

D. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

E. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

F. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

GOOGLE SEARCH

A. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

B. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

C. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

D. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

E. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.

F. The Development Standards for this part of the Kings Drive Mixed Use Project are contained in the County of Orange Comprehensive Plan, the Development Standards of the City of Orange, and the Development Standards of the State of California, as amended. The Development Standards for this part of the Kings Drive Mixed Use Project shall be consistent with the Lots are projects of the City of Orange and the County of Orange.
KINGS DRIVE MIXED USE PROJECT
Previously Approved Site Plan
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 district, optional) and MUDD-O(HD-O) (mixed use development district, 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.

STAFF RECOMMENDATION
Staff does not recommend approval of this petition in its current form. The Central District Plan recognized the estate as a historic landmark. The Plan, as amended by the previous rezoning, recommends retail for the B-2(CD) (general business, conditional) portion of the site; however, the intent from the previously approved rezonings was to preserve the historical character of the estate by allowing the reuse of the historic home for a small hotel with an events facility. The Central District Plan also recommends single family residential use for the portion of the site zoned R-5 (single family). The continued use for a hotel and events facility with the addition of the spa is consistent with the Plan. The proposal for the addition of the pool and residential is inconsistent with the Central District Plan for the B-2(CD) (general business, conditional) portion of the site and inconsistent with the R-5 (single family) portion of the site; however, the proposed residential density is supported by the General Development Policies.

Although some aspects of the proposal are consistent with adopted policy, the overall proposal represents a significant increase in the intensity of the uses on the site. Staff does not recommend approval of the petition in its current form because of the following issues:
1. Parking for the site is limited, especially on-site. The combination of residential dwelling units, guests at the hotel, guests attending events, and pool/swim club use is a concern in terms of parking demand and impacts to the surrounding neighborhood.
2. The site design for the proposed residential units is not consistent with context of the surrounding neighborhood they are inwardly oriented with garages facing adjacent residential development. In addition, the building massing and articulation is inconsistent with the surrounding neighborhood.

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.

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, 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) 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 screening between the pool and Belvedere Avenue and ten-foot wide landscape screening between the proposed private drive and the neighborhood church and single family residential property to the south.
- Limits the height of new detached lighting to 20 feet.
- Optional Provisions include the following allowance:
  A. Parking located between the buildings and the adjacent public streets as depicted on the rezoning plan.
  B. Parking between single family attached units 11, 12, and 13 and Thurmond Place.
  C. The existing sidewalks and planting strips located along the public street frontages to remain.
  D. Existing screening hedges located in portions of the setbacks to remain.

**Existing Zoning and Land Use**
- The site is developed with the Vanlandingham Estate (built in 1913), which currently functions
as a hotel and events facility, and a single family residence. The property is surrounded by primarily single family residential neighborhoods, with some multi-family development, institutional, office and retail uses on properties in various zoning districts. The majority of the rezoning site and nearby parcels are located within the Plaza-Midwood Historic District.

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

- **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).
  - 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.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Density Category Over 17 DUA</th>
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<tbody>
<tr>
<td>Meeting with Staff</td>
<td>1 (Yes)</td>
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<tr>
<td>Sewer and Water Availability</td>
<td>2 (CMUD)</td>
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<td>Land Use Accessibility</td>
<td>Medium (2)</td>
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<td>Connectivity Analysis</td>
<td>High (5)</td>
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<td>Road Network Evaluation</td>
<td>0 (No)</td>
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<td>Design Guidelines</td>
<td>4 (Yes)</td>
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<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 the proposed off-site parking to meet the minimum dimensional requirements set forth in the Charlotte Land Development Standards Manual. Several apparent issues include: Not all drive aisles appear to meet the required minimum 23’ width for two-way traffic. A setback line is not depicted or labeled on the plan (parking stalls and/or vehicular maneuvering cannot occur within the setback - Zoning Code 12.206). The driveway does not appear to meet the minimum 26’ width. The first parking stall within lot is depicted approximately 24’ from the curb line of The Plaza. CDOT will require that this driveway and parking lot be configured such that there be no parking within measured from the back of the driveway apron (e.g. back of sidewalk) a minimum distance of 25’ into the site. The driveway should be paved through the setback at a minimum.
- **Vehicle Trip Generation:**
  Current Zoning:  260 trips per day.
  Proposed Zoning:  240 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
• **Charlotte-Mecklenburg Historic Landmarks:** 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 0 students.

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

• **Charlotte-Mecklenburg Utilities:** No issues.

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

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

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

• **Urban Forestry:** No 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 developing on an infill site.

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**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 grounds.
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 quadraplexes. 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.

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

**Planner:** John Kinley  (704) 336-8311
Acreage & Location: Approximately 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.
GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan and are consistent with the entire Rezoning Petition. The Development Standards shall be controlling with regard to the development of the Site in accordance with the said Rezoning Plan. The Development Standards contain the regulations established under the Ordinance for the Planned Unit Development District ("D-U") as more particularly defined in Section 102-1 of the Ordinance. Development shall be consistent with the Development Standards protective SERVING EXHIBIT N.T.S.

B. The development of the Site shall be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance") and all applicable City, State and Federal laws. The development of the Site shall conform to the Development Standards and the Rezoning Plan. Subject to the optional provisions set out below, the Development Standards shall govern the development of the Site. The Development Standards are intended to preserve and enhance the existing natural and scenic features of the Site, and to promote the welfare of the public by providing for a degree of open space, landscaping and adequate circulation and parking facilities. All development proposals are subject to review and approval by the Planning Commission and/or the City Council. The Development Standards shall be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

C. The existing sidewalks and planting strips located along the Site's public street frontages shall remain in place. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site.

D. The existing sidewalks and planting strips located along the Site's public street frontages shall remain in place. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site.

E. The development of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance") and all applicable City, State and Federal laws. The development of the Site shall conform to the Development Standards and the Rezoning Plan. Subject to the optional provisions set out below, the Development Standards shall govern the development of the Site. The Development Standards are intended to preserve and enhance the existing natural and scenic features of the Site, and to promote the welfare of the public by providing for a degree of open space, landscaping and adequate circulation and parking facilities. All development proposals are subject to review and approval by the Planning Commission and/or the City Council. The Development Standards shall be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their respective successors in interest and assigns.

F. The existing sidewalks and planting strips located along the Site's public street frontages shall remain in place. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site. The sidewalk and planting strip requirements of the Ordinance shall remain in effect for the Site.

G. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are not required to be 100% of the Ordinance. Alterations to the Rezoning Plan may be made in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan may be made in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan may be made in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan may be made in accordance with the provisions of Chapter 6 of the Ordinance.

H. The site may be used for any purpose which is consistent with the provisions of the Ordinance. The site may be used for any purpose which is consistent with the provisions of the Ordinance. The site may be used for any purpose which is consistent with the provisions of the Ordinance. The site may be used for any purpose which is consistent with the provisions of the Ordinance. The site may be used for any purpose which is consistent with the provisions of the Ordinance.

I. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along property lines or driveway access) shall be directed downward so that direct illumination does not extend past any property line of the Site. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along property lines or driveway access) shall be directed downward so that direct illumination does not extend past any property line of the Site. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along property lines or driveway access) shall be directed downward so that direct illumination does not extend past any property line of the Site. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along property lines or driveway access) shall be directed downward so that direct illumination does not extend past any property line of the Site. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along property lines or driveway access) shall be directed downward so that direct illumination does not extend past any property line of the Site.
Previously Approved Site Plan
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.

STAFF RECOMMENDATION
Staff recommends approval of this petition upon resolution of outstanding issues. This petition is inconsistent with the Northeast District Plan, which recommends multi-family residential land use; however, the conditional plan proposes to retain the existing single family home for office uses and the site will retain the existing residential character.

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

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.
  • A maximum building height of 40 feet.
  • A 12-foot Class “C” buffer abutting residential zoning.
  • A note that any new structure will be residential in character.
  • Blank walls of more than 15 feet in length are prohibited and will be broken up by using doors and windows.
  • Detached lighting will be limited to 15 feet in height.
  • Existing sidewalk along West Sugar Creek Road will remain.

• Existing Zoning and Land Use
  • The subject property is currently zoned R-12MF (multi-family residential) and occupied by a single family structure. The surrounding properties to the north and east are currently zoned R-12MF (multi-family residential) and are undeveloped. The properties to the south and west are currently zoned R-17MF (multi-family residential) and developed with a religious structure and a cemetery.

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

• Public Plans and Policies
  • The Northeast District Plan (1996) recommends multi-family residential uses for the subject property.
  • 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:** The petitioner should indicate on the site plan one-way traffic flow patterns and add a note that pavement markings for each driveway will be provided to show one-way traffic flow.
  - **Vehicle Trip Generation:**
    - Current Zoning: 170 trips per day.
    - Proposed Zoning: 60 trips per day.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

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.
  2. Add a note that the existing structure shall remain and remove any reference to a new structure.
  3. Remove Note 5 from the site plan.
  4. Remove Note 1 from the site plan.
  5. Modify Note 10 to read: “Attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.”
  6. Amend the site data table to reflect the current use as “single-family residence.”
  7. Show and label the required five-foot sidewalk from the existing structure to the public sidewalk system.
  8. Show possible dumpster location.
  9. Address transportation comments.

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

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

Planner: 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.
Petition Number 2014-115

A Community Meeting Report has not been submitted for this petition; therefore, it may not go to public hearing and should be deferred to February 16, 2015
REQUEST
Current Zoning: R-22MF (multi-family) and B-2 (general business)  
Proposed Zoning: B-2(CD) (general business, conditional) and 
MUDD-O (mixed used development, optional)

LOCATION
Approximately 20.32 acres located on the south side of East 
Independence Boulevard and generally surrounded by Briar Creek 
Road, Television Place, Chipley Avenue, and Arena Boulevard. 
(Council District 1 - Kinsey) 

SUMMARY OF PETITION
The petition proposes to rezone approximately 20.32 acres to allow a 
coliseum, indoor recreation, hotel, retail, 
eating/drinking/entertainment establishments, and surface parking. 

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

PROPERTY OWNER
City of Charlotte

PETITIONER
City of Charlotte (Neighborhood and Business Services)

AGENT/REPRESENTATIVE
N/A 

COMMUNITY MEETING
Meeting is required and has been held. Report available online. 
Number of people attending the Community Meeting: 32.

PLANNING STAFF REVIEW
- Proposed Request Details
  The site plan accompanying this petition contains the following provisions:
  - Allows up to 300,000 square feet gross floor area for the existing coliseum and auditorium; plus 
    260,000 square feet gross floor area for MUDD (mixed use development) uses including but not 
    limited to eating/drinking/entertainment establishments, retail, indoor recreation, hotel, office 
    and personal service uses for a total of 560,000 of gross floor area on the site. The site plan 
    defines personal service as uses that primarily provide or sell a service to customers, where the 
    sale of products and merchandise is ancillary.
  - Excludes loading docks and parking decks from the gross floor area limitations.
  - Allows a surface parking lot on the B-2(CD) (general business, conditional) portion of the site. 
    Parking will also be provided on and off site.
  - Allows a maximum building height of 120 feet including roof top mechanical equipment and 
    architectural features.
  - Limits the total number of buildings on the site to eight, not including the existing coliseum and 
    auditorium and accessory buildings.
  - Improves, to public street standards, the right-of-way on Washburn Avenue from Chipley 
    Avenue to the edge of the property.
  - Proposes the abandonment of an unopened right-of-way located between Arena Boulevard and 
    the proposed private street from the south side of Arena Boulevard to the southern edge of the 
    property.
  - Allows the coliseum and auditorium to utilize parking even if other improvements/buildings 
    associated with the site are not substantially complete.
  - Provides access to the site via Television Place, Chipley Avenue, Arena Boulevard, and 
    Independence Boulevard.
  - Proposes a private street running from north to south through the site from Television Place to 
    Arena Boulevard and a pedestrian plaza running east to west through the site from the coliseum 
    to Arena Boulevard.
  - Specifies architectural design and provides architectural character images to demonstrate the 
    intended design of plaza entry facades facing the pedestrian plaza and urban edge facades 
    facing the streets.
  - Describes screening for parking decks and service areas.
  - Specifies allowable building materials to include brick, stone, finished precast concrete, 
    decorative concrete masonry units, metal panels, glazing, stucco, and tile cladding and prohibits 
    vinyl siding and unfinished concrete masonry units.
- Provides planting strips and sidewalks along Independence Boulevard (as deemed by CDOT and NCDOT), Area Boulevard, the proposed private street and the east side of the improved Washburn Avenue right-of-way and the south side of Chipley Avenue.
- Provides a 50.75-foot wide Class “B” buffer, with a fence or berm abutting R-4 (single family) zoning.
- Requests the following optional provisions:
  1. Allow up to two detached digital marquee signs for the site with 36 square feet of sign area and up to ten feet in height.
  2. Allow wall signs to have up to 500 square feet of sign area per wall or 10% of the wall area to which they are attached, whichever is less.
  3. Allow existing signage square footages to be maintained, but not exceeded. Additional signage for new development allowed per the Ordinance and optional provisions.
  4. Allow vehicular maneuvering, parking entrances and service areas adjacent to a proposed building and along the private street as depicted on the site plan.
  5. Allow parking between the building and the street at limited and strategic locations as depicted on the site plan.
  6. Allow first floor street walls on an indoor recreation building facing a street to have blank walls exceeding 20 feet in length but not to exceed 60 feet. These walls are to be architecturally articulated to break up the building mass with texture, color, patterns, banners, or signage.
  7. Allow banners to be located on buildings and light poles.

**Existing Zoning and Land Use**
- The site is currently used for institutional uses including a coliseum and auditorium, with surface parking.
- Properties north of the site are zoned B-2 (general business) and B-1 (neighborhood business) and developed with an exposition center, television station and undeveloped land. East of the site, properties are zoned B-2 (general business) and developed with a mixture of vacant buildings, office, personal service and retail uses. Parcels south of the site are zoned B-2 (general business) with a hotel and restaurant and R-4 (single family residential) with single family homes. Property west of the site is zoned R-22MF (multi-family) with a mixture of undeveloped land, single family homes and multi-family residential.

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

**Public Plans and Policies**
- The Independence Boulevard Area Plan (2011) supports the 2030 Transit System Plan by identifying this area as a future rapid transit station named the Briar Creek Transit Station Area. The Plan recommends institutional uses at The Park and Bojangles Coliseum but also supports incorporation of a mixture of residential, office and/or retail or transit-oriented mixed used (TOD-M) over time.
- The petition is consistent with the Briar Creek Transit Station Area section of the Independence Boulevard Area Plan.
- This petition also meets recommendations of the Plan by providing pedestrian connections throughout the site, active ground floor uses, parking that is broken down into smaller blocks and parking shared with other uses.
- The petition supports the Strategic Focus Area Plan for the Economic Development and Global Competitiveness Committee by implementing the Bojangles/Ovens Area Redevelopment Plan and provides a location for amateur sports.

**DEPARTMENT COMMENTS** (see full department reports online)
- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues. This site does not trigger a traditional traffic impact study; however, the reconfiguration of the property will have an impact on the operation of the existing facilities during large events. The City is engaged with a traffic consultant to develop a traffic management plan for these events. The traffic management plan has been received by CDOT and is under review with NCDOT.
- **Vehicle Trip Generation:**
  - Current Zoning: 3,300 trips per day.
  - Proposed Zoning: 4,000 trips per day.
Petition 2014-119

Pre-Hearing Staff Analysis

- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Submit a tree survey showing all trees 2 inches in diameter or greater located in City right-of-way and all trees 8 inches in diameter or greater located in setbacks abutting all public roads adjacent to the entire site.
- **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 developing on an infill site.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address Engineering and Property Management issue.
  2. Update all zoning boundary lines to reflect not only the existing zoning but the proposed zoning. (Example: R-22MF to B-2(CD), B-2 to MUDD-O) on sheet RZ1.0.
  3. Show zoning boundary lines down the streets and right-of-ways where not currently shown and label either side of the lines appropriately, as under outstanding issue 2, on sheet RZ1.0.
  4. Remove the pattern shading from the entire right-of-way of Washburn Avenue as this right-of-way is proposed to be improved and should be shown like the other streets on sheet RZ1.0.
  5. Label the urban edges in the northern portion of Tract 1 on sheet RZ1.0.
  6. Breakdown the proposed uses in the Development Data on sheet RZ2.0 to reflect that MUDD-O uses will be allowed on Tract 1 and 2 and a surface level parking lot will be allowed on Tract 3.
  7. Amend the proposed maximum gross square feet of development in the development data to say “Addition of up to…”
  8. Correct typographical errors with the word “features” in the last sentence of Maximum building height in the Development Data and the underlined period after “CDOT/NCDOT Standards” of Note 5.a.
  9. Indent the second paragraph of Note 2.b. on sheet RZ2.0.
  10. Amend Note 2.h. on sheet RZ2.0 to specify that “light poles” does not include utility poles and public street light poles.
  11. Provide Note 3.b. under Permitted uses and development limitations to indicate the use for Tract 3.
  12. Amend Note 5.c. under Transportation to clearly explain if use of the parking will be allowed if the other improvements/buildings associated with the site have not begun.
  13. Amend Note 6.d under Access to include Chipley Avenue.
  14. Provide a note under the headings of Transportation Improvements and Access and Streetscape, Buffers, Landscaping and Utility Structure Setbacks related to the widening, planting strip and sidewalk improvements to the Washburn Avenue right-of-way.
  15. Provide a note under Streetscapes, Buffers, Landscaping, and Utility Structure Setbacks related to sidewalk and planting strip improvements to Chipley Avenue.
  16. Provide a note on sheet RZ2.0 stating that all parking will be screened from public and private streets.
  17. Add architectural character images to a new sheet of the site plan and reference the sheet under the heading Architectural Guidelines.
  18. Align the proposed sidewalk crossing in the southeast corner of the parking lot between the proposed private street and the arena/auditorium to align with the existing east/west sidewalk between the arena and auditorium on sheet RZ3.0.
  19. Show the improvement to Washburn Avenue extending to the property line or amend the label
on sheets RZ1.0 and 3.0.
20. Delete Note 9 in its entirety.

Attachments Online at www.rezoning.org

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

Planner: John Kinley (704) 336-8311
Petition #: 2014-119

Acreage & Location: Approximately 20.32 acres located on the south side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard.
Petition #: 2014-119
Petitioner: City of Charlotte (Neighborhood & Business Services)

Zoning Classification (Existing): R-22MF & B-2
(Multi-Family, Residential and General Business)

Zoning Classification (Requested): B-2(CD) & MUDD-O
(General Business, Conditional and Mixed Use Development District, Optional)

Acreage & Location: Approximately 20.32 acres located on the south side of East Independence Boulevard and generally surrounded by Briar Creek Road, Television Place, Chipley Avenue, and Arena Boulevard.
DEVELOPMENT NOTES
On the area of the building labeled Urban Edge on the Rezoning Plan, the following architectural guidelines shall be applied: deliver aesthetic continuity by providing the following treatments at the pedestrian level to enhance the pedestrian experience: (i) layers of plantings at grade; and (ii) attractive and interesting louvers screening the parking deck openings; and (iii) break up the mass of the large building with texture, color, patterns, banners, or signage.

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

DEVELOPMENT NOTES
On the area of the building labeled Plaza Entry on the Rezoning Plan the following architectural guidelines shall be applied: provide an open, inviting and dynamic arrival experience through the use of large percentage of glass, decorative pavers, stylish canopy with lighting, landscape planters and a mix of materials to designate an arrival space. The service side of the building may not be located along the Plaza Entry frontage.

Character imagery is intended to illustrate a conceptual site plan. The building configuration, parking, and access points are subject to final engineering and will be finalized during permitting of the project.
[Page 1]

1. GENERAL PROVISIONS

a. ISSUANCE OF THE REZONING PLAN

The petition will be issued a package of the planning documents by the Planning Director as soon as the petition and all necessary supporting documentation is acceptable to the Planning Director. The petition number and date of issuance of the petition shall be indicated on the petition.

b. SIGNAGE AS ALLOWED BY THE ORDINANCE AND BY THE OPTIONAL PROVISIONS

SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE

ON PREMISES DIRECTIONAL AND INSTRUCTIONAL SIGNS MAY BE LOCATED

FOR APPROVAL BY CDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

b. DETACHED LIGHTING ON THE SITE, EXCEPT STREET LIGHTS LOCATED ALONG

5. TO ALLOW BANNERS TO BE LOCATED ON BUILDINGS AND LIGHT POLES.

Existing: Up to 300,000 square feet of existing use, providing visual interest. The parking deck portion of the building

... succesors in interest or assigns.

December 12th, 2014

Realizing the Possibilities

Great American 

PARKING

and parking areas.

c. TO ALLOW EXISTING SIGNAGE SQUARE FOOTAGES OF THE BOJANGLES' COLISEUM

Establish: Up to 2,000,000 square feet of development, providing visual interest. The parking deck portion of the building

d. TO ALLOW VEHICULAR MANEUVERING, PARKING DECK ENTRANCE(S), PARKING LOT

and parking areas.

... succesors in interest or assigns.

December 12th, 2014

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... succesors in interest or assigns.

December 12th, 2014

Realizing the Possibilities

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and parking areas.
REQUEST
Text amendment to Section 12.502

SUMMARY OF PETITION
The petition proposes to:
1) delete the street frontage and primary access requirements for childcare centers located in non-residential districts;
2) clarify street frontage and primary access requirements for childcare centers located in a residential zoning district; and
3) correct the list of zoning districts in which childcare centers are currently permitted.

STAFF RECOMMENDATION
Staff recommends approval of this petition. The petition is consistent with the Centers, Corridors and Wedges Growth Framework goal to ensure a diverse, growing and adaptable economy.

PETITIONER
Charlotte Montessori School

AGENT/REPRESENTATIVE
David Powlen, Little Diversified Architectural Consulting

COMMUNITY MEETING
Meeting is not required.

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), 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 applies when the use is located in a residential district.
- Corrects 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.
  - Vehicle Trip Generation: Not applicable.
  - Connectivity: Not applicable.
- Charlotte Fire Department: No comments received.
- Charlotte-Mecklenburg Schools: Not applicable.
Charlotte-Mecklenburg Storm Water Services: No issues.
Charlotte-Mecklenburg Utilities: No issues.
Engineering and Property Management: No issues.
Mecklenburg County Land Use and Environmental Services Agency: No issues.
Mecklenburg County Parks and Recreation Department: No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

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

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

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

Planner: Sandra Montgomery (704) 336-5722
**TEXT AMENDMENT SUMMARY:**  Childcare Centers - Street Frontage and Primary Access Requirements

1-12-15 2015-002

**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>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Districts</strong></td>
<td>• Childcare centers for between thirteen (13) and seventy-nine (79) children, are permitted, with prescribed conditions in 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-1 (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>
</tr>
<tr>
<td><strong>Street Frontage Requirements</strong></td>
<td>• Childcare centers, as a principal use, are required to have frontage on a collector street or a minor or major thoroughfare.</td>
<td>• Deletes the frontage requirement for childcare centers located in non-residential zoning districts. • Clarifies that the requirement only applies to childcare centers located in a residential district.</td>
</tr>
<tr>
<td><strong>Primary Access to the Site</strong></td>
<td>• 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.</td>
<td>• Deletes the primary access requirement for childcare centers located in non-residential zoning districts. • Clarifies that the requirement only applies to childcare centers located in residential district.</td>
</tr>
</tbody>
</table>
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, MUDD, 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 108.86 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-foot on the site along with other minor changes.

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

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.

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. Removes a note specifying that no buffers, except the buffer area to be established along the western margin of Tract II may be reduced in width.

- **Existing Zoning and Land Use**
  - The site is currently used for a corporate headquarters, with training facilities and associated accessory uses.
  - Property to the south is located in South Carolina, zoned commercial and is vacant. Property to the north and east is zoned I-1 (light industrial) and I-2 (general industrial) and developed with industrial uses. Properties to the west are zoned R-3 (single family) and developed with single family uses.

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

- **Public Plans and Policies**
  - The Steele Creek Area Plan (2012) recommends 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.

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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:** Amend 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 replace with the following: “…upon future development of said Tracts (excluding the communications tower installation).”
- **Vehicle Trip Generation:** The proposed communications tower will result in less than 10 daily generated trips.
- **Connectivity:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** Provide greenway easements for Polk Ditch, Walker Branch and Steele Creek on this property per the attached preliminary surveys dated 07.26.06 that need to be recorded and remain undisturbed for future greenway development.

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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 preserving areas within the floodplain.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Address the CDOT issue.
2. Address the Park and Recreation issue.
3. Provide the six-foot sidewalk and eight-foot planting strip along Choate Circle as specified in the previously approved plan.
4. Amend 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 replace with “prior to the issuance of a certificate of occupancy for the telecommunications tower”.
5. Remove all references to Tract II. Gray the area of Tract II and label “Not included in rezoning.” Amend the application and site plan data to reflect the reduced acreage. Tract II was amended by rezoning petition 2006-142.
6. Provide a note that prohibits all buffers from being reduced.
7. Amend 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. Amend the definition of the term “Petitioners” to reflect a singular petitioner.

Attachments Online at www.rezoning.org

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

Planner: John Kinley  (704) 336-8311
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.
Previously Approved Site Plan
Petition Number
2015-007

A Community Meeting Report has not been submitted for this petition; therefore, it may not go to public hearing and should be deferred to February 16, 2015
Note: The petitioner is requesting a deferral of this petition to 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, and to amend development standards regarding the number, placement, and type of eating/drinking/entertainment establishments and associated drive-through windows allowed on the site.

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:
  • Replaced the term "restaurant" with "eating, drinking and entertainment establishments, Type 1 and 2."
  • Identified an area of the site on which the Idlewild Road Freestanding Buildings will be located, referred to as Idlewild Road Building Envelope.
  • Amended permitted uses to include personal services and eating/drinking/entertainment establishments Type 1 and 2.
  • Specified 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 restaurants must be a Chick-Fil-A.
  • Specified 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.

- Amended maximum development area allowed on the site to 79,250 square feet of gross floor area.
- Excluded areas devoted to surface parking from being counted toward the maximum allowed gross floor area.
- Increased allowed square footage within Idlewild Road Building Envelope from 7,000 to 9,500 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. If one building is devoted to an eating/drinking/entertainment establishment and the other to bank or financial institution then the maximum size of the building devoted to a bank or financial institution is 5,500 square feet.
- Added 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.
- Added note that service areas associated with buildings located within the Idlewild Road Building Envelope shall not directly front Idlewild Road.
- Noted that internal sidewalks, pedestrian connections, and sidewalk connections to the adjoining public streets shall be provided as generally depicted on the site plan.
- Noted 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.
- Added 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.
- Added 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), R-MH (manufactured housing), 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.

- **Public Plans and Policies**
  - The *Eastside Strategy Plan* (2001) recommends retail uses on the subject property, as amended by the previous rezoning on the site.
  - 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-Mecklenburg Utilities**: No issues.
- **Engineering and Property Management**: No issues.
- **Mecklenburg County Land Use and Environmental Services Agency**: No issues.
- **Mecklenburg County Parks and Recreation Department**: No issues.
- **Urban Forestry**: No comments received.

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

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

**OUTSTANDING ISSUES**

- The petitioner should:
  1. 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.

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

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

**Planner**: Sonja Sanders  (704) 336-8327
**Petition #:** 2015-008

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

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**Rezoning Petition: 2015-008**

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

Charlotte City Limits

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.

Map Produced by the Charlotte-Mecklenburg Planning Department, 10-31-2014.